

SUBTITLE E. NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

N.J.S.A. 27:23-1 et seq.

Source and Effective Date

R.2005 d.23, effective December 9, 2004. See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Chapter Expiration Date

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

Chapter Historical Note

Chapter 9, New Jersey Turnpike Authority, was filed and became effective December 3, 1963.

Subchapter 9 was adopted as R.1973 d.173, effective June 29, 1973. See: 5 N.J.R. 205(b), 5 N.J.R. 295(b).

Pursuant to Executive Order 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1983 d.301, effective July 13, 1983. See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a). Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983. See: 15 N.J.R. 1639(a), 15 N.J.R. 2046(d). Pursuant to Executive Order 66(1978), Chapter 9 expired on July 13, 1988.

Chapter 9, New Jersey Turnpike Authority, was adopted as new rules by R.1988 d.483, effective October 17, 1988. See: 20 N.J.R. 1338(a), 20 N.J.R. 2591(a).

Subchapter 7 was adopted as R.1989 d.444, effective July 24, 1989. See: 21 N.J.R. 2528(b).

Subchapter 6 was adopted as R.1989 d.580, effective November 20, 1989. See: 21 N.J.R. 2440(a), 21 N.J.R. 3675(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1993 d.496, effective September 13, 1993. See: 25 N.J.R. 2839(b), 25 N.J.R. 3685(a), 25 N.J.R. 4605(a). Administrative Correction. See: 25 N.J.R. 4927(c).

Pursuant to Executive Order No. 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1998 d.492, effective September 11, 1998, and Subchapter 8, Debarment, Suspension and Disqualification from Contracting, was adopted by R.1998 d.492, effective October 5, 1998. See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

Chapter 9, New Jersey Turnpike Authority, was readopted as R.2003 d.407, effective September 23, 2003. See: 35 N.J.R. 4915(a).

Chapter 9, New Jersey Turnpike Authority, was readopted as R.2005 d.23, effective December 9, 2004. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. TRAFFIC CONTROL ON NEW
JERSEY TURNPIKE**

19:9-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Abandoned vehicles” means any vehicle whose occupants leave the vehicle unattended on the Roadway for any reason for any period of time.

“Amphitheater” means the theater and lawn areas within the confines of the fence which surrounds the theater located at the Arts Center.

“Arts Center” means the amphitheater, plaza, buildings, mall, all roads leading to and from the amphitheater, all parking areas supporting the amphitheater, and surrounding lands located on the Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“Authority” means the New Jersey Turnpike Authority, the body corporate and politic defined in N.J.S.A. 27:23-1 et seq., acting by and through the duly appointed commissioners thereof and their designees.

“Bicycle” means any vehicle with two wheels supported by a frame propelled by the feet acting upon pedals.

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

“Camper” means a self-propelled motor vehicle, single unit or unit attached, which is used and designed for human habitation and not used for commercial purposes.

“Car” means a passenger motor vehicle, including station wagons, hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, taxicabs, motorcycles, two axle four tire campers, school buses and panel vans, pickup trucks and similar vehicles having a gross weight not exceeding 6,999 pounds.

“Car token” means the Authority's authorized car token for use by passenger vehicles only at exact change toll lanes and/or cash/receipt lanes on the Parkway.

“Commercial vehicles” means every type of motor driven vehicle used for commercial purposes on the Roadway such as the transportation of goods, wares and merchandise, excepting such vehicle of the passenger car type.

“Construction equipment” means all vehicles, machinery and equipment enumerated in N.J.S.A. 39:3-20.

“Discharge” means the unintentional or intentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, abandonment or dumping of a hazardous or non-hazardous material or waste into or on the land, water or air. This shall also include the disposal of containers or hazardous materials into receptacles for trash or recycling at any location on any Roadway.

“Gross combination weight rating (G.C.W.R.)” means the value specified by the manufacturer as the loaded weight of a combination vehicle.

“Gross vehicle weight rating (G.V.W.R.)” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Gross weight” means the combined weight of a vehicle and any load thereon.

Amended by R.1990 d.32, effective January 16, 1990.

See: 21 N.J.R. 3272(b), 22 N.J.R. 249(a).

