

**SUBTITLE D. NEW JERSEY HIGHWAY AUTHORITY**

**CHAPTER 8**

**REGULATIONS GOVERNING USE OF THE GARDEN STATE PARKWAY**

**Authority**

N.J.S.A. 27:12B-5(j) and (s), and 27:12B-20a.

**Source and Effective Date**

R.1998 d.210, effective April 7, 1998.  
See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 8, Regulations Governing Use of the Garden State Parkway, expires on October 4, 2003. See: 35 N.J.R. 1048(a).

**Chapter Historical Note**

Chapter 8, Regulations Governing Use of the Garden State Parkway, Subchapters 1 through 4, was filed and became effective prior to September 1, 1969.

Subchapter 5, Central Purchasing, and Subchapter 6, Sale of Surplus Personal Property, were adopted as R.1976 d.92, effective March 25, 1976. See: 8 N.J.R. 155(b), 8 N.J.R. 315(a).

Subchapter 7, Inspection and Obtaining of Authority Records, was adopted as R.1976 d.168, effective May 28, 1976. See: 8 N.J.R. 263(c), 8 N.J.R. 359(c).

Subchapter 8, Special Permits for Oversize Vehicles, was adopted as R.1980 d.476, effective October 31, 1980. See: 12 N.J.R. 619(c), 12 N.J.R. 732(c).

Subchapter 9, Permits for Outdoor Advertising, was adopted as R.1982 d.361, effective October 18, 1982. See: 14 N.J.R. 901(a), 14 N.J.R. 1166(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1983 d.237, effective June 2, 1983. See: 15 N.J.R. 615(a), 15 N.J.R. 1039(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, expired on June 1, 1988.

Chapter 8, Regulations Governing the of the Garden State Parkway, was adopted as R.1988 d.292, effective July 5, 1988. See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Subchapter 10, Pre-Employment Screening, was adopted as R.1989 d.44, effective January 17, 1989. See: 20 N.J.R. 2864(a), 21 N.J.R. 173(c).

Subchapter 11, Organizational Rules, was adopted as R.1989 d.361, effective June 14, 1989. See: 21 N.J.R. 2056(a).

Subchapter 12, Petitions for Rules, was adopted as R.1989 d.482, effective September 18, 1989. See: 21 N.J.R. 1975(a), 21 N.J.R. 3021(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1993 d.290, effective May 17, 1993. See: 25 N.J.R. 1500(b), 25 N.J.R. 2701(c).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1998 d.210, effective April 7, 1998. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. DEFINITIONS AND TRAFFIC RULES****19:8-1.1 Definitions**

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

“Amphitheater” means the theater and lawn areas within the confines of the fence which surrounds the theater located at the Garden State 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 Garden State Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“Authority” means the New Jersey Highway Authority created by L.1952 c.16 and its statutory successors.

“Bus token” means the Authority’s authorized discount token for use by buses.

“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.

“Car token” means the Authority’s authorized car token for use by cars only at exact change and/or “TOKEN ONLY” toll lanes.

“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 of hazardous materials into receptacles for trash or recycling at any location on the Parkway.

“Division head” means those individuals who hold that title and who report directly to the Executive Director.

2. No emergency response services may be provided pursuant to (b)1i through iv above unless all the entities undertaking such services have provided to the Authority proof of adequate insurance, registration with the NJDEP (as per N.J.A.C. 7:1E-4.2) and other such information as may be required by the Department of Operations.

3. The Authority shall make available to any operator, owner or lessee of a vehicle or property so requesting a list of emergency response contractors as compiled by the NJDEP. The operator, owner or lessee of a vehicle or property shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (b)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 of a vehicle or property from which a discharge occurred refuses to arrange for an emergency response contractor, or whenever dangerous circumstances or the risk posed by the discharge to the general public, the environment 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 Department of Operations or its designee, the Department or its 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 NJDEP 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 schedule of rates normally charged for emergency response or long-term remedial services, and shall be borne by the operator, owner or lessee of the vehicle or property from which a discharge occurred.

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator, owner or lessee of the vehicle or property from which a discharge occurred 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 treble the amount of damages for any unsatisfied costs by filing a civil action in a court of appropriate jurisdiction over such action.

ii. If the emergency response contractor refuses to contract with the operator, owner or lessee of the vehicle or property from which a discharge occurred because of a bona fide concern about the operator's, owner's or lessee's ability or willingness to pay for such services, the Department or the Department's designee

may authorize such services to be performed at the Authority's expense, and the Authority may thereafter recover treble the costs thereof from the operator, owner or lessee from which a discharge occurred by filing a civil action in a court of appropriate 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 (b)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.

New Rule, R.1994 d.519, effective October 17, 1994.  
See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

#### 19:8-2.16 Limitations on activities in the Telegraph Hill Nature Area

(a) Public use and activity in the 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.1995 d.631, effective December 4, 1995.  
See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).  
Amended by R.1998 d.210, effective May 4, 1998.  
See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

In (a) and (d), deleted "Garden State" preceding "Arts Center".

SUBCHAPTER 3. TOLLS ON THE GARDEN  
STATE PARKWAY

19:8-3.1 Tolls

(a) It is hereby declared to be unlawful for any person to refuse to pay or to evade the payment of tolls.

(b) Tolls shall be paid by currency, coin or authorized Authority token or scrip, or by means of an electronic toll collection system for the passage of all vehicles on the Parkway in amounts and at the locations designated in the following schedule.

