

CHAPTER 21A

NEW JERSEY BRIDGE REHABILITATION AND
IMPROVEMENT FUND: STATE AID TO
COUNTIES AND MUNICIPALITIES

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-13, 27:7-47 and the New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983, P.L. 1983, c.363.

Source and Effective Date

R.1994 d.544, effective October 14, 1994.
See: 26 N.J.R. 3246(a), 26 N.J.R. 4421(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21A, New Jersey Bridge Rehabilitation and Improvement Fund: State Aid to Counties and Municipalities, expires on October 14, 1999.

Chapter Historical Note

Chapter 21A, New Jersey Bridge Rehabilitation and Improvement Fund: State Aid to Counties and Municipalities, Subchapters 1 through 4, was originally adopted as Emergency New Rule R.1984 d.64, effective February 27, 1984 (expired April 30, 1984). See 16 N.J.R. 437(a). The provisions of R.1984 d.64 were adopted as new rules by R.1984 d.344, effective August 20, 1984. See: 16 N.J.R. 2299(a). Subchapter 5, Audit, was adopted as R.1987 d.268, effective July 6, 1987. See: 19 N.J.R. 624(b), 19 N.J.R. 1230(b).

Pursuant to Executive Order No. 66(1978), Chapter 21A expired on August 20, 1989, and subsequently was adopted as new rules by R.1987 d.577, effective November 20, 1989. See: 21 N.J.R. 2716(a), 21 N.J.R. 3674(a). Pursuant to Executive Order No. 66(1978), Chapter 21A was readopted as R.1994 d.544. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:21A-1.1 Appropriation of funds

1983 Bond Issue Funds are appropriated by the Legislature as the State's share of the cost for the construction, reconstruction, replacement, improvement, repair or rebuilding of bridges carrying county or municipal roads, including railroad overhead bridges.

16:21A-1.2 Definitions

"Railroad overhead bridge" means any bridge or passage carrying a county or municipal road over and across a railroad, subway, or street, traction, or electric railway, or over and across the right-of-way of such a railroad, subway or railway.

1. This definition does not include bridges over and across a railroad or electric railway operated by the State, the State Department of Transportation or the NJ Transit Corporation unless otherwise stated to the contrary.

2. A bridge is defined as a structure having a minimum span of 20 feet.

16:21A-1.3 Standards

(a) The proposed bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publication or New Jersey Department of Transportation Standards listed below. Any exceptions to these design criteria must be justified by the local engineer to be in the public interest.

1. New Jersey Department of Transportation for Resurfacing, Restoration and Rehabilitation of Highways and Streets;

2. A Policy on Geometric Design of Highways and Streets;

3. Standard Specifications for Highway Bridges.

(b) Construction and materials shall conform with the current New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction.

Amended by R.1989 d.70, effective February 6, 1989.
See: 20 N.J.R. 3000(a), 21 N.J.R. 307(b).

Deleted (a)1.-2. and recodified 3.-4. as 1.-2.
Amended by R.1989 d.577, effective November 20, 1989.
See: 21 N.J.R. 2716(a), 21 N.J.R. 3674(a).

In (a)1: substituted "New Jersey Department of Transportation . . ." for "Geometric Design Guide" to identify title of publication.

In (b): stylistic revisions.

16:21A-1.4 Applications and agreements

(a) Each county and municipality may submit fully executed applications and agreements for 1983 Bridge Rehabilitation and Improvement Bond Funds to the Local Aid district office.

(b) Application and agreement forms are available to the local government at the district offices.

16:21A-1.5 Procedure

(a) The application and agreement provides for an engineering description of the existing road and bridge and the description of the proposed improvement indicating the length of span, proposed load limit, right-of-way width, paved and graded widths, shoulder widths, type and depth of proposed pavement and an estimate of the cost of the proposed work for both the bridge and approach roadways. The district offices shall make a field investigation of all projects for which applications have been received.

(b) Applications will be evaluated by a county/municipal Screening Committee and staff of the New Jersey Department of Transportation appointed by the Commissioner of Transportation. Recommendations will be presented to the Commissioner of Transportation for Consideration.

SUBCHAPTER 2. PLANS AND SPECIFICATIONS**16:21A-2.1 Local government responsibility**

(a) The local government shall be responsible for engaging a professional engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

(b) The local government will provide such maps, reports, construction plans and specifications and contract documents as may be required by the State.

