

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.1993 d.290, effective May 17, 1993.
See: 25 N.J.R. 1500(b), 25 N.J.R. 2701(c).

Executive Order No. 66(1978) Expiration Date

Chapter 8, Regulations Governing Use of the Garden State Parkway, expires on May 17, 1998.

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 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 expired on June 1, 1988, and subsequently was adopted as new rules by 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 was readopted as R.1993 d.290. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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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, mall, all roads leading to and from the amphitheater and all parking areas supporting the amphitheater.

“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.

“Garden State Arts Center” means the amphitheater and surrounding lands located on the Garden State Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“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.

“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:E1-17, N.J.A.C. 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.

"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".

"Motorcycle" means a two or three-wheel vehicle with the motive power a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Division of Motor Vehicles for use on limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"Omnibus" means any motor vehicle used to transport passengers for hire, excluding taxicabs.

"Parkway" means the Garden State Parkway.

"Passenger motor vehicle" means a motor vehicle used and designed to transport passengers.

"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 Garden State Arts Center, located in Holmdel, New Jersey.

"Vietnam Veterans Memorial" means that structure containing the 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.

As amended, R.1974 d.158, effective June 20, 1974.
See: 6 N.J.R. 281(b).

As amended, R.1975 d.145, effective May 29, 1975.
See: 7 N.J.R. 241(b), 7 N.J.R. 350(d).

As amended, R.1975 d.332, effective November 1, 1975.
See: 7 N.J.R. 491(a), 7 N.J.R. 579(b).

As amended, R.1976 d.167, effective May 28, 1976.
See: 8 N.J.R. 264(a), 8 N.J.R. 359(b).

As amended, R.1977 d.113, effective April 1, 1977.
See: 9 N.J.R. 151(a), 9 N.J.R. 246(a).

As amended, R.1977 d.419, effective November 27, 1977.
See: 9 N.J.R. 497(b), 9 N.J.R. 603(d).

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

As amended, R.1984 d.29, effective February 21, 1984.
See: 15 N.J.R. 2153(a), 16 N.J.R. 381(a).

Definition of "vehicles" changed to expedite determination of weight violation.

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

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

Added definitions "bus token", "car token", "heavy truck"; amended definition of "car".

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

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

"Car token"—deleted "discount" and "\$0.50", added "TOKEN ONLY".

Amended by R.1990 d.479, effective October 1, 1990.

See: 22 N.J.R. 2128(a), 22 N.J.R. 3164(a).

Passenger vehicles with more than four wheels and two axles may use Garden State Parkway.

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).

Added definition "amphitheater"; revised "Arts Center".

Amended by R.1994 d.519, effective October 17, 1994.

See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

Amended by R.1995 d.631, effective December 4, 1995.

See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).

19:8-1.2 Speed limits

(a) Unless otherwise posted or when conditions make such maximum legal rate of speed unsafe, 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 55 miles per hour for its entire length, except as follows:

1. Forty-five miles per hour on the Great Egg Harbor Bridge; and

2. Forty-five miles per hour on the Alfred E. Driscoll Bridge.

(b) Unless otherwise posted, or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated at facilities off the main roadway of the Parkway shall be 25 miles per hour.

Amended by R.1973 d.327, effective November 21, 1973.

See: 6 N.J.R. 41(a).

Amended by R.1974 d.6, effective January 9, 1974.

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

Amended by R.1979 d.339, effective August 30, 1979.

See: 11 N.J.R. 415(c), 11 N.J.R. 530(a).

Amended by R.1982 d.325, effective October 4, 1982.

See: 14 N.J.R. 827(a), 14 N.J.R. 1101(a).

Added 4 and 5.

Amended by R.1993 d.33, effective January 19, 1993.

See: 24 N.J.R. 3222(a), 24 N.J.R. 4241(a), 25 N.J.R. 345(a).

Revised (a); added new (b).

19:8-1.3 Retarding traffic

No vehicle shall be operated at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation thereof.

19:8-1.4 Uniform direction of traffic

No vehicle shall be operated backed, or pushed or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, deceleration lane, acceleration lane, access ramp, shoulder or other roadway on the Parkway.

19:8-1.5 Passing

(a) Drivers shall keep to the right except to pass.

(b) If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this section shall not be considered as prohibiting the vehicles in one

line overtaking and passing the vehicles in another line, either on the right or left.

19:8-1.6 "U" Turns prohibited

(a) The making of a "U" turn at any point on the Parkway is prohibited.

(b) Excepted from the provisions of this article are as follows:

1. Police vehicles;
2. Vehicles operated by authorized Authority employees;
3. Authorized construction, maintenance, repair and towing vehicles;
4. Ambulances, fire engines and other vehicles performing official emergency functions.

(c) The foregoing exceptions shall be for the sole purpose of crossing to a roadway carrying traffic bound in the opposite direction, and no excepted vehicles shall make crossings in such manner as to create a hazard to other vehicles.

19:8-1.7 Use of medial strip and roadside areas prohibited

The medial strip between roadways, including crossovers and roadside areas beyond roadways, shall not be used by vehicles or persons on foot for any purpose, except at designated service, recreational, maintenance and police areas, or for maintenance, construction or official purposes or in emergencies.

As amended, R.1974 d.158, effective June 20, 1974.
See: 6 N.J.R. 281(b).

19:8-1.8 Parking, standing or stopping on Parkway prohibited except in emergency

(a) No parking, standing or stopping is permitted on the Parkway, including during weather conditions that obstruct travel, except in areas designated by the Authority or in cases of emergency.

(b) In cases of emergency, as hereinafter defined, vehicles shall be permitted to park, stop and stand on the shoulders to the right of the travel lane facing the direction of travel with all wheels and projecting part of any such vehicle, including the load thereof, completely clear of the travel lanes.

(c) For the purposes of this regulation, an "emergency" is defined as the existence of inclement weather conditions that obstruct travel on the Parkway, including, but not limited to, snow, ice, flooding or high wind conditions; mechanically disabled vehicles; the driver of the vehicle is ill or fatigued; or conditions deemed an "emergency" by the Authority or the State Police; but in no case shall the parking, standing or stopping exceed a two-hour period. In any event, the Authority or the State Police may have the vehicle removed if it is determined that it is obstructing traffic or constitutes an unsafe condition.

(d) Parking in public parking facilities at service areas shall not exceed a two-hour period, except where otherwise posted for commuter parking.

(e) Vehicles violating this section may be towed away at the cost of the owner.

(f) Stopping of vehicles on any part of the Parkway for the purpose of picking up or discharging any person is prohibited.

(g) Parking in public parking facilities posted for commuter parking shall be limited to the period of 4:00 A.M. to Midnight, prevailing local time, Monday through Friday, excluding holidays.

(h) Parking in any space appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c.202 (c.39:4-197.5), unless the vehicle is authorized by law to be parked therein, is prohibited.

R.1972 d.19, effective February 4, 1972.