Toll Location	Barrier or Ramp	Heavy Truck***										
		Car	Car with 1-axle Trailer, 2-axle, 6-Tire Camper, or 3-axle Camper	Car with 2-axle Trailer or 4-axle Camper	Car with 3-axle Trailer	Omnibus**	2-axle, 4-Tire Truck, 3 1/2 tons or more	2-axle, 6-tire Truck	3-axle Truck	4-axle Truck	5-axle Truck	6-axle Truck
Hillsdale	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Paramus	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Bergen	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Saddle Brook	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Clifton	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Passaic	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Watchung	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Essex	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Bloomfield	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
East Orange	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Irvington	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Union Ramp	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Union	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Raritan N & S	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Matawan	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Keyport-Hazlet	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Holmdel	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Red Bank	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Eatontown	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Asbury Park	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Belmar-Wall	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakewood-Brick	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakehurst	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 89	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 84	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Toms River	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 77	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lacey	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 69	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Barnegat	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 67	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
New Gretna	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 44+	B	.25*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Atlantic+	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Int. 40 and/or 41+	R	.25	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Somers Point	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Great Egg	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 20	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 17	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 6	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Cape May	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Wildwood	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50

\* Car tokens available for use by cars in "Token/Exact Change" and "Cash/Receipt" lanes only will continue to be accepted; however, the Authority will no longer issue such tokens as of January 1, 2002.

\*\* \$.50 bus token available for regularly scheduled buses and \$1.00 bus token available for all other buses for use in designated lanes. Outstanding tokens will continue to be accepted; however, the Authority will no longer issue such tokens as of January 1, 2002. At all toll locations, omnibuses paying tolls by means of an electronic toll collection system shall be charged \$.50 for regularly scheduled buses and \$1.00 for all other buses.

\*\*\* Heavy trucks (3 1/2 tons or more, 6 tires, or 3-or-more-axes) prohibited north of Interchange 105.

+ To be designated.

(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 Parkway, including entrance and exit ramps, in such a manner as to prevent, interfere with or obstruct the receipt of coins deposited therein by the patrons of the Parkway, 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 Parkway unless the person has the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway and does not have the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls 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.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway at an entrance or exit ramp when no toll collector is on duty and not having the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls shall pay said toll by mail addressed to New Jersey Highway Authority, Garden State Parkway, PO Box 53, Woodbridge, New Jersey, 07095 or in person to a toll collector at any other location on the Parkway.

As amended, R.1974 d.8, effective January 14, 1974.

See: 6 N.J.R. 88(a).

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

As amended, R.1974 d.290, effective October 24, 1974.

See: 6 N.J.R. 496(c).

As amended, R.1975 d.332, effective November 1, 1975.

See: 7 N.J.R. 491(a), 7 N.J.R. 579(b).

As amended, R.1976 d.127, effective April 23, 1976.

See: 8 N.J.R. 315(b).

As amended, R.1977 d.419, effective November 27, 1977.

See: 9 N.J.R. 497(b), 9 N.J.R. 603(d).

As amended, R.1978 d.379, effective October 26, 1978.

See: 10 N.J.R. 459(a), 10 N.J.R. 569(a).

As amended, R.1979 d.469, effective November 29, 1979.

See: 11 N.J.R. 596(d), 12 N.J.R. 57(c).

As amended, R.1981 d.170, effective June 4, 1981.

See: 13 N.J.R. 248(a), 13 N.J.R. 378(b).

(d), (e), (f): added "or authorized Authority token".

Amended by R.1985 d.15, effective February 4, 1985.

See: 16 N.J.R. 3300(a), 17 N.J.R. 321(c).

(b) amended.

Amended by R.1988 d.160, effective April 18, 1988 (operative May 1, 1988).

See: 20 N.J.R. 49(a), 20 N.J.R. 913(c).

Amended table.

Amended by R.1989 d.182, effective April 3, 1989 (operative April 16, 1989).

See: 21 N.J.R. 127(a), 21 N.J.R. 914(b).

Table amended to reflect increase in tolls.

Amended by R.1999 d.17, effective January 19, 1999.

See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

In (b), inserted " , or by means of an electronic toll collection system" following "or scrip".

Amended by R.2001 d.28, effective January 16, 2001.

See: 32 N.J.R. 3388(a), 33 N.J.R. 285(b).

In (b), amended table.

Amended by R.2001 d.442, effective November 19, 2001.

See: 33 N.J.R. 3250(b), 33 N.J.R. 3908(a).

Amended toll schedule to provide for E-Z Pass discounts for cars and buses, to provide for EZ-Pass off-peak hour discounts and to provide for the discontinuance of car and bus tokens as of January 1, 2002.

Amended by R.2002 d.385, effective November 18, 2002.

See: 34 N.J.R. 2959(b), 34 N.J.R. 3970(a).

In (b), amended schedule to remove discounts for cars paying tolls by means of an electronic toll collection system.

### 19:8-3.2 Toll-free passage

(a) Unless expressly authorized by the authority, no toll-free passage through toll collection points on the Parkway will be permitted except the following:

1. The Governor of the State of New Jersey, former Governors of the State of New Jersey, Commissioners and executive staff members of the Authority and former Commissioners of the Authority;

2. Consultants, employees of the Authority and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while traveling to or from the place of performance of such duties, and all marked and unmarked patrol vehicles assigned to the Division of State Police while traveling on official business;

3. Vehicles carrying persons to or from destinations on the Parkway where such persons are required by law to perform specified functions on the Parkway;

4. Members of the fire department of any local municipality or political subdivision in the course of performance of duties on the Parkway;

5. The emergency passage of ambulances or rescue vehicles when driven by authorized members of any public or nonprofit ambulance or rescue squad service;

6. Authorized vehicles when engaged in the performance of construction, service or maintenance contracts when such vehicles are operated by personnel authorized by the Authority to perform duties under the terms of contracts with the Authority.

Administrative Correction to (a)1: Inserted missing text.

See: 22 N.J.R. 2187(a).

Amended by R.2002 d.218, effective July 15, 2002.

See: 34 N.J.R. 1246(b), 34 N.J.R. 2466(b).

