

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).

Executive Order No. 66(1978) Expiration Date

Chapter 8, Regulations Governing Use of the Garden State Parkway, expires on April 7, 2003.

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.

“Executive Director” means that individual so designated by the Authority.

“Garden State Parkway” or “Parkway” means the highway project known as the Garden State Parkway as defined and described in L.1952, c.16 and more particularly Section 20 thereof, expressly including, but not limited to, the Garden State Arts Center, the Telegraph Hill Nature Area, to the extent provided in an Agreement dated April 23, 1992 among the Authority, the New Jersey Vietnam Veterans Memorial Committee and the State of New Jersey, the Vietnam Veterans Memorial and all real property owned by, operated or under the jurisdiction of the Authority and any improvements thereon.

4. Operators of motor vehicles bearing license plates which identify the operator as a disabled or handicapped driver shall be exempt from the provision of (c)-above and shall be permitted to purchase motor fuel on any day.

(g) Violations rules are as follows:

1. No persons shall threaten, interfere, or attempt to interfere with compliance with these regulations.

2. No person shall knowingly or willfully misrepresent a motor vehicle as one entitled to an exemption from these regulations or a priority thereunder. If such misrepresentation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Any penalties imposed resulting from a violation of this section shall not preclude the application of any other penalties, civil or criminal, as prescribed by law.

(h) The Authority may, from time to time and for such period as it deems appropriate, modify or suspend the operation and/or enforcement of any or all of these regulations, in whole or in part. Such modification or suspension may be immediately effective without prior notice. Any modification or suspension order issued by the Authority may be for a definite or indefinite duration, and, notwithstanding the fact that any such order hereinafter issued is specified to be for a definite duration, the Authority may rescind any such order and reinstate any such modified or suspended regulations.

R.1979 d.246, eff. June 18, 1979.
See: 11 N.J.R. 415(d).

SUBCHAPTER 2. GENERAL REGULATIONS ON THE GARDEN STATE PARKWAY

19:8-2.1 Waste and rubbish

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

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

19:8-2.2 Damaging of shrubs or plants and defacement of Parkway prohibited

(a) No person shall cut, mutilate or remove any trees, shrubs, flowers, plants, top soil or sod location upon the Parkway or attempt to do so.

(b) Injury, defacement, removal or destruction of the surfaces of the Parkway, or its structures, appurtenances, recreational facilities or property is prohibited.

19:8-2.3 Displays, posters, placards and leafletting prohibited

No person shall erect or place any displays, posters, or placards, or engage in leafletting or display any advertising matter of any kind, regardless of the character or content of the message, on the Parkway, except as otherwise specifically pre-authorized by the Authority.

Amended by R.1995 d.631, effective December 4, 1995.
See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).

19:8-2.4 Parades, demonstrations and picnics prohibited

(a) Parades or other demonstrations are prohibited.

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

(c) Use of picnic areas during the period of ½ hour after sunset until ½ hour before sunrise is prohibited, except that visitation at the Vietnam Veterans Memorial for public use and activity as defined at N.J.A.C. 19:8-2.16(b) is generally permitted at any time except as may be otherwise directed by the Authority or the operators of the Memorial.

Amended by R.1995 d.631, effective December 4, 1995.
See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).

19:8-2.5 Hunting and trapping prohibited

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

19:8-2.6 Use of firearms prohibited

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

19:8-2.7 Fire prohibited

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

19:8-2.8 Soliciting of alms prohibited

Soliciting of alms or contributions on the Parkway is prohibited.

19:8-2.9 Hitchhiking and loitering prohibited

(a) Soliciting of rides on the Parkway, commonly known as "hitchhiking", is prohibited.

(b) No person shall loiter on the Parkway in such 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;
4. Obstruct, molest or interfere with any person lawfully on the Parkway. 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.

As amended, R.1978 d.257, effective July 28, 1978.
See: 10 N.J.R. 307(b), 10 N.J.R. 408(b).

19:8-2.10 Sales and distribution prohibited

No person shall enter or remain on the Parkway 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.

19:8-2.11 Arts Center

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

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

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

1. Alcoholic beverages;
2. Food or beverages of any kind, whether or not contained in any package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description unless expressly authorized by the Authority;
3. Cameras, video cameras, recording equipment, radios, televisions or other electronic equipment unless specifically authorized by the Authority;
4. Pets.

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

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

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

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

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

R.1975 d.145, effective May 29, 1975.

See: 7 N.J.R. 241(b), 7 N.J.R. 350(d).

As amended, R.1980 d.189, effective May 1, 1980.

See: 12 N.J.R. 225(a), 12 N.J.R. 355(e).

As amended, R.1981 d.169, effective June 4, 1981.

See: 13 N.J.R. 247(e), 13 N.J.R. 378(a).

(c)2 and (d) added.

Amended by R.1992 d.178, effective April 20, 1992 (operative May 1, 1992).

See: 24 N.J.R. 557(a), 24 N.J.R. 1515(a).

Amended by R.1994 d.235, effective May 16, 1994.

See: 26 N.J.R. 1318(a), 26 N.J.R. 2146(c).

Amended by R.1998 d.210, effective May 4, 1998.

See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

19:8-2.12 Emergency service

Repair and towing of the vehicles on the Parkway shall be by the off-Parkway garages licensed by the Authority only and permissible rates and other requirements shall be as set forth in the bid specifications soliciting such services and the contract award made by the Authority.