See: 4 N.J.R. 14(a), 4 N.J.R. 55(c).

As amended, R.1977 d.270, effective July 28, 1977.

See: 9 N.J.R. 349(c), 9 N.J.R. 448(b).

As amended, R.1984 d.395, effective September 4, 1984.

See: 16 N.J.R. 1194(a), 16 N.J.R. 2380(a), 16 N.J.R. 2455(a).

(i) added

Amended by R.1987 d.8, effective January 5, 1987.

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

(d) repealed, old (e)-(i) renumbered (d)-(h).

Amended by R.1994 d.518, effective October 17, 1994.

See: 26 N.J.R. 3251(a), 26 N.J.R. 4210(b).

19:8-1.9 Limitations on use of Parkway

(a) No vehicle shall enter upon or leave the Parkway except at access points designated by the Authority.

(b) Use of Parkway and entry thereon by the following is prohibited at all times;

1. Pedestrians except on sidewalks, footpaths and other areas specifically designated by the Authority for that purpose;
2. Vehicles drawn by animals;
3. All bicycles other than motorcycles;
4. Animals led, ridden, unattended or driven on the hoof except horses on bridle paths and leashed dogs in permitted areas;
5. Vehicles containing animals or poultry not properly confined;
6. Vehicles whose condition, equipment or tires create a probable hazard to such vehicles or others;
7. Farm implements and farm machinery, whether self-propelled or towed;
8. Vehicles with improperly secured attachments or loads;

9. Vehicles with deflated pneumatic tires, metal or solid tires, and vehicles with caterpillar treads;

10. Construction equipment other than trucks, except by special permit from the Authority;

11. Vehicles, or combination of vehicles, including any load thereon, exceeding the following maximum dimensions, except by special permit from the Authority;

i. Height—13 feet, 6 inches;

ii. Width—8 feet, no inches;

iii. Length—55 feet, no inches, except that autobuses, excluding articulated autobuses, which have been approved and authorized to exceed 55 feet, no inches by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, shall be permitted use of the Parkway.

(1) Articulated autobuses which have been approved and authorized by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, will be permitted use of the Parkway, subject to a one-year trial period.

12. Motor vehicles in tow or motor vehicles pushing or being pushed along the travel portion of the road, except as follows:

i. Moving of disabled vehicles when directed by a traffic or police officer;

ii. Towing of vehicles in accordance with Parkway emergency service; or

iii. Towing of passenger motor vehicles by campers, provided that not more than one vehicle is being towed, the camper and the vehicle being towed are connected by a bar and chain hitch and the brake lights, directional signals and emergency flashers on both vehicles are synchronized and under the control of the operator of the camper.

13. Vehicles with loads extending more than four feet beyond the rear of the front of the body;

14. Vehicles carrying anything on the top, sides, front or rear with lateral projection in excess of 12 inches or vertical projection in excess of 24 inches from body of vehicle;

15. All vehicles, except cars, campers, omnibuses, attached noncommercial trailers or semitrailers and vehicles entitled to toll-free passage under N.J.A.C. 19:8-3.2 (Toll-free passage), are prohibited from the Parkway north of Interchange 105;

16. Vehicles while operated by a person under the influence of intoxicating liquors or any narcotic or habit-forming drug;

17. Taxicabs cruising for passengers.

(c) Where the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicles except cars while not in funeral cortege shall be driven in the farthest left lane except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

As amended, R.1972 d.19, effective February 4, 1972.

See: 4 N.J.R. 14(a), 4 N.J.R. 55(c).

As amended, R.1973 d.149, effective June 7, 1973.

See: 5 N.J.R. 171(d), 5 N.J.R. 295(b).

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

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

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

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

As amended, R.1976 d.340, effective November 1, 1976.

See: 8 N.J.R. 493(b), 8 N.J.R. 587(a).

As amended, R.1977 d.113, effective April 1, 1977.

See: 9 N.J.R. 151(a), 9 N.J.R. 246(a).

As amended, R.1978 d.215, effective June 30, 1978.

See: 10 N.J.R. 266(e), 10 N.J.R. 366(a).

As amended, R.1978 d.378, effective November 1, 1978.

See: 10 N.J.R. 459(b), 10 N.J.R. 568(b).

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

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

As amended, R.1982 d.116, effective June 7, 1982.

See: 14 N.J.R. 333(a), 14 N.J.R. 581(b).

(b)11iii; deleted "Length 55 feet, no inches" and replaced with new text through (b)11iii(1).

Case Notes

Spare tire assembly was not proximate cause of injuries sustained by van passenger while crossing highway late at night to retrieve spare. *Yun v. Ford Motor Co.*, 276 N.J.Super. 142, 647 A.2d 841 (A.D.1994).

19:8-1.10 Civil defense regulations

Applicable civil defense regulations as promulgated by the Department of Defense of the State of New Jersey shall be complied with on the Parkway.

19:8-1.11 Load limit of structures

(a) No person shall cause any structure owned or maintained by the authority to be subjected to a load in excess of load limits which may be posted at the approaches or upon such structures.

(b) In the absence of such posting, the maximum limits applicable to State roads shall control.

19:8-1.12 Transportation of hazardous material

(a) No vehicle loaded with hazardous material, as defined in Part 172 of the United States Department of Transportation (49 CFR Part 172), the Department of Environmental Protection (40 CFR Part 261) and New Jersey laws and regulations N.J.A.C. 7:E1-1.7 and N.J.A.C. 7:26-8), as amended or recodified, shall enter upon this Parkway unless such vehicle, its load and the transportation of such load in such vehicle shall in every respect comply with the requirements of the United States Department of Transportation

regulations 49 CFR Parts 171 to 180 and Part 397 and the laws and regulations of New Jersey (N.J.A.C. 7:26), as amended or recodified, governing the preparation for transportation, construction and use of containers, packing, weighing, marking, labeling, certification, quantity, limitations, loading, and the placarding and marking of the vehicle.

(b) The transportation or shipment of radioactive material or devices, and the transportation of Class A, B, and C explosives, as defined in 49 CFR Part 173, as amended or recodified, shall be subject to the prior written approval of the New Jersey Highway Authority. All applications for such approval shall be made in writing addressed to the operations department of the Authority and shall provide to the satisfaction of the Authority that the shipment will comply in all respects with the provisions of Parts 171 to 180 and 397 inclusive of the regulations (49 CFR 171-180 and 397) as amended or recodified.

(c) The Authority reserves the right, however, to refuse to grant such approval as required in (b) above and prohibit entry to the Parkway of any hazardous material, despite compliance with the aforementioned regulations, if in its opinion, the transportation or shipment will be likely to unreasonably endanger life or property.

(d) Any vehicle whose load is or is believed to represent a danger of discharging any material, by a representative of the Authority or State Police, shall be subject to an inspection prior to or at any time after entering onto the Parkway.

Amended by R.1989 d.484, effective September 18, 1989.