Repealed regulation on school bus use of "Out-of-Service" sign pursuant to repeal of pertinent statute, see: P.L. 1989, c.36.

Amended by R.1992 d.211, effective May 18, 1992.

See: 24 N.J.R. 931(a), 24 N.J.R. 1905(c).

Revised (a)12iii.

Amended by R.1993 d.311, effective July 6, 1993.

See: 25 N.J.R. 684(a), 25 N.J.R. 2906(c).

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

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

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

Amended by R.1997 d.455, effective November 3, 1997.

See: 29 N.J.R. 3432(a), 29 N.J.R. 4714(b).

In (a)21i, inserted the exception for Class 1 vehicles in tow.

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (a), inserted "committed another violation of" preceding "a provision" in 22.

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

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

In (a), added an exception at the end of 12iii, and rewrote 24.

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

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

Rewrote the section.

Case Notes

Action to force utility to comply with backup requirement for overweight shipment of nuclear waste dismissed as moot; "capable of repetition yet evading review" test for decision on moot issue not met. *New Jersey Turnpike Authority v. Jersey Central Power and Light*, 772 F.2d 25 (3rd Cir.1985).

19:9-1.10 Waste and rubbish

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

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

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

Repeal and New Rule, R.2005 d.23, effective January 3, 2005.

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

Section was "Waste and rubbish".

19:9-1.11 Loose cargo; discharges

(a) Vehicles carrying material likely to spill that is not otherwise boxed, crated, bagged or packaged must be firmly secured on all sides with a tarpaulin completely covering the material, and capable of preventing the escape of said material.

(b) No material, whether solid, liquid or gaseous, shall be discharged on Authority property, whether intentionally or unintentionally. This prohibition shall apply to any material being carried as cargo, whether or not for hire, and to any material that is a part of the vehicle or necessary for the operation of the vehicle or necessary for the operation of the vehicle or any apparatus affixed thereon, but shall not apply to ordinary vehicular emissions anticipated by the original design of the vehicle or the apparatus affixed thereto.

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

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

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

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

19:9-1.12 Damaging of Authority property

(a) No person shall cut, mutilate or remove any trees, shrub or plants located on Authority property.

(b) No person shall deface, damage, mutilate or remove any official traffic control device, delineator, structure, fence or other property or equipment of the Authority or its concessionaires.

(c) No person shall install or attempt to install, construct or place upon any portion of the Roadway, any item, sign, structure or equipment for any purpose whatsoever, without the prior written approval of the Authority. Except as otherwise provided by N.J.A.C. 19:9-1.23, no person shall erect or place any displays, posters, or placards, or engage in leafleting or display any advertising matter of any kind, regardless of the character or content of the message, on the Roadway, without the prior written approval of the Authority.

(d) No material shall be discharged on Authority property, whether intentionally or unintentionally, that may cause damage to the Roadway, the general public, the Authority, its agents and employees, or any real or personal property owned, leased or under the supervision of the Authority. For purposes of this subsection only, "damage" includes any effect which may be injurious to health, safety or welfare, or which may cause financial loss or delay the movement of traffic.

(e) The operator, owner or lessee of any vehicle from which a discharge in violation of any provision of this section or N.J.A.C. 19:9-1.10, 1.11(b) or 1.15 occurs, regardless of the cause of the discharge, shall cooperate fully with the Authority, its employees, agents, and third parties authorized to respond to an emergency, discharge or blockage of traffic by the Authority, the State Police and the Department of Environmental Protection and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Roadway immediately. The vehicle operated, owned or leased by any person failing to cooperate or take such action as deemed necessary by the official in charge of the scene where the discharge occurred is subject to impoundment by the Authority, the State Police, or the New Jersey Department of Transportation and their agents and employees until such time as all penalties, towing and storage fees and costs have been satisfied.

(f) In addition to any penalties prescribed by this chapter or by the laws and regulations of other government entities including, but not limited to, Titles 2C, 13, 27, 39 and 58 of the New Jersey Statutes and Federal law or regulation, any person violating any provision of this section or N.J.A.C.