Rewrote (a)2.

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

SUBCHAPTER 4. PENALTIES

Statutory References

N.J.S.A. 27:12B-18.

19:8-4.1 Penalties

(a) Any violation of any regulation adopted by the Authority under the provisions of N.J.S.A. 27:12B-18 is punishable by a fine not exceeding \$200.00 or by imprisonment not exceeding 30 days or by both fine and imprisonment.

SUBCHAPTER 5. PURCHASING AND PROCUREMENT

Subchapter Historical Note

(b) In addition, every registration certificate and every license certificate to drive a motor vehicle may be suspended or revoked and any person may be prohibited from obtaining a driver's license or registration certificate.

Subchapter 5, Central Purchasing, was renamed Purchasing and Procurement by R.1998 d.25, effective January 5, 1998. See: 29 N.J.R. 4460(b) 30 N.J.R. 107(a).

**19:8-5.1 Purpose and objective**

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures which are the minimum standards to be observed by, and binding upon all departments and divisions of the New Jersey Highway Authority in purchasing or hiring equipment, goods, materials, supplies or services. No purchase shall be made unless accomplished in accordance with the regulations contained herein.

(b) The objective of these regulations is to enable the Authority to accomplish its procurements equitably and expeditiously at the least possible cost.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

**19:8-5.2 Departmental responsibility**

(a) The Division of Central Purchasing shall have jurisdiction over all acquisitions, with the exception of the following:

1. The Engineering Department, which shall have jurisdiction over acquisitions involving construction, reconstruction, repair or installation work performed by contractors in situations where the department, or any engineer(s) or engineering firm retained under its supervision, provides the specifications and drafts the applicable contract.

i. The Engineering Department shall also have jurisdiction over emergency procurements requiring engineering or construction services.

ii. For contracts under the jurisdiction of the Engineering Department, the Chief Engineer is authorized to make awards without competitive bidding, where the contract price is less than \$12,300.

iii. All engineering (professional services) contracts in the amount of \$12,300 or greater require adherence to the competitive process outlined in this chapter. Construction contracts in the amount of \$12,300 or greater require public advertising and bidding.

iv. For engineering and construction contracts where the price is less than \$25,000, the Chief Engineer is authorized to award such contracts without Commission action.

2. Acquisitions other than emergency engineering and construction services by emergency purchase orders shall be the responsibility of the acquiring units in accordance with N.J.A.C. 19:8-5.6; however, the Division of Central Purchasing will process emergency purchase orders, and will have the responsibility of determining the propriety of such procurements under these regulations.

3. Acquisitions of less than \$300.00 for items other than equipment shall be the responsibility of the department head of the acquiring unit. Such procurements shall be processed by the Finance Department in accordance with this chapter, under the direction of the Comptroller.

dance with this chapter, under the direction of the Comptroller.

(b) Forms and procedures supplementing and consistent with these regulations may be issued by the Division of Central Purchasing, Engineering Department and Finance Department relative to their particular procurement activities.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Added (a)1i through iv; and rewrote (a)2 and 3.

**19:8-5.3 Purchases involving \$12,300 and over (excluding professional services)**

(a) All purchases of personal property or services, where the aggregate cost, contract price or amount involved is \$12,300 or over, as anticipated by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically waives the requirement of public advertising for a particular transaction.

(b) Advertisements for competitive bids shall be placed in appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials, equipment or services to be furnished or performed;

2. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;

3. The place, date and time when the sealed bids shall be publicly opened.

(c) All advertisements shall be approved by the Chairman, or his or her designee, and the General Attorney, prior to publication.

(d) In addition to advertising, bids shall 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.

(e) 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 opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

(f) Where the Authority has waived advertisement, the purchase shall be made in the manner directed by the Authority.

(g) When the requisitioning unit specifies either the source or the brand name (or names) of personal property

or services of a value of \$12,300 or more to be acquired, the department or staff division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such acquisition shall be made only upon the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his or her designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs.

(h) Awards involving acquisitions where the aggregate cost, contract price or amount involved is equal to or exceeds \$25,000 shall be made only after written recommendation by the Director of Central Purchasing and approval by the Authority.

(i) Awards involving \$12,300 or more may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by, and acceptable to, the Director of Central Purchasing a written recommendation from the head of the acquiring Department or Division, approved by the Chairman, or his or her designee, with copies directed to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Award amounts changed.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500" and deleted footnote.

#### Case Notes

Highway Authority could amend specifications for towing services, even though they contained no provisions allowing for amendment; specifications called for pre-bid meeting, and provided that Authority could supply written answers to questions raised at meeting. *Sevell's Auto Body Co., Inc. v. New Jersey Highway Authority*, 306 N.J.Super. 357, 703 A.2d 948 (A.D. 1997).

#### 19:8-5.4 Purchase under \$12,300

(a) In the case of purchases where the aggregate cost, contract price or amount involved is equal to, or exceeds, \$2,500 but is less than \$12,300, written bids shall be solicited by mail from all known interested vendors. Bids shall be solicited on the proper quotation form. All responses shall be received in the Division of Central Purchasing before the time fixed for the public opening.

(b) Where the acquisition involves less than \$2,500, bids may be solicited by telephone. Whenever feasible, at least three sources of supply shall be so contacted, and a record of all such telephone solicitations shall be maintained. Additionally, to the extent possible, written confirmation of all such bids shall be obtained.

(c) When the requisitioning unit specifies:

1. Initially the source or brand name (or names) of personal property of a value of from \$2,500 to \$12,300 to be acquired, the department or division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum, with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such memorandum must bear the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his or her designee. Upon such concurrence and approval the source or brand name designations shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs. A memorandum shall not be required when attachments, parts, or supplies are requested for a unit of equipment which can be supplied by only one vendor.