See: 21 N.J.R. 1974(a), 21 N.J.R. 3021(a).

New (d) added.

Amended by R.1994 d.519, effective October 17, 1994.

See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

19:8-1.13 Traffic control

The operator of any vehicle entering, operating on or exiting the Parkway shall obey the instruction of any official traffic control device applicable thereto including signs, traffic lights, or mechanical or electrical signals, unless otherwise directed by a traffic or police officer.

R.1975 d.222, eff. July 31, 1975.

See: 7 N.J.R. 350(c), 7 N.J.R. 447(b).

19:8-1.14 Energy crisis limitations

(a) Definitions include the following:

“Motor fuel” means a mixture of volatile hydrocarbons, normally used for operation of an internal combustion engine, including gasoline and diesel.

“Purchase” means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

“Sale” means transfer or exchange of ownership or possession, whether for consideration or by gift or other disposition.

(b) The Authority may, in its discretion, establish a limit on the sale of motor fuel, which shall be conspicuously posted at each service station, on the Parkway. Said limitation may be expressed in value or volume.

(c) No motor fuel shall be sold for use in a motor vehicle except as set forth in the following schedule:

1. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an even number on even numbered days of each calendar month.

2. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an odd number, or containing no number, on odd numbered days of each calendar month.

3. Motor fuel may be purchased for motor vehicles bearing license plates from any other state or foreign nation in accordance with these regulations.

4. Numbers preceded by a hyphen or dash shall not be used for the purpose of determining the last number of the license plate.

5. Motor fuel may be purchased for all motor vehicles without regard to license plate on the 31st day of any calendar month.

(d) Minimum quantity rules are as follows:

1. Motor fuel may not be sold or purchased for any motor vehicle the motor fuel gauge of which indicates that the tank is more than one-half full.

2. Motor fuel may not be sold or purchased for a motor vehicle the motor fuel gauge of which is inoperative or inaccurate except to the extent necessary to permit said motor vehicle to exit the Parkway at the closest exit in the direction of travel of said motor vehicle.

(e) All sales of motor fuel shall be on a first-come first-serve basis.

(f) Exemptions include the following:

1. Operators of motor vehicles bearing license plates with “MD” identification marks in which a physician is riding on medical business shall be exempt from the provisions of (c) above and shall be permitted to purchase motor fuel on any day.

2. Operators of omnibuses and school buses shall be exempt from the provisions of (c) and (d) above and shall be permitted to purchase motor fuel on any day.

3. Operators of authorized emergency vehicles shall be exempt from the provisions of (b), (c), and (d) above and shall be permitted to purchase motor fuel on any day.

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 leafleting prohibited

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 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 Garden State 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).

19:8-2.12 Emergency service

(a) Repair and towing of vehicles on the Parkway shall be by the off-Parkway garages licensed by the Authority only.

(b) Rules on road service for all vehicles are as follows:

1. Service charge: 24 hours per day, \$15.00;
2. The above service charge shall be in addition to the charge for motor fuel, oil, labor, parts and other material needed for repair but shall not be in addition to the "towing charge", if any;
3. The charge for parts and labor shall be in accordance with the current edition of Chilton's Labor Guide and Parts Manual.

(c) Rules on towing cars and campers up to a registered maximum gross weight of 6,999 lbs. are as follows:

1. Towing charge: \$35.00 plus \$2.25 per mile or fraction thereof.

(d) Rules on towing trucks and buses (two-axle) and cars and campers registered gross weight 7,000 lbs. to 14,999 lbs. are as follows:

1. Towing charge, \$50.00 plus \$2.50 per mile or fraction thereof.

(e) Rules on towing trucks, with or without trailers, and buses (three-axle or more) or with a registered gross weight exceeding 14,999 lbs. are as follows:

1. Towing charge: \$85.00 plus \$3.00 per mile or fraction thereof.

2. The charge for use of a Land All Trailer (Low Boy) is \$110.00 for the first hour, with an additional \$55.00 charge for each additional hour used. In addition, there will be a towing charge of \$4.50 per mile.

3. The charge for the use of a heavy-duty Under-Reach is \$200.00 per hour, plus \$4.50 per mile or fraction thereof.

(f) The towing charges in (a) through (e) above shall not apply when the operator of the vehicle elects to be towed to a destination other than the nearest exit or the nearest garage licensed by the Authority. In such cases, services and towing charges shall be as mutually agreed upon between the operator of the vehicle and the garage.

1. Where the use of special equipment such as a dolly, tilt-bed truck or other special hook-up is required, the above towing charges may be increased by \$10.00.

2. Winching and wrecking charges are not included in any of the above towing charges and shall be based on the hourly rate determined from the current edition of Chilton's Labor Guide and Parts Manual.

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).

Case Notes

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 afforded 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 Garden State Arts Center.

(b) Public use and activity in the Vietnam Veterans Memorial and its environs shall be limited to quiet and respectful observation, by individuals, of the memorial to those

New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict.

(c) Public use and activity at the Vietnam Era Education Center and its environs shall be limited to the educational uses and activities provided by the operator(s) of the Center.

(d) In addition to the limitations set forth in this subchapter, all the rules which apply generally to the Parkway shall be applicable to the Telegraph Hill Nature Area, the Garden State Arts Center, the Vietnam Veterans Memorial and the Vietnam Era Education Center.

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

SUBCHAPTER 3. TOLLS ON THE GARDEN STATE PARKWAY

19:8-3.1 Tolls

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

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

Toll Location	Barrier or Ramp	Car	Car with 1-axle Trailer; 2-axle, 6-tire Camper; or 3-axle Camper	Car with 2-axle Trailer or 4-axle Camper	Car with 3-axle Trailer	Omnibus**	2-axle, 4-tire Truck, 3½ tons or more	2-axle, 6-tire Truck	Heavy Truck***			
									3-axle Truck	4-axle Truck	5-axle Truck	6-axle Truck
Hillsdale	B	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Paramus	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Bergen	B	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Saddle Brook	R	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Clifton	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Passaic	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Watchung	R	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Essex	B	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Bloomfield	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
East Orange	R	.25	.35	.50	.60	2.00	—	—	HEAVY TRUCKS PROHIBITED NORTH OF INTERCHANGE 105			
Irvington	R	.25	.35	.50	.60	2.00	—	—				
Union	R	.35*	.50	.70	.90	2.00	—	—				
Raritan N & S	B	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Matawan	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Keyport-Hazlet	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Holmdel	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Red Bank	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—
Eatontown	R	.35*	.50	.70	.90	2.00	—	—	—	—	—	—
Asbury Park	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Belmar-Wall	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakewood-Brick	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakehurst	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Toms River	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Lacey	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Barneget	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
New Gretna	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 44+	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Atlantic County+	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Int. 40 and/or 41+	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Somers Point	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Great Egg	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Cape May	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Wildwood	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50

*Car tokens available for use by cars in exact change or token only lanes.
 **\$.50 bus token available for regularly scheduled buses and \$1.00 bus token available for all other buses for use in designated lanes.
 ***Heavy trucks (3½ tons or more, 6 tires, or 3-or-more-axes) prohibited north of Interchange 105.
 +To be designated.

