

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 Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.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

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

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

"Interstate 95 Extension" means that portion of Interstate Highway 95 previously maintained by the New Jersey Department of Transportation and transferred to the Authority by N.J.S.A. 27:23-23.7, beginning at Turnpike milepost 117.9+ and thence in a general northerly direction to milepost 122.0+, and all bridges, tunnels, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings which the Authority may deem necessary for the operation of such extension, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such extension and all other property within the Interstate 95 Extension right-of-way.

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

"Motorcycles" means all motor operated vehicles of the bicycle or tricycle type, whether the motor power being a part thereof or attached thereto and having a saddle or seat with driver seat astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Motor Vehicle Commission for use on limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"Motor trucks" means every motor vehicle designed, used or maintained primarily for the transportation of property, which property is not affixed to or a necessary part of the design or construction of the vehicle itself.

"Official traffic control devices" means only those signs, signals, markings and devices approved and accepted by the Authority and placed, erected or caused to be placed or erected by the Authority for the purpose of regulating, warning or guiding traffic on the Roadway.

"Omnibus" means any motor vehicle capable of transporting 10 or more passengers and registered as a bus, as indicated by the letter "O" preceding the registration number or the word "Bus" or "Omnibus" on the vehicle's license plate. Vehicles with the letters "CV" or the word "Livery" or "Autocab" on the license plate are excluded from this definition.

"Parkway" means the highway project known as the Garden State Parkway, expressly including, but not limited to,

the Arts Center, the Telegraph Hill Nature Area, to the extent provided in an Agreement dated April 23, 1992 among the Authority, the New Jersey Vietnam Veterans Memorial and all real property owned by, operated or under the jurisdiction of the Authority and any improvements thereon. The term Parkway shall not include the Turnpike.

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

"Passenger vehicles" means all automobiles used and designed for the transportation of passengers other than omnibuses and school buses, irrespective of whether the vehicle has commercial or noncommercial registration license plates.

"Recreational vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance.

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

"Semitrailer" means every vehicle with or without motive power, including a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some parts of its weight and that of its load rests upon or is carried by another vehicle.

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

"Trailer" means every vehicle with or without motive power, including a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

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

"Turnpike" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, owned and/or operated under the provisions of N.J.S.A. 27:23-1 et seq. by the Authority, and shall include, but not be limited to, all bridges, tunnels, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings which the Authority may deem

necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such project and all other property within the Turnpike right-of-way. The term "Turnpike" shall not include the Parkway.

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

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

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

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

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

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

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

Amended by R.1992 d.379, effective October 5, 1992.

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

Revised definition "New Jersey Turnpike."

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

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

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

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

Added new "Recreational vehicle" definition.

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

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

Rewrote the section.

Case Notes

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

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

19:9-1.2 Speed limits

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

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

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

(c) Vehicles shall not be operated on the Pearl Harbor Memorial Turnpike Extension eastbound between the Delaware River Turnpike Bridge at milepost P-0.0 (Pennsylvania-New Jersey State line) and milepost P-1.6 at a speed in excess of 50 miles per hour.

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

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

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

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

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

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

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

Case Notes

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

19:9-1.18 Noise limits

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

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

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

New Rule, R.1974 d.227, effective October 1, 1974.

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

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

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

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

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

Deleted several sound level limitations from Table 1.

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

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

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

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

19:9-1.19 Tolls; payment required

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

(b) Tolls shall be paid by currency, coin, authorized Authority tokens (applicable to Parkway only), credit card (for commercial account holders), or by means of an electronic toll collection system.

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

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

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

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "Exact Change" toll lane of the Roadway at an entrance or exit ramp when no toll collector is on duty and not having the required change or authorized Authority token to pay the applicable toll in accordance with the current toll schedule shall pay said toll by mailing in a Payment Return Envelope to the New Jersey Authority, Garden State Parkway Division, PO Box 53, Woodbridge, New Jersey 07095 (with respect to the Parkway); or to the New Jersey Authority, Administration Building, Turnpike Interchange 9 at Route 18 North, East Brunswick, New Jersey 08816 (with respect to the Turnpike), or in person to a toll collector at any other location on the Roadway.

New Rule, R.1977 d.63, effective March 1, 1977.

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

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

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

Amended by R.1999 d.65, effective March 1, 1999.

See: 30 N.J.R. 4335(a), 31 N.J.R. 670(a).

Rewrote the section.

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

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

Rewrote the section.

19:9-1.20 Records

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

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

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

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

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

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

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

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

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

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

Added (b).

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

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

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

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

Rewrote the section.

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

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

19:9-1.21 Other regulations

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

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

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

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

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

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

(a) To insure the health, safety and welfare of motorists, the general public and the Authority, no person shall be permitted to park, stop, stand or travel at a slow speed in violation of N.J.S.A. 27:23-27, for the purpose of taking photographs, videos or motion pictures (hereinafter collectively "film") on the Roadway, except as provided in (b) below or except as otherwise authorized pursuant to (c) or (d) below.

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

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

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

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

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

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

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

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

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