2. The preferred source of services of a value of from \$2,500 to \$12,300 to be acquired, a memorandum as described in this section, shall be required for the initial and succeeding purchases, if any.

(d) 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 opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

(e) Awards involving \$2,500 to \$12,300 may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by the Director of Central Purchasing of an acceptable written recommendation from the head of the acquiring Department or Division approved by the Chairman, or his or her designee, with copies directed to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Purchase amounts changed.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500".

#### 19:8-5.5 Repeat purchases

In the case of personal property which is procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with these regulations) at the same prices as those in the original award for a period of six months from the date of the bid opening, or until \$12,300 of such personal property shall be acquired from such bidder, whichever event shall first occur. If the prices charged by the successful bidder differ from those in the original award, such acquisitions shall not be made in accordance with this rule, but shall be made in accordance with the criteria specified in this subchapter.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Personal property acquired changed from "\$2,500" to "\$7,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500".

#### **19:8-5.6 Emergency purchases**

(a) Whenever an emergency occurs requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section, shall not apply. In such cases the unit requiring the procurement shall immediately

notify the Division of Central Purchasing of the situation, giving a complete description of the required acquisition. Upon determining that a true emergency exists on the basis of the reported facts, the Division of Central Purchasing shall by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances. If, at the time of the emergency, the services of the Division of Central Purchasing are unavailable, the acquiring unit may accomplish the procurement on its own initiative from the best source available to it.

(b) Immediately following the emergency purchase, documentation will be prepared and processed in a manner similar to other acquisitions.

(c) Relative to any emergency purchase involving an expenditure of \$2,500 or more, the department or division head of the acquiring unit shall direct to the Division of Central Purchasing a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate acquisition was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his or her designee. If the expenditure is \$12,300 or over, the purchase shall be submitted by the Director of Central Purchasing to the Commissioners for ratification at the next regularly scheduled Authority meeting.

(d) Instances of lack of compliance with the provisions of this section shall be promptly reported in writing by the Director of Central Purchasing to the persons concerned with a copy directed to the Comptroller. Persistent violations shall be reported in a memorandum by the Director of Central Purchasing to the Chairman, or his or her designee, with a copy to the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Section substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (d); and recodified (e) as (d).

#### 19:8-5.7 Emergency engineering and construction procurements

(a) Whenever an emergency occurs of a nature requiring the immediate acquisition of engineering or construction services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section shall not apply. In such cases, upon determining that a true emergency exists on the basis of the reported facts, the Chief Engineer or his or her designee shall by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances.

(b) Immediately following the emergency procurement, documentation shall be prepared and processed in a manner similar to other procurements under the jurisdiction of the Engineering Department, that is, in accordance with this chapter.

(c) Relative to any emergency procurement under the jurisdiction of the Engineering Department, the Chief Engineer shall direct to the Executive Director a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate procurement was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his or her designee. If the expenditure is \$25,000 or over, the procurement shall be submitted by the Chief

Engineer to the Commissioners for ratification at the next regularly scheduled Authority meeting.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Purchases changed from "\$35.00" to "\$75.00."

Repeal and New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Section was "Purchases on limited purchase orders".

#### 19:8-5.8 Purchases pursuant to price agreements

(a) The Director of Central Purchasing is authorized to make purchases pursuant to written price agreements entered into with vendors with reference to equipment, materials, supplies and services which are regularly required in undeterminable quantities. Such price agreements shall fix unit prices for a specified period of time.

(b) The procedures to be followed in obtaining bids for price agreements shall be the same as for other acquisitions under these regulations depending on and determined by the estimated total expenditures to be made under the agreement. In estimating expenditures, due consideration will be given to past experience, the current price level, and/or the opinion of the head of the acquiring department, if requested. Price agreements shall not be invalidated by reason of the fact that actual expenditures exceeded estimated expenditures to such an extent as would have required other procedures in obtaining bids.

(c) Price agreements involving estimated expenditures of \$25,000 or over shall be approved by and executed in the manner specified by the Authority. In the absence of any specific direction by the Authority, the Chairman, or his or her designee, will execute all price agreements involving estimated expenditures of less than \$25,000, except that the Director of Central Purchasing may execute all price agreements involving estimated expenditures of less than \$12,300.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Expenditures changed from "\$15,000" to "\$25,000."

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.9 Receipt and opening of bids

(a) All bids solicited by advertising or by mail must be submitted in sealed envelopes on the appropriately signed quotation forms before the time fixed for the public opening.

(b) Each sealed return envelope shall bear the following information on the face: the bidder's name, item, description, applicable purchase request or contract number, if any, and bid opening date and time.

(c) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(d) The Chairman, or his or her designee, shall designate a responsible party, who is not a member of the Division of

Central Purchasing, to retain custody of the keys to all the unit's locked boxes. In turn, the party so designated shall make suitable provisions during periods of absence for the proper custody of the keys.

(e) The Chairman, or his or her designee, shall designate responsible parties, who are not members of the Division of Central Purchasing, to witness the opening of bids.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped, recorded and deposited (unopened) in the appropriate locked boxes.

(g) On the appropriate date and at the appropriate time and place, a representative of the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each bid sheet containing prices shall be signed by the party opening and reading same.

(h) For valid reason in the interests of the Authority, the Director of Central Purchasing may at any time prior to the scheduled public opening postpone the receipt and opening of bids for a reasonable period. Appropriate notice of such postponement shall be given to all prospective bidders.

(i) Immediately upon the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a Bid Summary Form. The original Bid Summary Form shall be signed by the preparer, the bid opener and the witness. A photocopy of the original bid summary shall be given to the Internal Audit Division upon completion. The required final copies of the Bid Summary Form shall be signed and certified to by the Director of Central Purchasing.

(j) 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.