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

(d) It is hereby declared to be unlawful for any person to operate, or owner to permit to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway unless the person has the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway and does not have the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls must stop at the toll booth, remain in the vehicle, blow horn and wait until assisted by a toll, traffic or police officer before proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) amended.

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

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

Amended table.

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

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

Table amended to reflect increase in tolls.

19:8-3.2 Toll-free passage

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

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

2. Consultants, employees of the Authority and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while traveling to or from the place of performance of such duties;

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

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

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

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

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

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

SUBCHAPTER 4. PENALTIES

19:8-4.1 Penalties

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

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

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

Statutory References

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

SUBCHAPTER 5. CENTRAL PURCHASING

19:8-5.1 Purpose and objective

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

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

19:8-5.2 Departmental responsibility

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

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

2. Acquisitions by emergency purchase orders shall be the responsibility of the acquiring units in accordance with section 6 of this subchapter, however, the Division of Central Purchasing will process emergency purchase orders, and will have the responsibility of determining the propriety of such procurements under these regulations.

3. Acquisitions by limited purchase orders shall be the responsibility of the acquiring units. Such procurements shall be processed by the Finance Department under procedures promulgated by the comptroller.

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

19:8-5.3 Purchases involving \$7,500 and over (excluding professional services)

(a) All purchases of personal property or services, where the aggregate cost, contract price or amount involved is \$7,500 or over, as anticipated by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically waives the requirement of public advertising as to a particular transaction.

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

1. A brief description of the supplies, materials, equipment or services to be furnished or performed;
2. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) All advertisements shall be approved by the chairman, or his designee, and the general attorney.

(d) In addition to advertising, bids shall be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

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

(g) When the requisitioning unit specifies either the source or the brand name (or names) of personal property or services of a value of \$7,500 or more to be acquired, the department or staff division head¹ of the requisitioning unit shall file with the Division of Central Purchasing a memorandum with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such acquisition shall be made only upon the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs.

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

(i) Awards involving \$7,500 or more, may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by, and acceptable to, the Director of Central Purchasing, a written recommendation from the head of the acquiring Department or Division, approved by the Chairman, or his designee, with copies directed to the General Attorney and the Comptroller.

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

Award amounts changed.

¹ Whenever in these regulations the term "division head" is used, the same shall be understood to mean a division head who reports directly to the Executive Director.

19:8-5.4 Purchase under \$7,500

(a) In the case of purchases where the aggregate cost, contract price or amount involved is equal to or exceeds, \$2,500 but is less than \$7,500, written bids shall be solicited by mail from all known interested vendors. Where only one vendor is available, such fact shall be indicated on the related purchase order. Bids shall be solicited on the proper quotation form before the time fixed for the public opening.

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

(c) When the requisitioning unit specifies:

1. Initially the source or brand name (or names) of personal property of a value of from \$2,500 to \$7,500 to be acquired, the department or division head of the requisitioning unit shall file with the Division of Central Purchasing a memorandum, with a copy to the Comptroller, stating the basis and reasons for the particular selection. Such memorandum must bear the concurring recommendation of the Director of Central Purchasing and the approval of the Chairman, or his designee. Upon such concurrence and approval the source or brand name designation shall apply to all succeeding purchases until changed by appropriate action, or until a period of two years has elapsed from the memorandum date, whichever first occurs. The date of such memorandum shall be stated on the related purchase order, excluding vendor's copies. A memorandum shall not be required when attachments, parts, or supplies are requested for a unit of equipment which can be supplied by only one vendor.

2. The preferred source of services of a value of from \$2,500 to \$7,500 to be acquired, a memorandum as described in this Section, shall be required for the initial and succeeding purchases, if any.

(d) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing by the Director of Central Purchasing.

(e) Awards involving \$2,500 to \$7,500 may be made to other than the lowest bidder for valid reason. Action of this nature shall be taken only on receipt by and acceptable to the Director of Central Purchasing, a written recommendation from the head of the acquiring Department or Division approved by the Chairman, or his designee, with copies directed to the General Attorney and the Comptroller.

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

19:8-5.5 Repeat purchases

In the case of personal property which is procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with these regulations) at the same prices as those in the original award for a period of six months from the date of the bid opening, or until \$7,500 of such personal property shall be

acquired from such bidder, whichever event shall first occur. If the prices charged by the successful bidder differ from those in the original award, such acquisitions shall be in accordance with these regulations.

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

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

19:8-5.6 Emergency purchases

(a) Whenever an emergency occurs of a nature requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section, shall not apply. In such cases the unit requiring the procurement shall immediately notify the Division of Central Purchasing of the situation, giving a complete description of the required acquisition. Upon determining that a true emergency exists on the basis of the reported facts, the Division of Central Purchasing shall forthwith by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances. If, at the time of the emergency, the services of the Division of Central Purchasing are unavailable, the acquiring unit may accomplish the procurement on its own initiative from the best source available to it.

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

(c) Relative to any emergency purchase involving an expenditure of \$2,500 or more, the department or division head of the acquiring unit shall direct to the Division of Central Purchasing a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate acquisition was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his designee. If the expenditure is \$7,500 or over, the purchase shall be submitted by the Director of Central Purchasing to the Commissioners for ratification at the next regularly scheduled Authority meeting.

(d) When an emergency purchase involves less than \$2,500, but more than \$1,000, the department or division head of the acquiring unit shall direct to the Division of Central Purchasing a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate acquisition was necessary, with a copy to the Comptroller.

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

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

19:8-5.7 Purchases on limited purchase orders

Purchases of materials, supplies or services of a value not exceeding \$75.00 may be made on limited purchase orders directly by employees so authorized in writing by the Chairman, or his designee, under procedures promulgated by the Comptroller. The limited purchase order is to be used to expedite the procurement of required minor items, and shall not be used to evade or avoid other Sections of these regulations, or to procure equipment. Also, except in extraordinary circumstances, materials and supplies stocked at central stores shall not be procured on limited purchase orders. To assure that such minor items are obtained advantageously, the Director of Central Purchasing shall furnish such guidance with respect to sources of supply and possible quantity purchases of repeat items as is necessary.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Purchases changed from "\$35.00" to "\$75.00."

19:8-5.8 Purchases pursuant to price agreements

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

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

(c) Price agreements involving estimated expenditures of \$25,000 or over shall be approved by and executed in the manner specified by the Authority. In the absence of any specific direction by the Authority, the Chairman, or his designee, will execute all price agreements involving estimated expenditures of less than \$25,000, except that the Director of Central Purchasing may execute all price agreements involving estimated expenditures of less than \$7,500.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Expenditures changed from "\$15,000" to "\$25,000."

