

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

Chapter 9, New Jersey Turnpike Authority, expires on December 9, 2009.

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 Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.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

"Bus token" means the Authority's authorized discount token for use by buses on the Parkway.

"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 passenger vehicles only at exact change toll lanes and/or cash/receipt lanes on the Parkway.

"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.

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 leafleting 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, provided such company 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 \$100.00. Such permits shall be renewable on a bi-annual basis.

(e) A truck or bus company may obtain a permit to perform its own tire service on the Turnpike or the Garden State Parkway, as appropriate, or designate a prearranged tire service; such 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 \$100.00. Truck or bus companies not holding a private tire service permit may either receive tire service from a service agency authorized by the Authority or be removed by a towing service authorized by the Authority. Such permits shall be renewable on a bi-annual basis.

(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.

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 transportation or shipment will be likely to endanger life or property.

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

vehicles carrying flammable liquids shall be appropriately labeled.

(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).