(k) Any bids received after the bidding has been closed shall be rejected and processed by a member of the Division of Central Purchasing as follows:

1. Time and date stamp the late bid envelope and note the time and date of receipt on the original Bid Summary Form;
2. Open and photocopy the contents of the late received bid and retain the photocopies in the pertinent bid file;
3. Return the late bid to the concerned bidder.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).  
New (k); old (k) recodified to (l).  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).  
Rewrote (b); and deleted (l).

#### 19:8-5.10 Tie bids

(a) In the event that bid prices submitted by two or more low responsible bidders are identical, the Director of Central Purchasing may award the contract at issue on the basis of one or more of the following factors:

1. Delivery advantage, considering time; distance; convenience and facilities of the bidders;
2. If practical, provide for contract award by splitting the award, with the concurrence of the tie bidders;
3. If several items have already been awarded by actual low bids, the tie-bid items may be awarded in a manner that will grant equitable balance to the overall bid award;
4. The fact that one of the low responsible tie bidders is a New Jersey based vendor, where the others are not;
5. When none of the above distinguishable characteristics are available, or pertinent, the tie low bids shall be broken by either the toss of a coin or a drawing held in the presence of a member of the Internal Audit Division. If practical, the interested bidders may be invited to the Office of Central Purchasing to participate in the coin tossing or drawing. Such tiebreaking shall be noted on the Bid Summary.

R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).  
New Rule.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.11 Rejection of bids

(a) When in the best interests of the Authority, any or all bids relative to an acquisition may be rejected in the following manner:

1. Where the expenditure involved is \$25,000 or more, the Authority on the written recommendation of the Director of Central Purchasing may reject bids.
2. Where the expenditure involved is \$12,300 but less than \$25,000, the Chairman, or his or her designee may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing, shall be filed, authorizing the rejection and signed by the Chairman, or his or her designee.
3. Where the expenditure involved is less than \$12,300, the Chairman, or his or her designee, may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing shall be filed, authorizing the rejection and signed by the Chairman, or his or her designee.

(b) In situations where bids obviously do not comply with specifications, the Director of Central Purchasing may summarily reject them. Where, however, some doubt exists as to whether specifications have been met, such rejection may be made only upon receipt by the Director of Central Purchasing of a written advice and consent from the head of the acquiring department or division, acceptable to the Director of Central Purchasing and approved by the Chairman, or his or her designee, with copies directed to the General Attorney and the Comptroller.

(c) When in the best interests of the Authority, minor irregularities in bids or in the required formalities may be waived by the Chairman, or his or her designee. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the Chairman, or his or her designee, with copies thereof to the General Attorney and the Comptroller.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.10. Expenditure changed from "\$15,000" to "\$25,000" and "\$2,500" to "\$7,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.12 Bid guarantees

(a) All bids submitted relative to acquisitions involving expenditures of \$12,300 or more may be required to provide bid security amounting to not less than either 10 percent of the total bid price or any fixed amount which may be established by the Director of Central Purchasing. At the discretion of the Director of Central Purchasing, guarantees may be required for bids amounting to less than \$12,300. The guarantee shall be submitted in the form of a certified check payable to the Authority, but cashier's checks, money orders, surety corporation bid bonds, letters of credit or other good and valuable security may also be accepted. Failure to submit a bid guarantee when required shall result in rejection of the bid.

(b) In the event any bidder fails to accept an award in accordance with his bid, or file a required performance security, the guarantee submitted shall be immediately forfeited.

(c) All bid guarantees shall be returned to bidders as soon as possible after the opening of bids. The guarantees furnished by successful bidders shall be returned after the delivery of the property, the performance of the services or the furnishing of performance security. The guarantees furnished by unsuccessful bidders shall be returned after determining that the bids do not warrant awards.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.11.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.13 Terms and conditions applicable to submission of bids

(a) All bids shall be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the date and time fixed for the public opening.

(b) All bids shall be properly signed and executed.

(c) Any correction of an entry made on the quotation form shall be initialed by the party making the correction and should also be initialed by the party signing the bid.

(d) Bidders may withdraw, or withdraw and resubmit, bids at any time prior to the public opening, but not thereafter. Bids may be withdrawn only on written request received prior to the public opening and signed by a duly authorized representative of the bidding firm with proper identification. Bids so withdrawn shall be returned to the bidder unopened.

(e) With respect to bids submitted, the Authority retains the right to reject any or all of them, to waive informalities and minor irregularities and to make awards at any time within the period designated in the terms and conditions of the bid. If an award is not made within the suggested period as designated with the terms and conditions of the bid, written extensions of time may be obtained from bidders whose bids remain under consideration.

(f) 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.

(g) Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any kind and to award in whole or in part.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified and amended from 5.12.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.14 Bid errors

(a) If an error is discovered after bid opening but before award, the vendor may request that his bid be withdrawn. The decision to permit withdrawal of bid shall be based on the following essential conditions:

1. Evidence of vendor good faith;
2. The mistake is of so great a consequence that to enforce the purchase would be unconscionable;
3. That the matter as to which the mistake was made relates to a material feature of the purchase;
4. That the mistake occurred notwithstanding the exercise of reasonable care by the party making the mistake;
5. The vendor can get relief by way of cancellation without serious prejudice to the Authority.

(b) If during the evaluation of bids received, an obvious error made by a potential low bidder has been found, the Director of Central Purchasing shall notify the vendor, in writing, of that fact. Copies of that letter will be sent to all other vendors. The vendor will have five days after receipt of that letter to request withdrawal of his bid, but in no instance shall there be a bid modification. If the vendor fails to request withdrawal of his bid within the time frames

noted above, he will waive his right to have the bid withdrawn.

R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New rule.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted references to personal property or services.

#### 19:8-5.15 Purchase orders and contracts

##### (a) (Reserved)

(b) All purchase orders must bear an authorized signature within delegated signing levels. All purchase orders involving expenditures of \$12,300 or more must bear the approval signature of the Chairman, or his or her designee.