R.1975 d.331, effective November 1, 1975.

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

As amended, R.1979 d.167, effective May 15, 1979.

See: 11 N.J.R. 213(a), 11 N.J.R. 309(b).

As amended, R.1981 d.115, effective May 7, 1981.

See: 13 N.J.R. 165(b), 13 N.J.R. 315(a).

(a)-(e) substantially amended. (f), previously codified as footnote 1, added.

As amended, R.1983 d.99, effective April 4, 1983.

See: 15 N.J.R. 134(a), 15 N.J.R. 554(c).

Fees increased.

Amended by R.1985 d.14, effective February 4, 1985.

See: 16 N.J.R. 3299(a), 17 N.J.R. 321(b).

Rate increases throughout section.

Amended by R.1987 d.9, effective January 5, 1987.

See: 18 N.J.R. 2120(c), 19 N.J.R. 141(c).

(e)2 added.

Amended by R.1992 d.179, effective April 20, 1992 (operative May 1, 1992).

See: 23 N.J.R. 557(b), 24 N.J.R. 1516(a).

Amended by R.1998 d.22, effective January 5, 1998.

See: 29 N.J.R. 4413(a), 30 N.J.R. 112(a).

Rewrote (a) and deleted (b) through (f).

Case Notes

Term "responsible" within meaning of statutory language 'lowest responsible bidder' refers to bidder's quality, fitness, and capacity to satisfactorily perform the proposed work; although financial package offered by bidder is important consideration, bidder must also possess requisite judgment, skill, ability, and integrity to fulfill its obligations under the public contract, as well as other attributes. *N.E.R.I. Corp. v. New Jersey Highway Authority*, 147 N.J. 223, 686 A.2d 328 (1996).

Highway Authority towing contracts exempted from public bidding requirements. *N.E.R.I. Corp. v. New Jersey Highway Authority*, 282 N.J.Super. 460, 660 A.2d 564 (A.D.1995).

19:8-2.13 Discharges

(a) Any material being carried by a vehicle shall be firmly secured and vehicles carrying loose material likely to be discharged that is not otherwise boxed, crated, bagged or packaged, shall 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 shall be discharged on the Parkway or on the property adjacent to the Parkway which may cause an impact on the operations of the Parkway. This prohibition shall apply to any material being carried as cargo in or on a vehicle, by any person or by any contractor or vendor of the Authority, and to any material that is a part of the vehicle or necessary for the operation of the vehicle or any apparatus affixed thereon, but shall not apply to ordinary vehicular emissions anticipated by the original design of the vehicle.

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

19:8-2.14 Damage to the Parkway due to discharges

(a) No material shall be discharged on the Parkway or on the property adjacent to the Parkway, that may cause damage to the Parkway, the general public, the environment, the Authority, its agents and employees. For purposes of this section only, "damage" includes any effect which may be injurious to health, safety or welfare, cause the contamination of the environment including soils and ground water, or which may cause financial loss or delay the movement of traffic.

(b) The operator, owner or lessee of any vehicle, lessee of Authority property, or owner or lessee of adjacent property from which a discharge in violation of any provision of this section or N.J.A.C. 19:8-1.12, or 2.13 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 New Jersey Department of Environmental Protection (NJDEP) and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Parkway immediately. The vehicle operated, owned or leased by any person, lessee of Authority property, or the owner or lessee of the adjacent property 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, or its agents and their employees until such time as all penalties, towing and storage fees and costs have been satisfied.

(c) 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. 19:8-1.12, 2.13 or 2.15, shall be liable to the Authority for treble the amount of damages for any and all costs arising out of said violation, including, but not limited to, the costs of:

1. Collecting, testing and properly disposing of the material and any noted contaminated soils or ground water and providing the Authority with all copies of results and documentation of same;
2. Replacing or repairing, in the Authority's sole discretion, any property damaged by reason of said violation.
3. Toll and other revenues lost because of closing of the Parkway, any part thereof, 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, its Consultants or third parties.

(d) The Authority may recover the costs under (c) above by way of complaint filed in a court of appropriate jurisdiction, by an administrative consent order executed by an authorized representative of the Department of Environmental Protection or by any other lawful means.

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

19:8-2.15 Response to a discharge

(a) Any operator, owner or lessee of a vehicle on the Parkway which contains any hazardous or non-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.

(b) In the event of a discharge of hazardous or non-hazardous material on the Parkway or on adjacent property impacting the Parkway, 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, but not contrary to the rules of the NJDEP, and not contrary to the safety of the operator, the general public or the Authority, the operator, owner or lessee of the vehicle, lessee of Authority property or owner or lessee of adjacent property may be afford-

ed the opportunity to contain and remove discharged material using personnel, materials and equipment:

- i. Aboard the vehicle or on the property from which the discharge occurred;
- ii. Aboard another vehicle owned or leased by the operator, owner or lessee of the vehicle or of the property from which the discharge occurred;
- iii. By a specialized response team operated by the manufacturer or distributor of the hazardous or non-hazardous material that has been discharged; 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 or of the property specifically for the purpose of remediating hazardous or non-hazardous materials discharged from the operator's, owner's, or lessee's vehicle or property.

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:E1-4.2) 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.