19:9-1.10, 1.11(b) or 1.15, shall be liable to the Authority for any and all costs arising out of said violation, including the costs of:

1. Collecting, testing and disposing of the material and restoring the Roadway to its condition immediately prior to the violation;
2. Replacing or repairing, in the Authority's sole discretion, any property damaged by reason of said violation;
3. Toll and concession revenue lost because of the closing of the Roadway, any part thereof, or any interchange by reason of said violation;
4. Medical care, supervision or other costs relating to personal injury suffered by the general public, the Authority, its agents or employees; and
5. Any other costs arising out of said violation and incurred by the Authority or third parties.

(g) The Authority may recover the costs under (f) above by way of complaint filed in Superior Court, Law Division or United States District Court, by an administrative consent order executed by an authorized representative of the Department of Environmental Protection, or by any other lawful means.

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

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

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (a), inserted "property" at the end of the sentence.

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

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

In (c), added the second sentence.

19:9-1.13 Hitch-hiking, loitering, soliciting, and distributing prohibited

(a) Soliciting of alms or contributions on Authority property is prohibited.

(b) Soliciting of rides on Authority property, commonly known as "hitchhiking," is prohibited.

(c) No person shall loiter on Authority property in such a manner as to:

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to be created a disturbance or annoyance to the comfort and repose of any person;
3. Obstruct the free passage of pedestrians or vehicles; or
4. Obstruct, molest or interfere with any person lawfully on Authority property. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

(d) No person shall enter or remain on Authority property for the purpose of offering, selling, hiring or leasing any goods, wares, merchandise or services, whether or not such services are to be rendered for compensation, nor for the purpose of distributing samples, pamphlets or advertising matter of any sort, except as authorized by the Authority.

Repeal and New Rule, R.2005 d.23, effective January 3, 2005.

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

Section was "Hitch-hiking, loitering, soliciting, and distributing prohibited".

19:9-1.14 Repairs and towing

(a) Subject to the provisions of N.J.A.C. 19:9-1.6, Parking, standing or stopping on Roadway prohibited, except in case of emergency, a vehicle that becomes disabled while using the Roadway may be repaired by the occupants thereof, provided that the occupants can complete repairs within a two-hour period from the time of disablement and the disabled vehicle does not create a hazardous condition. A vehicle disabled and unattended by its occupants will be removed immediately by an authorized service provider of the Authority at the expense of the owner.

(b) If other mechanical services or towing is required, such services or towing must be performed by a service agency authorized by the Authority to furnish such service on the Roadway.

(c) If towed, such disabled vehicles must be removed at the nearest exit in the original direction of travel and must pay the appropriate tolls.

(d) A truck or bus company may obtain a private mechanical and towing service permit for the Turnpike and/or the Garden State Parkway, as appropriate, provided such company conforms to the rules and regulations governing such permits. These permits are obtainable from the Office of the Manager of Emergency Services on the Turnpike and the Roadway Services Administrator on the Garden State Parkway. The fee for such permit shall be \$100.00. Such permits shall be renewable on a bi-annual basis.

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

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; or

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.

New Rule, R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.31 Limitation on activities in the Telegraph Hill Nature Area

(a) Public use and activity in the Telegraph Hill Nature Area shall be limited to nature and ecological studies and education, running and walking on designated trails, picnicking in designated areas and such additional uses as may be designated by the Authority which may promote and complement its statutory mission and that of the Arts Center.

(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 Arts Center, the Vietnam Veterans Memorial and the Vietnam Era Education Center.

New Rule, R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

SUBCHAPTER 2. PURCHASING AND CONTRACTING

19:9-2.1 General provisions

(a) All contracts of the Authority entered into for the performance of any work, or any purchases or hiring of personal property, services, supplies, equipment or goods, shall be as prescribed in these regulations and procedures. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost. These regulations may be added to or amended by the specific provisions of each bid or proposal specifications or contract documents.

(b) Contracts entered into for the furnishing or performing of services of a professional nature, or for the supplying of any product or the rendering of any service by a public utility, subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey shall be subject only to N.J.A.C. 19:9-2.8.

Amended by R.1982 d.446, effective December 20, 1982.
See: 14 N.J.R. 974(a), 14 N.J.R. 1464(d).

Hearings to be held by the Executive Director instead of the Chief Engineer. Arrangements for the hearing to be made by the Senior Attorney instead of the Chief Engineer.