(c) Except as otherwise authorized by the Authority, all contracts are to be executed by at least five of the eight Commissioners for contracts involving \$25,000 or more, while those involving less than \$25,000 will be executed by the Chairman, or his or her designee.

##### (d) (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified and substantially amended from 5.13.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (a) and (d).

#### 19:8-5.16 (Reserved)

R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.14.  
Repealed by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Section was "Late deliveries and late performance of services".

#### 19:8-5.17 Purchases under New Jersey State contracts

When it is deemed advisable and in the best interest of the Authority, the Director of Central Purchasing may recommend that equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State. In such cases the purchases shall not be subject to Authority approval, but may be executed in accordance with the dollar limits for signature as related to other purchases.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.15. Added language, " , or his designee".  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-5.18 Public advertising threshold requirement

As provided in N.J.S.A. 27:12B-5.2, the public advertising requirement sum of \$12,300 may be adjusted by the Governor. Upon such notification, the Director of Central Purchasing shall timely confirm such authorized change to the Authority. All sections of these regulations, effected by subsequent adjustments, shall be appropriately administered as though amended accordingly.

R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New rule.  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).  
Substituted "\$12,300" for "\$7,500".

#### 19:8-5.19 Purchases from State Distribution Center

Whereas items stocked in the State Distribution Center are priced on the basis of competitive bids, and purchases would be made from a State agency, when it has been determined to be in the best interests of the Authority by the Director of Central Purchasing, orders may be placed directly with the State Distribution Center without specific Authority action. All purchase orders and contracts for such items shall be processed in accordance with the procedures for all other purchases.

New Rule, R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

### SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY

#### 19:8-6.1 Purpose and objective

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

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

As amended, R.1984 d.544, effective December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Deleted language "in accordance with resolution 1960-46".  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-6.2 Bids

(a) All sales of surplus personal property, where the aggregate anticipated proceeds are \$12,300 or over, as determined by the Director of Central Purchasing, 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 approved in advance by the Chairman, or his or her designee. The concurrence of the General Attorney shall also be required in writing. Where the anticipated aggregate proceeds are between \$2,500 and \$12,300, public advertising is not required and the Director of Central Purchasing may solicit sealed bids from known interested parties. Where the anticipated aggregate proceeds are less than \$2,500, bids may be solicited by telephone in which event the successful bidder shall confirm same in writing.

(b) 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;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) 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.

(d) 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.

(e) 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.

As amended, R.1984 d.544, effective December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Section substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500"; in (a) deleted the sixth sentence regarding the requirement for a memorandum of anticipated proceeds from surplus personal property sales; and in (d), deleted the third sentence regarding posting of personal property sale notices.

### 19:8-6.3 Invitation to bid and receipt and opening of bids

(a) Bids shall be requested on the Invitation for Bid Form and submitted on signed quotation form before the time fixed for public opening. Any bids received after the bidding has been closed shall be returned unopened.

(b) All bids shall be submitted in sealed envelopes in accordance with applicable instructions.

(c) The bidder's name, due date and time shall be shown on the face of each sealed envelope submitted.

(d) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(e) The Chairman, or his or her designee, shall designate, in writing, responsible parties who are not members of the Division of Central Purchasing to retain custody of the keys

to the Division of Central Purchasing's locked boxes. In turn, the party so designated shall make suitable provision during period of absence for opening of bids and for proper custody of the keys.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped, recorded and deposited in the appropriate locked boxes. Such bid envelope shall be signed by the person who stamped and deposited the envelope in the bid box.

(g) On the appropriate date and at the appropriate time and place, the Division of Central 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.

(h) For valid reason in the interest of the Authority, the Director of Central 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.

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a Bid Summary Form. A member of the Internal Audit Division shall also be present to witness the preparation. The original bid summary form shall be signed by the preparer, the bid opener and the witness who has verified the accuracy of the recorded read information. A photocopy of the original bid summary shall be given to the Internal Audit Division witness at the conclusion of the bid opening. The required final copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) 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.

(k) The sale of surplus personal property to the highest acceptable bidder shall not be confirmed without the prior written approval of the Chairman, or his designee. A photocopy of this approval shall be given to the General Audit Section of the Finance Department.

As amended, R.1984 d.544, eff. December 17, 1984.  
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

### 19:8-6.4 Failure to receive bids or more than one bid

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

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted requirement of written approval of the chairman or his designee.

#### 19:8-6.5 Withdrawal of items from offer to sell after bid opening and prior to award

(a) 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 Chairman, or his or her designee, authorizing the withdrawal. Such requests shall be approved by the Director of the Division of Central Purchasing with copies directed to Internal Audit and Finance.

(b) Under such circumstances, the Director of Central Purchasing shall determine whether such items shall be reoffered for sale, traded in, scrapped or retained for use with the written approval of the Chairman, or his or her designee.

Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

#### 19:8-6.6 Bid deposits

(a) 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 Central 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 Chairman, or his or her designee. Bids of less than \$100.00 shall require no bid deposit.

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

(c) 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 by certified check, cashier's check or executed money order, unless specifically waived in writing by the Chairman, or his or her designee. 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 Chairman, or his or her designee, the Director of Central Purchasing may make the award to the next highest bidder. This action is to be accomplished by a memorandum of the Director of Central Purchasing bearing approval of the Chairman, or his or her designee, with copies to the General Attorney and the Comptroller.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Bid changed from "\$1,000" to "\$2,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

In (a), exempted bids of less than \$100.00 from the bid deposit requirement.

#### 19:8-6.7 General terms and conditions

(a) Any correction of an entry made on the Invitation to Bid Form or Quotation Form shall be initialed by the party signing the bid.