19:8-5.9 Receipt and opening of bids

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

(b) The bidder, item description, applicable purchase request or contract number if any, bid opening date and time shall be designated on the face of each sealed envelope submitted.

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

(d) The chairman, or his designee, shall designate a responsible party, who is not a member of the Division of Central Purchasing, to retain custody of the keys to all the unit's locked boxes. In turn, the party so designated shall make suitable provision during periods of absence for the proper custody of the keys.

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

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

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

(h) For valid reason in the interests of the authority, the party responsible for conducting the particular purchase may at any time prior to the scheduled public opening postpone the receipt and opening of bids for a reasonable period. Appropriate notice of such postponement shall be given to all prospective bidders, and, if possible, the prior approval of the chairman or his designee, shall be obtained. (The provisions of sections 3 and 4 of this subchapter shall not apply to bid opening postponements.)

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a bid summary form. The original bid summary form shall be signed by the preparer, and the bid opener. A photocopy of the original bid summary shall be given to the Internal Audit Division at the conclusion of the bid opening. The required final copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

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

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

(l) A copy of the bid summary shall be forwarded to the requisitioning unit before award is made where the acquisition involves \$7,500 or more, and a copy shall accompany the related purchase documents when forwarded for processing.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
New (k); old (k) recodified to (l).

19:8-5.10 Tie bids

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

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

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

19:8-5.11 Rejection of bids

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

1. Where the expenditure involved is \$25,000 or more, the Authority on the written recommendation of the Director of Central Purchasing may reject bids.
2. Where the expenditure involved is \$7,500 but less than \$25,000, the Chairman may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing shall be filed, authorizing the rejection and signed by the Chairman, or his designee.
3. Where the expenditure involved is less than \$7,500, the Chairman, or his designee, may reject bids. In such case a memorandum acceptable to the Director of Central Purchasing shall be filed, authorizing the rejection and signed by the Chairman, or his designee.

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

(c) When in the best interests of the authority, minor irregularities in bids or in the required formalities may be waived by the chairman, or his designee. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the chairman, or his designee, with copies thereof to the general attorney and the comptroller.

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

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

19:8-5.12 Bid guarantees

(a) All bids submitted relative to acquisitions involving expenditures of \$7,500 or more may be required to provide security amounting to not less than either ten per cent of the total bid price or any fixed amount which may be established by the Director of Central Purchasing. At the discretion of the Director of Central Purchasing, guarantees may be required for bids amounting to less than \$7,500. The guarantee shall be submitted in the form of a certified check payable to the Authority, but cashier's checks, money orders, surety corporation bid bonds or other good and valuable security may also be accepted. Failure to submit a bid guarantee when required shall result in rejection of the bid.

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

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

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

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

Recodified from 5.11.

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

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

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

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

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

(e) With respect to bids submitted, the Authority retains the right to reject any or all of them, to waive informalities and minor irregularities and to make awards at any time within 45 calendar days of the public opening. If an award is not made within 45 calendar days of a public opening, written extensions of time should be obtained from bidders whose bids remain under consideration.

(f) In the case of inconsistencies or errors in unit prices, extensions and totals the authority shall have sole discretion to make determinations with regard to same.

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

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

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

Recodified and amended from 5.12.

19:8-5.14 Bid errors

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

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

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

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

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

New rule.

19:8-5.15 Purchase orders and contracts

(a) All purchase orders must bear the approval signature of department head or staff division head of the appropriate requisitioning unit. However, the executive director may in writing authorize any employee to sign in place of his department head or division head.

(b) In addition to the signatures required in subsection (a) above, all purchase orders involving expenditures of \$2,500 or more must bear the approval signature of the Chairman, or his designee.

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

(d) Purchase orders may be revised, reduced, increased, cancelled or otherwise amended by purchase order supplements prepared by the Director of Central Purchasing. Purchase order supplements may be issued to reduce a purchase order to any extent, but may not increase a related purchase order more than \$100.00.

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

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

Recodified and substantially amended from 5.13.

19:8-5.16 Late deliveries and late performance of services

If requested in writing by the department head concerned, a provision relating to cancellation of a purchase order or contract and/or a charge for late delivery or property or late performance of services may be included in the terms of the acquisition with the written concurrence of the chairman, or his designee. Such provision shall be approved by the general attorney in writing.

R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Recodified from 5.14.

19:8-5.17 Purchases under New Jersey State contracts

When it is deemed advisable and in the best interest of the Authority, the Director of Central Purchasing may recommend that equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State. In such event, the Director of Central Purchasing will submit a memorandum to the Chairman, or his designee, which shall set forth the details of the proposed acquisition and shall state the reasons for proceeding under such State contract. No such acquisition shall be accomplished without the prior written approval of the Chairman, or his designee.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Recodified from 5.15. Added language, “, or his designee”.

19:8-5.18 Public advertising threshold requirement

As provided in N.J.S.A. 27:12B-5.2, the public advertising requirement sum of \$7,500 may be adjusted by the Governor. Upon such notification, the Director of Central Purchasing shall timely confirm such authorized change to the Authority. All sections of these regulations, effected by subsequent adjustments, shall be appropriately administered as though amended accordingly.

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

SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY

19:8-6.1 Purpose and objective

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

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

As amended, R.1984 d.544, effective December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Deleted language “in accordance with resolution 1960-46”.

19:8-6.2 Bids

(a) All sales of surplus personal property, where the aggregate anticipated proceeds are \$7,500 or over, as determined by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically provides by resolution that the requirement of public advertising be waived as to a particular transaction. Any such public advertisement for competitive bids shall be approved in advance by the Chairman, or his designee. The concurrence of the General Attorney shall also be required in writing. Where the anticipated aggregate proceeds are between \$2,500 and \$7,500, public advertising is not required and the Director of Central Purchasing may solicit sealed bids from known interested parties. Where the anticipated aggregate proceeds are less than \$2,500, bids may be solicited by telephone in which event the successful bidder shall confirm same in writing. The Director of Central Purchasing's determination as to the anticipated proceeds from any sale of surplus personal property shall be given to the Chairman, or his designee, by memorandum with copies thereof to the General Attorney and the Comptroller.

(b) Advertisements for competitive bids shall be placed in an appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published in sufficient time to allow inspection of the items being sold preceding the date upon which the bids are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials or equipment to be sold;
2. Notice of the place where quotation forms, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) In addition to advertising when required, bids shall be solicited from known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(d) Employees may bid on surplus personal property being sold. Notices containing listings of adequately described items offered for sale shall be distributed to all department and division heads who shall circulate such notices to the employees under their supervision. Notices shall also be posted on all Authority bulletin boards.

(e) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the scheduled opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

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

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

(a) Bids shall be requested on the invitation to bid form and submitted on signed quotation form before the time fixed or public opening. Any bids received after the bidding has been closed shall be returned unopened.