Amended by R.1998 d.492, effective October 5, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (b), substituted "be subject only to N.J.A.C. 19:9-2.12" for "not be subject to these regulations" at the end.
Special amendment, R.2003 d.407, effective September 23, 2003 (to expire January 9, 2005).

See: 35 N.J.R. 4915(a).

Added (c).

Amended by R.2005 d.23, effective January 3, 2005.
See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (b), updated the N.J.A.C. reference; deleted (c).

19:9-2.2 Purchases for amounts requiring public advertising

(a) Rules concerning advertising and awards of bids:

1. Advertisement for competitive bids shall be placed in an appropriate newspaper or journal, having a large circulation in the State, and may be advertised on the Authority's internet website, www.state.nj.us/turnpike, or through other electronic means. Such advertisement shall be published not less than seven days preceding the date upon which the proposals are to be received and opened. All advertisements will contain:

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

2. In addition to advertising, bids may 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.

3. In the event that amendment of any pertinent information supplied to prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders having requested specifications at least three days prior to the opening of the bids. If such notice is given orally, it shall be promptly confirmed by written addendum.

(b) Rules concerning terms and conditions applicable to submission of bids:

1. All bids must be properly signed and executed.
2. Any correction of an entry made on the proposal form should be initialed by a duly authorized representative of the bidder.
3. Bidders may withdraw bids, or withdraw and resubmit bids, at any time up to 15 minutes prior to the public opening, signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.
4. 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. If the total price is found to be incorrectly computed, discrepancies will be corrected by the Authority on the basis of the written unit prices, and determination of the low bidder will be made on the basis of the correct total price so determined. The Authority shall not be liable for any failure or error in determining or correcting errors or discrepancies.
5. In particular cases where permitted or required by the Authority in the particular bid specifications, bidders may be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any bid.

(c) Rules concerning receipt, opening, and award of bids:

1. All bids solicited by advertising or by mail must be submitted in sealed envelopes provided by the Authority on the appropriately signed proposal forms furnished by the Authority on or before the time fixed for the public opening. Any bids received after the bidding has been closed shall be returned to the bidder unopened.

2. The purchasing or bid supervisor shall maintain a secured place for the purpose of receipt and securing bids. When sealed envelopes containing bids are received in the office of the Authority they shall be date-stamped and deposited (unopened) in the appropriate secure location.

3. Bids shall be opened publicly at the time and place designated in the Invitation for Bids or Advertisement for Proposals. The amount of each bid, the identity of each bidder, and such other information relevant to the bid shall be recorded in writing and the bid tabulation shall be open to public inspection.

4. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids or contract documents, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

5. Correction or withdrawal of inadvertently erroneous bids after opening, or cancellation of awards or contracts based on such mistakes, may be permitted in the sole discretion and determination of the Authority. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Authority or fair competition shall be permitted and a decision to permit the correction or withdrawal of bids, or to cancel awards or contracts, based on bid mistakes, shall be supported by a written determination made by the Chief Engineer or the Director of Purchasing.

6. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bids meet the requirements and criteria set forth in the Invitation for Bids or other contract documents. In the event that bid prices submitted by two or more low responsible bidders are identical and the criteria in the Invitation for Bids or contract documents do not resolve the tie bid, the tie low bids shall be broken by the toss of a coin. If practical, the interested bidders may be invited to the Authority to observe in the coin tossing. Such tie breaking shall be noted on the Bid Summary. The Authority retains the right to reject any or all bids, to waive informalities and minor irregularities, and to rebid the entire contract.

7. When it is determined impractical to initially prepare a purchase description to support an award based on price, an Invitation for Bids or Advertisement for Proposals may be issued requesting the submission of unpriced proposals to be followed by an Invitation for Bids or Advertisement for Proposals limited to those bidders whose unpriced proposals have been determined as qualified for the project by the Director of Purchasing or the Chief Engineer.

8. Bid or proposal guarantees on bid or proposal bonds may be required in such form and amount as deemed necessary by the Director of Purchasing or Chief Engineer to guarantee the amount of the bid. In that event, the requirement of a bid or proposal guarantee or bond, and the form and amount thereof shall be set forth or specified in the bid specifications.