(b) 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.

(c) 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 Central Purchasing bearing the approval of the Chairman, or his or her designee, with copies thereof to the General Attorney and the Comptroller.

(d) 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.

(e) (Reserved)

(f) 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.

(g) Qualified bids or any portion thereof may be summarily rejected in writing by the Chairman, or his or her designee, with copies thereof directed to the General Attorney and the Comptroller where such qualification adversely affects the Authority's best interest.

Amended by R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

(e): Deleted language "at the bid opening".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (e).

#### 19:8-6.8 Tie bids

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. (See N.J.A.C. 19:8-5.10)

New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

## SUBCHAPTER 7. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

### 19:8-7.1 General provisions

(a) All Authority records which are required by law or regulations to be made, maintained or kept on file shall be available to every citizen of New Jersey during regular business hours for the purpose of inspection or hand copying.

(b) Except as otherwise specified herein, copies of such records may be obtained by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following fee schedule:

1. Documents up to 8½ by 13 inches, per page . . . . \$1.00;
2. Documents larger than 8½ by 13 inches, per page . . . . . \$2.00;
3. Drawings, maps and plan sheets, per sheet . . . . . \$2.00;
4. Microfilm, per page or sheet . . . . . \$3.00;
5. Photographs up to 8 by 10 inches, black and white glossy, per picture . . . . . \$10.00;
6. Photographs up to 8 by 10 inches, color glossy, per picture . . . . . \$15.00;
7. Slides, 35 millimeter, per slide . . . . . \$10.00;

(c) No payment may be required 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; and organizations exchanging information with the Authority on a reciprocal basis.

(d) Records in connection with a claim against the Authority, its agents, servants or employees, will be furnished only in accordance with New Jersey court rules.

Amended by R.1987 d.391, effective October 5, 1987.  
See: 19 N.J.R. 1428(a), 19 N.J.R. 1825(a).  
Administrative correction.  
See: 27 N.J.R. 548(a).  
Amended by R.1998 d.25, effective January 5, 1998.  
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

### 19:8-7.2 Bid documents

Copies of bid documents for contractors and vendors bidding on work, services or materials shall be obtained at fees established by the Executive Director and published in the advertisement for the receipt of bids.

### 19:8-7.3 New Jersey State Police reports

(a) Copies of New Jersey State Police accident reports of Troop E on the Garden State Parkway may be obtained by written request addressed to the following:

Commanding Officer, Troop E  
New Jersey State Police  
PO Box 20  
Woodbridge, New Jersey 07095

1. Requests must be made by mail. Reports will not be furnished to anyone applying in person.

(b) All requests must be accompanied by a check or money order payable to the New Jersey Highway Authority in accordance with the following schedule:

1. All accident reports regardless of the number of pages, \$10.00.

(c) No payment is required when the request is made by a law enforcement agency of the United States, the State of New Jersey or any political subdivision thereof.

(d) Criminal reports, statements, photographs, and other evidential reports, if any, attached to accident reports will be furnished only in accordance with New Jersey Court Rules.

(e) In the event that the commanding officer, Troop E, in his discretion, determines that the interests of law enforcement and public safety require that the requested report not be furnished, the applicant will be so informed and the fee accompanying the request will be returned and the report will be furnished only in accordance with New Jersey Court Rules.

As amended, R.1980, d.131, effective March 31, 1980.  
See: 12 N.J.R. 294(a).  
As amended, R.1981 d.387, effective November 2, 1981.  
See: 13 N.J.R. 531(a), 13 N.J.R. 780(a).  
(b)1: \$5.00 fee substituted for "First page to tenth page \$0.50 per page." (b)2 and 3 deleted.  
Amended by R.1987 d.393, effective October 5, 1987.  
See: 19 N.J.R. 1429(a), 19 N.J.R. 1825(b).  
Administrative correction.  
See: 27 N.J.R. 548(a).

### 19:8-7.4 Subscription services

(a) Any person may subscribe to the authority's annual, regular and special notices of meetings by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following subscription rate:

1. Notices of authority meetings, including annual, regular and special notices, per year—\$24.00.

(b) No payment is required when the request is made by the Governor of the State of New Jersey or television and radio stations and newspapers serving New Jersey.

(c) All subscriptions shall be on a calendar year basis only and rates for subscriptions commencing during a calendar year will be prorated accordingly.

## SUBCHAPTER 8. SPECIAL PERMITS FOR OVERSIZE VEHICLES

### 19:8-8.1 Scope

(a) Special permits for oversize vehicles issued by the Authority are valid on the Parkway only.

(b) These regulations are in addition to the requirements of Title 39, Motor Vehicles and Traffic Regulations, and the regulations of the New Jersey Division of Motor Vehicles, including, but not limited to, the New Jersey Division of Motor Vehicles' regulations governing permits for over-dimensional or overweight vehicles.

Amended by R.1989 d.483, effective September 18, 1989.  
See: 21 N.J.R. 1974(b), 21 N.J.R. 3021(c).

In (a), deleted reference to toll portions of Parkway.

### 19:8-8.2 Permit requirement

A permit is required for each one-way trip of an oversize vehicle.

### 19:8-8.3 Period of validity

(a) A permit is valid for a one-way trip for the period specified in the permit only.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, an extension may be granted, provided that the request is made before the permit expires.

(c) A permit shall not be valid on Saturdays, Sundays and holidays during the period May 15 through September 15.

(d) A permit shall not be valid during the period from dusk to dawn.

### 19:8-8.4 Fee

(a) The fee for each permit shall be \$10.00.

(b) No fee may be required when the request is made by the United States, the State of New Jersey, or any agency or political subdivision thereof, and individuals or firms doing work or performing services for the Authority.

Amended by R.1987 d.392, effective October 5, 1987.

See: 19 N.J.R. 1429(b), 19 N.J.R. 1826(a).