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

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

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

(e) The chairman, or his designee, shall designate, in writing, an employee of the Finance Department to retain custody of the keys to all the Division of Central Purchasing's locked boxes. In turn, the party so designated shall make suitable provision during period of absence for opening of bids and for proper custody of the keys.

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

(g) On the appropriate date and at the appropriate time and place, the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each page of the quotation form and the invitation to bid form shall be signed and dated by the party opening and reading same.

(h) For valid reason in the interest of the authority, the Director of Central Purchasing may, with the written approval of the chairman, or his designee, at any time prior to the scheduled public opening, postpone the receipt and opening of bids. Appropriate and timely notice of such postponements shall be given to all prospective bidders, if possible.

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

(j) The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

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

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

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

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

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

(a) With approval of the chairman, or his designee, and when in the best interest of the authority, one or more items may be withdrawn from the offer to sell. In such cases, a memorandum authorizing the withdrawal, approved by the chairman, or his designee, shall be sent to the Division of Central Purchasing with copies directed to the Audit Division.

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

19:8-6.6 Bid deposits

(a) Gross bids amounting to \$2,500 or more shall be accompanied by a bid deposit amounting to not less than ten per cent of the total bid price. However, at the discretion of the Director of Central Purchasing, deposits may be required for gross bids amounting to less than \$2,500. When required, such deposit shall be submitted in the form of a certified check payable to the Authority; however, cashier's checks, money orders or cash may also be accepted. Failure to comply with this provision shall result in rejection of the bid unless specifically waived in writing by the Chairman, or his designee.

(b) All bid deposits of unsuccessful bidders shall be returned to them promptly by certified mail, return receipt requested. The deposits furnished by successful bidders shall be retained and applied toward payment of the total bid price.

(c) The balance of the bid price is due within ten calendar days after the award. If such balance is in the amount of \$100.00 or more, payment shall be by certified check or cash unless specifically waived in writing by the chairman, or his designee. Failure to pay such balance or to pick up the awarded property within the ten-day period shall entitle the authority to retain the bid deposit as liquidated damages and not as a penalty. Under such circumstances, with the approval of the chairman, or his designee, the Director of Central Purchasing may make the award to the next highest bidder. This action is to be accomplished by a memorandum of the Director of Central Purchasing bearing approval of the chairman, or his designee, with copies to the general attorney and the comptroller.

As amended, R.1984 d.544, effective December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Bid changed from "\$1,000" to "\$2,500".

19:8-6.7 General terms and conditions

(a) Any correction of an entry made on the invitation to bid form or quotation form shall be initialed by the party signing the bid.

(b) Bidders may withdraw or withdraw and resubmit bids at any time prior to the public opening. Bids may be withdrawn only on written request received prior to the public opening and signed by the bidder or a duly authorized representative of the bidder. Bids so withdrawn shall be returned to the bidders unopened.

(c) With respect to bids submitted, the authority retains the right to reject any or all bids and to waive informalities and minor irregularities. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the chairman, or his designee, with copies thereof to the general attorney and the comptroller.

(d) The property upon which bids are invited is for sale only "as is" and "where is" and the authority makes no representation, express or implied, as to the condition of said property.

(e) Tie high bids shall be broken either by agreement of all tie bidders or by lot. Such tie-breaking shall be noted on the bid summary.

(f) Where there is a minimum price for an item or items offered for sale below which bids will not be accepted by the authority, all prospective bidders shall be so advised by proper notation on the related quotation form.

(g) Qualified bids or any portion thereof may be summarily rejected in writing by the chairman, or his designee, with copies thereof directed to the general attorney and the comptroller where such qualification adversely affects the authority's best interest.

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

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

SUBCHAPTER 7. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

19:8-7.1 General provisions

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

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

1. Documents up to 8½ by 13 inches, per page \$0.50;
2. Documents larger than 8½ by 13 inches, per page \$1.00;
3. Drawings, maps and plan sheets, per page \$1.00;
4. Microfilm, per page or sheet \$1.00;
5. Photographs up to 8 by 10 inches, black and white glossy, per picture \$3.00;
6. Photographs up to 8 by 10 inches, color glossy, per picture \$6.00;
7. Slides, 35 millimeter, per slide \$1.00;

(c) No payment may be required when the request is made by the United States, the State of New Jersey or any agency or political subdivision thereof; individuals or firms doing work or performing services for the authority; organizations or associations of which the authority is a member; and organizations exchanging information with the authority on a reciprocal basis.

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

Amended by R.1987 d.391, effective October 5, 1987.
See: 19 N.J.R. 1428(a), 19 N.J.R. 1825(a).
Administrative correction.
See: 27 N.J.R. 548(a).

19:8-7.2 Bid documents

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

19:8-7.3 New Jersey State Police reports

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

Commanding Officer, Troop E
New Jersey State Police
P.O. Box 20
Woodbridge, New Jersey 07095

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

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

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

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

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

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

As amended, R.1980, d.131, effective March 31, 1980.

See: 12 N.J.R. 294(a).

As amended, R.1981 d.387, effective November 2, 1981.

See: 13 N.J.R. 531(a), 13 N.J.R. 780(a).

(b)1: \$5.00 fee substituted for "First page to tenth page \$0.50 per page." (b)2 and 3 deleted.

Amended by R.1987 d.393, effective October 5, 1987.

See: 19 N.J.R. 1429(a), 19 N.J.R. 1825(b).

Administrative correction.

See: 27 N.J.R. 548(a).

19:8-7.4 Subscription services

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

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

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

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

SUBCHAPTER 8. SPECIAL PERMITS FOR OVERSIZE VEHICLES

19:8-8.1 Scope

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

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

Amended by R.1989 d.483, effective September 18, 1989.

See: 21 N.J.R. 1974(b), 21 N.J.R. 3021(c).

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

19:8-8.2 Permit requirement

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

19:8-8.3 Period of validity

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

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

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

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

19:8-8.4 Fee

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

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

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

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

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

19:8-8.5 Issuance

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

(b) Applications may be made as follows:

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

2. In person at the Authority's Administration Building in Woodbridge.

3. By telephone to the Operations Department at (Area Code 201) 442-8600, however, telephone requests shall not be honored less than two hours before the requested entry time and payment of the fee must be received within 10 days of such request.

19:8-8.6 Limitations on permit

(a) The maximum gross weight, i.e., combined weight of vehicles and load, shall be 80,000 pounds.

(b) The maximum dimensions shall be:

1. Height:

i. Where the route traverses any overhead structure, such as a toll plaza, bridge, overpass or sign bridge, the maximum height of any vehicle and load shall be 13 feet six inches.

ii. Where the route does not traverse any overhead structure, the maximum height approved by the State of New Jersey in the companion New Jersey Division of Motor Vehicles' permit will apply.

iii. Clearance of all cables and wires, whether public utilities or otherwise, shall be the responsibility of applicant/permittee.

2. Width:

i. The maximum width shall be 10 feet, and the vehicle must use the outside lanes of all toll facilities or such lane as may be directed.