SUBCHAPTER 3. CONTRACTS**16:21A-3.1 Award of contract**

(a) The local government will advertise and award the contract, subject to the approval of the State, in accordance with the provisions of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(b) Fifteen calendar days prior to the time of advertisement for construction bids, the local government shall submit the following to the Local Aid district office:

1. Two copies of contract plans and specifications; and
2. Two copies of the engineer's estimate of costs:

(c) Within 30 calendar days following the receipt of construction bids, the local government shall submit the following to the Local Aid district office:

1. Two copies of the summary of construction bids;
2. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the Department.

(d) When all information relative to the bidding has been approved by the State, the local government shall be advised of the approval of the award of contract.

Amended by R.1989 d.70, effective February 6, 1989.

See: 20 N.J.R. 3000(a), 21 N.J.R. 307(b).

Added new (b); recodified (b)-(c) as (c)-(d) and deleted (c)1.-2. and recodified (c)3.-4. as 1.-2.

16:21A-3.2 Contract completion and payment

(a) When all work has been completed satisfactorily, the local government will prepare and submit to the Local Aid District Office, the following:

1. A statement of the work performed, certified by the municipal/county engineer, for acceptance and approval of the completed work;
2. A certification by the county/municipal chief financial officer that all expenditures are supported by valid documentation and conform with the terms of the state's agreement; and
3. A request for reimbursement by the State, on vouchers to be supplied by the State.

(b) After a final inspection of the completed work by the State, action shall be taken to reimburse the county/municipality.

(c) The county/municipality shall maintain complete documentation of the project for a period of three years after receiving reimbursement by the State. An evaluation of the acceptability of the work by the Department and a determination of the extent of State participation in the cost thereof, will be based on an inspection of the completed project and a review of the documentation maintained by the county/municipality.

Amended by R.1987 d.268, effective July 6, 1987.

See: 19 N.J.R. 624(b), 19 N.J.R. 1230(b).

(a)2 and (b) substantially amended.

SUBCHAPTER 4. STATE PARTICIPATION IN COST

16:21A-4.1 Cost of construction

(a) With respect to those bridges which carry county or municipal roads which are constructed, owned, or maintained by a county or municipality, the State participation shall not exceed 80 percent of the eligible cost of the completed rehabilitation and improvement work.

(b) With respect to those railroad overhead bridges which carry county or municipal roads and which are not constructed, owned, or maintained by the State, county or municipality, the State shall defray 55 percent of the cost, the local government 20 percent, and the railroad company over whose tracks or right-of-way the bridges cross 25 percent.

(c) With respect to those railroad overhead bridges which carry county or municipal roads and whose ownership is not determined or is in doubt, the State participation shall not exceed 80 percent of the eligible cost of the completed rehabilitation and improvement work.

(d) With respect to those railroad overhead bridges over and across a railroad or electric railway operated by the State, the State Department of Transportation or the NJ Transit Corporation, the State shall defray the cost rehabilitation and improvement.

(e) Eligible items of work include the construction, reconstruction, improvement, rehabilitation, relocation, renewal, establishment, elimination or repair of bridges.

16:21A-4.2 Cost of right-of-way acquisition

(a) Projects may be eligible for State participation in real estate purchase price costs provided:

1. The county or municipality shall make application to the State including an adequate parcel map depicting any additional properties necessary for a particular project and also secure advance Right of Way program authorization.

2. Upon State approval of the parcel map and Right of Way participation program authorization, the county or municipality shall submit appraisals of the individual parcels to be acquired on appraisal forms provided by the Department of Transportation prepared in accordance with current standards and procedures of the Division of Right of Way.

(b) In the case of property of one ownership that has an estimated value not in excess of \$50,000, one fee appraisal will be required. In the case of all property ownerships estimated in excess of \$50,000, two fee appraisals will be required.

(c) Qualifications of fee appraisers shall be in accordance with standard State Department of Transportation Right of Way procedures utilized for prequalifying appraisers. Appraisers not able to prequalify as per standard procedures shall not be approved for use in appraising for participation purposes.

1. Prior to the institution of negotiations, appraisals shall be submitted to the State for review and fair market value certification and registration.