Fee for permit raised from \$5.00 to \$10.00.

### 19:8-8.5 Issuance

(a) Permits shall be requested weekdays, except holidays, during regular business hours.

(b) Applications may be made as follows:

1. By mail addressed to Operations Department, New Jersey Highway Authority, Garden State Parkway, Woodbridge, N.J. 07095.

(b) Within 30 days of receiving the petition, the Authority will mail to the petitioner, and file with the Office of Administrative Law for publication in the Register, a notice of action on the petition which will include:

1. The name of the petitioner;
2. The Register citation for notice of petition, if that notice appeared in a previous 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;
2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or
3. Referring the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations will be mailed to petitioner and submitted to the OAL for publication in the Register.

### SUBCHAPTER 13. FEE POLICY FOR CONSTRUCTION AND UTILITY INSTALLATION PERMITS

#### Authority

N.J.S.A. 27:12B-5(j) and 27:12B-24.

#### Source and Effective Date

R.1994 d.520, effective October 17, 1994.  
See: 26 N.J.R. 3252(a), 26 N.J.R. 4213(a).

#### 19:8-13.1 Purpose and objective; services provided

(a) The purpose of these rules is to establish and prescribe uniform general rules and procedures to be followed by the New Jersey Highway Authority staff in reviewing permits for applicants desiring to perform work on New Jersey Highway Authority property.

(b) The objective of these rules is to enable the New Jersey Highway Authority to accomplish its review, inspection and administration of permits equitably and expeditiously.

(c) To accomplish the purpose and objective of the policy, the following services for permit applicants desiring to

perform work on New Jersey Highway Authority property will be provided.

1. Review of the conceptual work plan and offer guidance as to the type of application required and procedure to be followed;
2. Review of detailed plans and other work related documents and provide comments that best serve the Authority's interest. If required, field investigations are performed;
3. Review and approval of contractor's insurance certificate, performance bond and maintenance bond;
4. Provide direction with lane closures and overall traffic control;
5. Periodical inspection of the ongoing work to assure compliance with the approval permit; and
6. Initiation and maintenance of all permit documentation and, upon completion of work, administration of permit close-out documentation.

Amended by R.1996 d.574, effective December 16, 1996.  
See: 28 N.J.R. 4388(a), 28 N.J.R. 5193(a).

#### 19:8-13.2 Fee schedule

(a) Resolution 1953-129 adopted on October 29, 1953, and amended on April 8, 1954, authorizes the Chief Engineer to fix and determine the Authority's necessary inspection and other costs in conjunction with the issuance of utility crossing permits in addition to requests from utility companies, outside agencies and developers who submit requests to perform work on Authority property that require issuance of a construction permit which requires similar staff efforts as described in N.J.A.C. 19:8-13.1(c).

(b) The following fee schedule is established to offset the costs of review, administration, inspection and other necessary tasks performed by Authority staff for all Construction and Utility Installation Permits. The final decision concerning the basis and amount of fees shall be solely the responsibility of the Authority's Chief Engineer. The fee schedule will be established as follows:

1. Application Fee: A \$250.00 fee to 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 requested permit.
2. Permit Fee: A non-refundable fee consisting of five percent of the total cost of construction to be performed on Authority property or \$500.00, whichever is greater, plus any additional specialized fee as described in (b)3 below. As a permit requirement, the applicant shall submit an Engineer's Estimate of the work to be performed on Authority property. Such estimate shall be based on current prevailing construction rates for all work items. The Chief Engineer reserves the right to reject

any estimate that is determined to be non-conformance with standard construction rates or not in the best interest of the Authority. Such permit fee shall be paid prior to issuance of the permit.

### 3. Specialized Fees:

i. Work performed by the contractor involving lane/shoulder closures or slow downs shall require the following non-refundable administrative fees:

- |                      |   |
|----------------------|---|
| (1) Shoulder closure | \$250.00 per location per day;          |
| (2) Lane closure     | \$500.00 per lane per location per day; |
|                      | and                                     |
| (3) Slow downs       | \$750.00 per set up                     |

ii. Fees for all other items of specialized work shall be determined by the Chief Engineer on a case-by-case basis. Such determination shall be based upon the amount of staff time and services utilized. Documentation of these costs shall be provided upon request. Such specialized fees, even though determined separately, will be considered and collected as part of the permit fee.

### 19:8-13.3 Unauthorized installations

Anyone performing work within Authority property without the required permit will be ordered to stop work immediately. The Authority will inspect all work performed on Authority property and make a recommendation for removal, restoration, remediation and/or submission of required permit application and associated fees. Any person or persons performing unauthorized work on Authority property will be charged a \$1,000 fee for performing unauthorized work and will be required to submit an application for the appropriate permit to remove, restore, remediate and/or continue construction work as approved by the Chief Engineer. All associated fees as outlined in N.J.A.C. 19:8-13.2 will also apply. All fees are non-refundable.

### 19:8-13.4 Waiver

The Chief Engineer may waive the fees, or some portion thereof, upon written request for a waiver from the applicant submitted at the time of application, based upon the Chief Engineer's determination that the fee is not warranted. Said determination shall be based upon the nature of the entity making the request, that is, a Federal, State or local government agency, and the nature of the project for which the permit is requested.

## SUBCHAPTER 14. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

### Authority

N.J.S.A. 27:12B-5(j), 27:12B-18 and 27:12B-24.

### Source and Effective Date

R.1999 d.17, effective January 19, 1999.  
See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

### 19:8-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context 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 enters a toll collection plaza and takes every reasonable action to pay the required toll but 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(s) 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 images, or a written record, of a vehicle at the time the vehicle is used or operated in a violation of toll collection system monitoring rules. The term shall also include any other technology that identifies a vehicle by photographic, electronic or other method.