

**CHAPTER 20A**

**NEW JERSEY TRANSPORTATION TRUST FUND  
AUTHORITY ACT: COUNTY AID**

**Authority**

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-13, 27:7-47, 27:7-13.1 et seq. and the New Jersey Trust Fund Authority Act, N.J.S.A. 27:1B-1 et seq.

**Source and Effective Date**

R.2001 d.161, effective April 26, 2001.  
See: 33 N.J.R. 768(a), 33 N.J.R. 1598(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 20A, New Jersey Transportation Trust Fund Authority Act: County Aid, expires on April 26, 2006.

**Chapter Historical Note**

Chapter 20A, New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid, was adopted as emergency new rules by R.1984 d.423, effective September 6, 1984, expired November 5, 1984. See: 16 N.J.R. 2456(a). The provisions of R.1984 d.423 were adopted as new rules by R.1984 d.552, effective December 17, 1984. See: 16 N.J.R. 3470(a).

Subchapter 5, Audit, was adopted as R.1987 d.265, effective July 6, 1987. See: 19 N.J.R. 622(a), 19 N.J.R. 1229(a).

Pursuant to Executive Order No. 66(1978), Chapter 20A, New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid, expired on December 17, 1989.

Chapter 20A, New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid, was adopted as new rules by R.1990 d.128, effective February 20, 1990. See: 21 N.J.R. 3716(a), 22 N.J.R. 669(a).

Pursuant to Executive Order No. 66(1978), Chapter 20A, New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid, was readopted as R.1995 d.71, effective January 12, 1995. See: 26 N.J.R. 4485(a), 27 N.J.R. 504(b).

Chapter 20A, New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid, was repealed, and a new Chapter 20A, New Jersey Transportation Trust Fund Authority Act: County Aid, was adopted as R.1996 d.306, effective July 1, 1996. See: 28 N.J.R. 1350(a), 28 N.J.R. 3312(a).

Chapter 20A, New Jersey Transportation Trust Fund Authority Act: County Aid, was readopted as R.2001 d.161, effective April 26, 2001. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**16:20A-1.1 Appropriation of funds**

New Jersey Transportation Trust Fund Authority Act funds are appropriated by the Legislature for the improvement of any public road or bridge under the jurisdiction of a county, regardless of location within that county. County aid funds may also be used for county public transportation projects and other transportation projects which a county may be authorized by law to undertake.

**16:20A-1.2 Distribution of funds**

(a) Each county shall receive an annual State aid allotment not less than the combined total of their 1984 apportionment of Federal Aid Urban System funds plus State match including their portion of non-attributable funds made available for Small Urban Areas. In any year in which insufficient funds have been appropriated to meet the minimum county allocations, or if no appropriation is provided, the Commissioner of Transportation shall determine on a prorated basis the amount of the deficiency for each county having a minimum allocation and allocate from funds available sufficient funds to meet the minimum allocations.

(b) Prior to the distribution of its annual State aid allotment, each county shall certify to the Department of Transportation that the allotted funds will only be spent on eligible costs of projects set forth in the county's approved Annual Transportation Program.

Amended by R.2001 d.161, effective May 21, 2001.  
See: 33 N.J.R. 768(a), 33 N.J.R. 1598(a).

In (h), substituted "approved Annual" for "approval Capital" and deleted "(CTP)".

**16:20A-1.3 Minimum allotment**

The State allotment to each county shall be a minimum of \$300,000 for transportation projects annually.

## SUBCHAPTER 2. COUNTY AID

**16:20A-2.1 Eligible costs**

State participation in project costs shall be limited to 100 percent of the cost of construction including construction supervision, inspection and material testing. The cost of design engineering and right-of-way acquisition shall be borne totally by the county. State participation may be increased to include 100 percent for design and right-of-way acquisition costs in special hardship cases justified by the county and concurred in by the Department of Transportation. Special hardship cases may be justified by the county usually involving their inability to proceed either due to lack of funds or expertise. Department staff will recommend acceptance or rejection of the justification to the Commissioner for his or her final decision which will be determined by need on a case-by-case basis.

**16:20A-2.2 Project approval**

(a) Annually, prior to September 30, each county shall be advised for budgetary purposes of the amount of county aid funds they can anticipate in the following calendar year. An Annual Transportation Program shall be submitted for approval by the Department prior to February 1 of the next succeeding calendar year.

1. The Annual Transportation Programs shall list each project by name and location with a brief description of how each project conforms with the county's overall Transportation Plan.

2. The Annual Transportation Program shall be approved by the board of chosen freeholders and submitted to the Department of Transportation for final approval.

3. Each county shall make reasonable progress in the attainment and maintenance of National Ambient Air Quality Standards consistent with the New Jersey State Implementation Plan.

4. Each county will be required to execute one State/county agreement covering the projects in the Annual Transportation Program on forms provided by the State. The amount for any specific project can vary from the programmed amount as long as the total for all projects for the fiscal year does not exceed the total available for the year. Additions of projects or deletions of projects will require amended programs approved by the county board of chosen freeholders and the Department of Transportation.

Amended by R.2001 d.161, effective May 21, 2001.  
See: 33 N.J.R. 768(a), 33 N.J.R. 1598(a).  
Rewrote the section.

**16:20A-2.3 Discretionary funds**

Annually, subject to funds appropriated by the Legislature, a Discretionary Fund shall be established to address emergency and regional needs through the entire State. Any county may make application to the Department of Transportation at any time. Projects need not be included in the Annual Transportation Program. Project approvals are at the discretion of the Commissioner of Transportation.

Amended by R.2001 d.161, effective May 21, 2001.  
See: 33 N.J.R. 768(a), 33 N.J.R. 1598(a).  
Substituted "Annual" for "Capital".

**16:20A-2.4 Standards**

(a) The proposed road and bridge improvements shall conform to the current design criteria of the appropriate American Association of State Highway and Transportation Officials (AASHTO) publications listed below.

1. A Policy on Geometric Design of Highways and Streets;
2. Standard Specifications for Highway Bridges; and
3. Guide for the Development of New Bicycle Facilities.

(b) The Department shall be advised in writing about all deviations from the standards in (a) above. If there is deviation from those standards, the county shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in the aid agreement.

(c) In addition to the standards in (a) above, all design shall also conform to the "Manual On Uniform Traffic Control Devices" (MUTCD), Millennium Edition, incorporated herein by reference, as amended and supplemented, published by the U.S. Department of Transportation, Federal Highway Administration. Copies of the Millennium Edition of the MUTCD can be downloaded at no charge directly from the internet website of the Federal Highway Administration at: <http://mutcd.fhwa.dot.gov> and following the instructions. Copies of the Millennium Edition of the MUTCD will also be available in the spring of 2001, from the Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7950.

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

(e) Standards for transportation projects other than roads and bridges shall be pre-approved by the Department of Transportation.

Amended by R.2001 d.161, effective May 21, 2001.  
See: 33 N.J.R. 768(a), 33 N.J.R. 1598(a).  
Rewrote the section.

## SUBCHAPTER 3. PLANS AND SPECIFICATIONS

**16:20A-3.1 Local government responsibility**

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