3. Length:

i. The maximum length shall not exceed the maximum length set forth by the companion New Jersey Division of Motor Vehicles' permit.

(c) Route: The Authority reserves the right to designate the routes of travel, speed limits, exact day and time of operation or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

19:8-8.7 Application

(a) The applicant shall furnish the following information and such other information as may be required:

1. Name of applicant;
2. Address of applicant;
3. Telephone number of applicant;
4. Name of applicant's authorized agent;
5. Date of trip;
6. Entry:
 - i. Ramp number or location;

ii. Time.

7. Exit:

i. Ramp number or location;

ii. Time.

8. Description of vehicle:

i. Make, model and year of vehicle (truck or trailer);

ii. License plate number (truck and trailer);

iii. State of registration (truck and trailer);

iv. Total gross weight;

v. Description of load;

vi. Dimensions;

vii. New Jersey Division of Motor Vehicles permit number.

19:8-8.8 Insurance

(a) By accepting a permit, the applicant/permittee certifies that the vehicle is insured in the following minimum limits:

1. \$1,000,000 single limit for bodily injury and property damage.

2. In lieu of the above, \$500,000 each person; \$1,000,000 each accident bodily injury and \$100,000 property damage.

19:8-8.9 Permit to be carried in vehicle

A permit issued pursuant to these regulations and companion New Jersey Division of Motor Vehicles' permit should be carried in the vehicle and shall be exhibited to Authority personnel or New Jersey State Police upon request.

19:8-8.10 Permit nontransferable

A permit shall be issued for a specific vehicle and is not transferable to any other vehicle.

19:8-8.11 Permit privilege; suspension or revocation

In the event of violation of these regulations by applicant; permittee, its agents, servants or employees, the Authority reserves the right to revoke any existing permits and to refuse to issue permits in the future.

SUBCHAPTER 9. PERMITS FOR OUTDOOR ADVERTISING

19:8-9.1 General provisions

(a) Any roadside signs permitted by P.L. 1981, c.463, shall be by permit from the New Jersey Highway Authority

(Authority) as provided in these regulations and pursuant to the conditions set forth in such permits, which conditions will be consistent with the following:

1. No off-premise, outdoor advertising signs may be used along the route of the Garden State Parkway which will unduly slow traffic;
2. No outdoor advertising signs may interfere or be likely to interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of the roadway ahead or of approaching, merging or intersecting traffic, or of official signs, signals or traffic control devices;
3. No outdoor advertising signs may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device, or utilize lighting equipment or reflectorized materials which emit or reflect a red, amber or green color;
4. Illumination of outdoor advertising signs must be effectively shielded so as to prevent light from being directed at any portion of the main-traveled portion of the roadway or, if not so shielded, be of such low intensity or brilliance as not to cause glare or impair the vision of operators of motor vehicles on such roadway or otherwise impair the operation of motor vehicle;
5. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights or any animated or moving parts are prohibited, except those giving public service information such as time, date, temperature, weather or similar information;
6. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State of New Jersey;
7. No outdoor advertising signs may be of such a type, size or character as will endanger or injure public safety, health or morals or be injurious to property in the vicinity thereof;
8. No outdoor advertising signs will be permitted which advertise activities that are illegal under Federal or State laws or rules in effect at the location of those activities;
9. All outdoor advertising signs must be maintained in safe condition with due regard for conditions of climate, weather and terrain;
10. No outdoor advertising sign will be permitted that is not clean or in good condition; and
11. No outdoor advertising sign will be permitted which would injuriously affect any public interest. In determining whether the issuance of a permit would adversely affect any public interest, the Executive Director of the Authority shall consider public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey or the affected county or municipality.

Petition for Rulemaking.

See: 25 N.J.R. 5367(a), 25 N.J.R. 5706(c).

19:8-9.2 Procedures application for permit

(a) The Executive Director of the Authority is authorized to issue permits consistent with P.L. 1981, c.463 as modified by the provisions of N.J.A.C. 19:8-9.1 above.

(b) Applicants are required to submit applications for permit for outdoor advertising on forms approved for such use by the Authority. Said forms may be obtained by request, in writing, from the Executive Director, New Jersey Highway Authority, Garden State Parkway, Woodbridge, New Jersey 07095.

(c) Applicants are required to establish that road signs for which applications are sought satisfy the requirements of P.L. 1981, c.463.

(d) There will be a fee of \$50.00 submitted with each application, which fee is not refundable, which will be used to defray costs of processing applications.

(e) Permits are subject to conformity with general conditions as enunciated in N.J.A.C. 19:8-9.1 above.

19:8-9.3 Suspension or revocation of permit

(a) A permit issued pursuant to the provisions of N.J.A.C. 19:8-9, may be suspended or revoked for cause for any of the following reasons:

1. Whenever the sign for which the permit is issued impairs the safe and efficient operation of the Garden State Parkway;
2. Whenever any statement made in the application for a permit is knowingly false or misleading;
3. Whenever any provision of law or rules contained in this subchapter are violated; or
4. Whenever a stipulation made in granting of the permit is violated.

(b) When it shall appear to the Operations Manager of the Authority that any permittee has committed a violation or offense as stated in (a) above, the permittee will be given a written notice stating the violation or offense and within 30 days the permittee must:

1. Correct the violation if same is subject to correction or compliance; or
2. Remove all signs, spaces and advertisements; or
3. File a protest, in writing, under oath, signed by the permittee or its duly authorized agent stating the reason(s) for the protest. In addition, the permittee may request a hearing, which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or an informal conference, pursuant to N.J.A.C. 19:8-9.4.

(c) If the permittee has filed a protest but has not requested a hearing, the Operations Manager shall carefully consider all available, relevant information and then issue an order confirming, modifying or vacating the original finding or determination.

(d) Whenever a permit has been revoked, the former holder shall be required to surrender same to the Operations Department, New Jersey Highway Authority, Garden State Parkway, Woodbridge, New Jersey 07095.

Amended by R.1988 d.292, effective July 5, 1988.
See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).
Added text to (b)3.

19:8-9.4 Informal conference

An informal hearing before the Executive Director of the Authority is in the nature of a conference, with or without representation on behalf of the permittee.

Amended by R.1988 d.292, effective July 5, 1988.
See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Deleted (b) and (c) and changed section heading from Nature of hearing.

19:8-9.5 Notice of violation

(a) Any advertising sign used or to be used for outdoor advertising pursuant to the provisions of P.L. 1981, c.463 and not authorized by a valid permit issued by the Authority is unlawful.

(b) The owner or the person making use of such sign shall be given written notice citing the violation of the provisions under this subchapter and, within 30 days, the owner or person making use of such sign must:

1. Correct the violation if possible; or
2. Remove all signs, spaces and advertisement.

19:8-9.6 Removal provisions

(a) If within 30 days after mailing a notice of suspension or revocation of permit (see N.J.A.C. 19:8-9.3) or a notice of violation (N.J.A.C. 19:8-9.5) the violation or offense cited has not been corrected to the satisfaction of the Operations Manager of the Authority, the Executive Director of the Authority may order the immediate removal of the sign used by the display of outdoor advertising and may recover from the owner or person using such sign double the costs of removal or the sum of \$50.00, whichever is greater, in addition to any other penalties provided by law.

