

SUBTITLE D. NEW JERSEY HIGHWAY AUTHORITY

CHAPTER 8

REGULATIONS GOVERNING USE OF THE GARDEN STATE PARKWAY

Authority

N.J.S.A. 27:12B-5(j) and (s), and 27:12B-20a.

Source and Effective Date

R.1998 d.210, effective April 7, 1998.
See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

Chapter 8, Regulations Governing Use of the Garden State Parkway, Subchapters 1 through 4, was filed and became effective prior to September 1, 1969.

Subchapter 5, Central Purchasing, and Subchapter 6, Sale of Surplus Personal Property, were adopted as R.1976 d.92, effective March 25, 1976. See: 8 N.J.R. 155(b), 8 N.J.R. 315(a).

Subchapter 7, Inspection and Obtaining of Authority Records, was adopted as R.1976 d.168, effective May 28, 1976. See: 8 N.J.R. 263(c), 8 N.J.R. 359(c).

Subchapter 8, Special Permits for Oversize Vehicles, was adopted as R.1980 d.476, effective October 31, 1980. See: 12 N.J.R. 619(c), 12 N.J.R. 732(c).

Subchapter 9, Permits for Outdoor Advertising, was adopted as R.1982 d.361, effective October 18, 1982. See: 14 N.J.R. 901(a), 14 N.J.R. 1166(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1983 d.237, effective June 2, 1983. See: 15 N.J.R. 615(a), 15 N.J.R. 1039(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, expired on June 1, 1988.

Chapter 8, Regulations Governing the of the Garden State Parkway, was adopted as R.1988 d.292, effective July 5, 1988. See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Subchapter 10, Pre-Employment Screening, was adopted as R.1989 d.44, effective January 17, 1989. See: 20 N.J.R. 2864(a), 21 N.J.R. 173(c).

Subchapter 11, Organizational Rules, was adopted as R.1989 d.361, effective June 14, 1989. See: 21 N.J.R. 2056(a).

Subchapter 12, Petitions for Rules, was adopted as R.1989 d.482, effective September 18, 1989. See: 21 N.J.R. 1975(a), 21 N.J.R. 3021(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1993 d.290, effective May 17, 1993. See: 25 N.J.R. 1500(b), 25 N.J.R. 2701(c).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1998 d.210, effective April 7, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS AND TRAFFIC RULES

19:8-1.1 Definitions

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

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

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

“Authority” means the New Jersey Highway Authority created by L.1952 c.16 and its statutory successors.

“Bus token” means the Authority’s authorized discount token for use by buses.

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

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

“Car token” means the Authority’s authorized car token for use by cars only at exact change and/or “TOKEN ONLY” toll lanes.

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

“Division head” means those individuals who hold that title and who report directly to the Executive Director.

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

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

3. The Authority shall make available to any operator, owner or lessee of a vehicle or property so requesting a list of emergency response contractors as compiled by the NJDEP. The operator, owner or lessee of a vehicle or property shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (b)2 above is not to be considered a warranty or assurance by the Authority of such contractors' ability to perform emergency response services.

4. Whenever the operator, owner or lessee of a vehicle or property from which a discharge occurred refuses to arrange for an emergency response contractor, or whenever dangerous circumstances or the risk posed by the discharge to the general public, the environment or the Authority's agents or employees is too great to await the arrival of the emergency response contractor(s) arranged by the operator, owner or lessee in the opinion of the Department of Operations or its designee, the Department or its designee may arrange for emergency response services and long-term remedial efforts to be provided by a third party of the Authority's choice. Emergency response and long term remedial services may be performed by or through the NJDEP or its agents, including any county environmental health department, or by private organizations engaged by the Authority. The cost of services pursuant to this paragraph shall be based on the schedule of rates normally charged for emergency response or long-term remedial services, and shall be borne by the operator, owner or lessee of the vehicle or property from which a discharge occurred.

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator, owner or lessee of the vehicle or property from which a discharge occurred refuses to agree to pay or complete any documents necessary to engage the contractor for such services, the Authority may impound the vehicle and any cargo or contents thereof until such time as the costs of remedial services are satisfied. If such costs are not satisfied within 14 days, the Authority shall have the right to sell the vehicle, its cargo and contents at public auction and/or to recover treble the amount of

damages for any unsatisfied costs by filing a civil action in a court of appropriate jurisdiction over such action.

ii. If the emergency response contractor refuses to contract with the operator, owner or lessee of the vehicle or property from which a discharge occurred because of a bona fide concern about the operator's, owner's or lessee's ability or willingness to pay for such services, the Department or the Department's designee may authorize such services to be performed at the Authority's expense, and the Authority may thereafter recover treble the costs thereof from the operator, owner or lessee from which a discharge occurred by filing a civil action in a court of appropriate jurisdiction over such action. The emergency response contractor's concern shall be deemed bona fide if the operator's, owner's or lessee's credit record indicates a history of refusal or failure to pay commercial debts.

5. Access to Authority property for the purposes of investigating or remediating contamination caused by the discharge or release of any material will be granted only after compliance with (b)2 above and only after notification to the Chief Engineer of the Authority. Such access will not be unreasonably withheld. All investigatory data, including but not limited to, soil investigations, soil boring logs, ground water monitoring well logs, laboratory analytical data, correspondence with regulatory agencies, and all reports and submissions generated as a result of work on Authority property shall be made available for inspection by the Authority or its agents, and copies of all such information and data shall be produced for the Authority or its agents upon request.

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

19:8-2.16 Limitations on activities in the Telegraph Hill Nature Area

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

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

Amended by R.1998 d.210, effective May 4, 1998.
See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

In (a) and (d), deleted "Garden State" preceding "Arts Center".

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	—	—	—	—	—	—	—
Irvington	R	.25	.35	.50	.60	2.00	—	—	—	—	—	—	—
Union	R	.35*	.50	.70	.90	2.00	—	—	—	—	—	—	—
Union	B	.35*	.50	.70	.90	2.00	—	—	HEAVY TRUCKS PROHIBITED NORTH OF INTERCHANGE 105				
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	
Barnegat	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-axles) 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.

**SUBCHAPTER 5. PURCHASING AND
PROCUREMENT**

Subchapter Historical Note

Subchapter 5, Central Purchasing, was renamed Purchasing and Procurement by R.1998 d.25, effective January 5, 1998. See: 29 N.J.R. 4460(b) 30 N.J.R. 107(a).

Statutory References

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

(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.

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 on New Jersey Highway Authority property.

(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.

(c) To accomplish the purpose and objective of the policy, the following services for permit applicants desiring to perform work on New Jersey Highway Authority property 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.

Amended by R.1996 d.574, effective December 16, 1996.
See: 28 N.J.R. 4388(a), 28 N.J.R. 5193(a).

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 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.