(d) Negotiations conducted on behalf of the county or municipality shall be persons independent of appraisal responsibility. Negotiations shall be in accordance with statutory Eminent Domain requirements, N.J.S.A. 20:3-6. If Relocation Assistance is involved, Relocation Assistance shall be provided in accordance with prevailing statutes.

(e) Upon county or municipality counsel certification that good and proper title has been acquired to a particular parcel, the State shall participate on a reimbursement basis with the concerned county or municipality in purchase prices not substantially in excess of the approved and registered fair market value.

1. Where properties are acquired by condemnations and compensation is determined by the Condemnation Commission or the Court, the State will participate in the proportionate share of the amount ultimately awarded in condemnation.

(f) The extent of Right of Way purchase price cost participation will be governed by the classification of bridges as outlined under cost of construction, N.J.A.C. 16:21A-4.1.

1. Reimbursement claims for Right of Way purchase price participation shall be presented on invoice forms provided by the State accompanied by satisfactory evidence of attainment of legal ownership of property by the county or municipality.

16:21A-4.3 Cost of engineering, inspection and construction supervision

(a) The State will participate in the cost of engineering accomplished by either a consultant engaged by the county/municipality or by its fulltime engineering staff. The extent of State participation will be governed by the classification of bridges as outlined under cost of construction, N.J.A.C. 16:21A-4.1. Prior approval of the State's participation in the cost of engineering fees shall be obtained before any engineering services are performed.

(b) Local government desiring State participation in the cost of engineering shall submit to the Department of Transportation a list of the scope of services to be performed by the engineer. The State shall participate in accordance with the percentage range as outlined in the current policy and procedure of the Department concerning engineering fees.

(c) Payment for engineering fees shall be made on a reimbursement basis. Claims shall be presented on forms provided by the State.

(d) The State shall also participate in the cost of inspection and construction supervision including the necessary material testing. The extent of State participation will be governed by the classification of bridges as outlined under cost of construction, N.J.A.C. 16:21A-4.1. The State shall participate in accordance with the percentage range as outlined in the current policy and procedure of the Department concerning inspection and construction supervision fees.

16:21A-4.4 Emergency bridge projects

The New Jersey Department of Transportation will evaluate applications received from municipalities and counties throughout the State for projects of an emergency nature. The rapid construction, reconstruction, or rehabilitation of projects of this type will reduce undue hardships to the traveling public or correct unsafe conditions in a timely fashion. All rules, regulations and procedures included in this Chapter shall pertain except, due to the emergency nature of the projects, applications will not be evaluated by a County/Municipal Screening Committee.

16:21A-4.5 Federally-aided bridge projects

(a) At the discretion of the Commissioner of Transportation, funds appropriated may be used for the non-federal share of any federal program which finances the rehabilitation and improvement of bridges. State funds may be used for 80 percent of the required match for the cost of work participated in by the Federal Highway Administration. The remaining 20 percent would be provided by the county or municipality. The State will participate in 80 percent of the cost of work determined to be non-participating by the Federal Highway Administration providing the work is determined by the State to be an integral part of the improvement and in the public interest. The county/municipality will be responsible for 100 percent of the cost of work determined to be non-participating by both the Federal Highway Administration and the State.

(b) All rules, regulations and procedures included in this Chapter pertain to non-federally-aided bridge projects. Federally-aided bridge projects supported in part with monies in the New Jersey Bridge Rehabilitation and Improvement Fund shall be governed by appropriate rules, regulations and standards established for the applicable federal program.

SUBCHAPTER 5. AUDIT

16:21A-5.1 General provisions

(a) The municipality shall comply with the State of New Jersey Single Audit Policy defined by the Department of Treasury, Office of Management and Budget and the Single Audit Act of 1984 (Federal) OMB Circular A-128).

(b) A Single Audit of the municipality shall be performed annually beginning with the fiscal year ended December 31, 1986 by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards in conformity with State audit policy.

(c) Department of Transportation agreements governed by N.J.A.C. 16:21A shall be subjected to audit compliance tests in accordance with requirements delineated in the Department of Treasury, OMB publication entitled "New Jersey Grants Management Information System Manual".

(d) Expenditures prior to January 1, 1986 made under the terms of the county/municipality agreement(s) with the Department of Transportation and not previously audited by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards may be audited in context of the Single Audit performed for the fiscal year ended December 31, 1986.

(e) Audit costs incurred by the municipality to comply with this subchapter shall not be reimbursable.