(b) Whenever the power of removal is exercised, the Executive Director of the Authority may, without further notice to the owner of the unlawful sign, deputize any person or persons to enter onto private property, without liability, to effect said removal.

19:8-9.7 Penalties

(a) In addition to the penalties stated in N.J.A.C. 19:8-9.6 regarding the removal of unlawful advertisements, any violation of any regulation adopted by the Authority under the provisions of P.L. 1981, c.463 is punishable by a fine not exceeding \$200.00.

(b) Each day of violation is deemed to be a separate offense.

SUBCHAPTER 10. PRE-EMPLOYMENT SCREENING

19:8-10.1 Pre-employment screening

(a) Applicants for employment with the New Jersey Highway Authority shall be of good moral character and shall not have been convicted of any crime, the nature of which would indicate that employment would not be in the best interests of Authority patrons and the general public.

(b) The New Jersey Highway Authority shall submit requests for any Criminal History Record Information (CHRI) from the New Jersey State Police regarding any applicant for employment with the New Jersey Highway Authority.

(c) The Director of Personnel or his or her designee shall consider any Criminal History Record Information in connection with other background information when making recommendations for employment. A record of a conviction of a crime in and of itself shall not be sufficient to deny employment.

SUBCHAPTER 11. ORGANIZATIONAL RULES

19:8-11.1 Authority purpose

The New Jersey Highway Authority is an instrumentality exercising public and governmental essential functions in the construction, operation and maintenance of the Garden State Parkway, the Garden State Arts Center and ancillary functions thereto.

19:8-11.2 Organization of the New Jersey Highway Authority

(a) The New Jersey Highway Authority consists of eight Commissioners appointed by the Governor for five-year terms, with the advice and consent of the Senate, each of whom shall serve until a successor is appointed and has qualified. The Governor designates one of the members of the Authority as Chairman and another member as Vice-Chairman who serve at the pleasure of the Governor and

until their respective successors have been designated. The Chairman is the Chief Executive Officer of the Authority, presides at all meetings of the Authority and has the general supervision, direction and control of the affairs of the Authority and appoints Commissioners to such Committees as the Authority may from time to time establish. The Vice-Chairman, in the absence of or incapacity of the Chairman or in the event of a vacancy in that office, assumes and performs the duties and powers of the Chairman.

(b) Additional officers of the Authority include a Secretary and a Treasurer who may but need not be members (Commissioners) and an Executive Director who shall not be a member (Commissioner).

(c) The functions of the Authority are subdivided into six major Departments managed by Department Heads who report directly to the Executive Director.

(d) The Departments are further broken down into sub-units designated Divisions, as follows:

1. Executive:
 - i. General and Administrative;
 - ii. General Attorney;
 - iii. Public Affairs;
 - iv. Internal Audit; and
 - v. State Police.
2. Administrative and Financial Planning:
 - i. General and Administrative;
 - ii. Human Resources;
 - iii. Central Purchasing;
 - iv. Technology and Information Systems; and
 - v. Printing Services.
3. Finance:
 - i. General and Administrative;
 - ii. Accounting; and
 - iii. Financial Audit and Revenue Control.
4. Engineering.
5. Maintenance:
 - i. General and Administrative;
 - ii. Roadway; and
 - iii. Building.
6. Operations:
 - i. Tolls;
 - ii. Garden State Arts Center; and

iii. General Services.

Amended by R.1993 d.161, effective February 25, 1993.

See: 25 N.J.R. 1518(c).

Revised (d)1.-6.

19:8-11.3 Public information requests

Members of the public may obtain general information from the New Jersey Highway Authority by contacting the Executive Director, New Jersey Highway Authority, Garden State Parkway, Woodbridge, N.J. 07095.

SUBCHAPTER 12. PETITIONS FOR RULES

19:8-12.1 Scope

This subchapter shall apply to all petitions made by interested persons for the promulgation, amendment or repeal of any rule by the New Jersey Highway Authority, hereafter "Authority", pursuant to N.J.S.A. 52:14B-4(f).

19:8-12.2 Procedure for petitioner

(a) Any person who wishes to petition the Authority to promulgate, amend or repeal a rule must submit to the Executive Director, in writing, the following information:

1. Name of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request and the petitioner's interest in the request; and
4. References to the Executive Director of the Authority to take the requested action.

(b) Petitions shall be sent to the following address:

Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, N.J. 07095

(c) Any document submitted to the Authority which is not in substantial compliance with (a) above shall not be deemed to be a petition for a rule requiring further department action pursuant to N.J.S.A. 52:14B-4(f).

19:8-12.3 Procedure after receipt of petition

(a) Upon receipt of a petition in compliance with N.J.A.C. 19:8-12.2, the Authority will file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action which is requested;

3. The problem or purpose which is the subject of the request; and

4. The date the petition was received.

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

1. The name of the petitioner;

2. The Register citation for notice of petition, if that notice appeared in a previous Register;

3. Certification by the Executive Director that the petition was duly considered pursuant to law;

4. The nature or substance of the Authority's action upon the petition; and

5. A brief statement of reasons for the Authority's action.

(c) Authority action on a petition may include:

1. Denying the petition;

2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or

3. Referring the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations will be mailed to petitioner and submitted to the OAL for publication in the Register.

(c) To accomplish the purpose and objective of these rules, the following services for permit applicants desiring to perform work within the Parkway right-of-way will be provided:

1. Review of the conceptual work plan and offer guidance as to the type of application required and procedure to be followed;

2. Review of detailed plans and other work related documents and provide comments that best serve the Authority's interest. If required, field investigations are performed;

3. Review and approval of contractor's insurance certificate, performance bond and maintenance bond;

4. Provide direction with lane closures and overall traffic control;

5. Periodical inspection of the ongoing work to assure compliance with the approval permit; and

6. Initiation and maintenance of all permit documentation and, upon completion of work, administration of permit close-out documentation.

19:8-13.2 Fee schedule

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

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

1. Application Fee: A \$250.00 fee to be submitted along with the completed permit application and associated documents. Such fee shall be non-refundable whether the Authority's final decision is to issue or deny the requested permit.

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

SUBCHAPTER 13. FEE POLICY FOR CONSTRUCTION AND UTILITY INSTALLATION PERMITS

Authority

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

Source and Effective Date

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

19:8-13.1 Purpose and objective; services provided

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

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

with standard construction rates or not in the best interest of the Authority. Such permit fee shall be paid prior to issuance of the permit.

3. Specialized Fees:

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

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

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

19:8-13.3 Unauthorized installations

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

19:8-13.4 Waiver

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