

CHAPTER 22

URBAN REVITALIZATION, SPECIAL DEMONSTRATION AND EMERGENCY PROJECTS

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 27:8-1 through 9.

Source and Effective Date

R.1991 d.25, effective December 18, 1990.  
See: 22 N.J.R. 3196(a), 23 N.J.R. 209(a).

Executive Order No. 66(1978) Expiration Date

Chapter 22, Urban Revitalization, Special Demonstration and Emergency Projects, expires on December 18, 1995.

Historical Note

Chapter 22, Urban Revitalization, Special Demonstration and Emergency Projects, became effective July 18, 1980 as R.1980 d.333. See: 12 N.J.R. 286(a), 12 N.J.R. 553(b). Pursuant to Executive Order No. 66(1978), Chapter 22 expired on July 17, 1985. The expired rules were adopted as new, effective February 3, 1986. See: 17 N.J.R. 2385(a), 18 N.J.R. 304(a). Subchapter 5 (audit provisions) was added as R.1987 d.269, effective July 6, 1987. See: 19 N.J.R. 625(a), 19 N.J.R. 1231(a). Pursuant to Executive Order No. 66(1978), Chapter 22 was readopted as R.1991 d.25. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:22-1.1 Appropriation of funds

(a) 1979 Transportation Bond Issue Funds are appropriated by the Legislature for urban revitalization, special demonstration and emergency projects.

(b) These funds will be used to implement projects that will significantly improve economic and social conditions, particularly in older cities (Part I), demonstrate innovative transportation techniques that could benefit other municipalities in New Jersey (Part II) and permit the rapid construction, reconstruction or rehabilitation of emergency projects that would reduce undue hardship to the traveling public or correct unsafe conditions in a timely fashion (Part III).

(c) Shortly after September, 1980, it is the Departments' intention to allocate \$3 million to support urban revitalization projects, \$1.5 million to support special demonstration projects and \$1.5 million for projects of an emergency nature. Subsequent to November 1, 1981, any funds remaining to be allocated will be allocated by the Department for urban revitalization, and emergency projects. The accumulative cost of the program is \$12 million.

As amended, R.1982 d.68, eff. March 15, 1982.  
See: 14 N.J.R. 97(a), 14 N.J.R. 284(a).

(c): Deleted "Following September 1981 ... \$12 million" and added "Subsequent to ... \$12 million".

16:22-1.2 Objectives

(a) Objectives for Part I—Urban revitalization projects are as follows:

1. Projects submitted for funding under this program will be ranked based upon how well they satisfy the objectives outlined in these guidelines. A project need not fulfill all of the program objectives to be considered for funding. Municipalities are encouraged to submit for consideration projects which satisfy some or all of the following objectives:
  - i. Stimulate urban central business district and/or neighborhood revitalization;
  - ii. Provide incentives to attract new or expanded private investment;
  - iii. Maximize the development potential of public investment especially those of a state and local nature; (Municipalities are encouraged to utilize potential highway funds to complement, but not to be dependent upon other revitalization programs, such as, Safe and Clean Neighborhoods, Neighborhood Preservation, etc.).
  - iv. Provide positive tax revenue benefits;

- v. Minimize adverse impact on housing stock;
- vi. Significantly improve air quality in congested urban centers;
- vii. Improve the total transportation network in the municipality.

(b) Objectives for Part II—Special demonstrations are as follows:

1. New Jersey Department of Transportation will evaluate applications received from municipalities and counties throughout the State for special projects which provide an opportunity to demonstrate energy savings or low capital intensive multi-use projects uniquely related to revitalization efforts. Examples of possible eligible special demonstrations may include, but are not limited to:

- i. Auto-free zones;
- ii. Pedestrian or transit malls;
- iii. Limited auto access residential districts;
- iv. Innovative signal systems.

2. Municipalities submitting projects which may be eligible will be required to document the innovative elements as well as the fulfillment of appropriate program objectives, outlined above.

3. Funds remaining as of November 1, 1981 may be made available to the urban revitalization program.

(c) Objectives for Part III—Emergency projects are as follows:

1. New Jersey Department of Transportation will evaluate applications received from municipalities and counties throughout the State for projects of an emergency nature. The rapid construction, reconstruction or rehabilitation of these types of projects would reduce undue hardships to the traveling public or correct unsafe conditions in a timely fashion.

2. Excess funds remaining as of October 1, 1982 will be made available to the Urban Revitalization Program.

As amended, R.1982 d.68, eff. March 15, 1982.  
See: 14 N.J.R. 97(a), 14 N.J.R. 284(a).  
Section substantially amended.

### 16:22-1.3 Standards

(a) The proposed road and bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publications listed below. Any exceptions must be justified by the local engineer to be in the public interest:

- 1. Geometric Design Guide for Resurfacing, Restoration and Rehabilitation (R-R-R) of Streets;
- 2. A Policy on Geometric Design of Highways and Streets;

### 3. Standard Specifications for Highway Bridges;

(b) All workmanship and materials shall conform with the current New Jersey State Department of Transportation standard specifications for road and bridge construction.

Amended by R.1989 d.69, effective February 6, 1989.  
See: 20 N.J.R. 3000(b), 21 N.J.R. 307(c).  
Deleted (a)3 and 4 and recodified (a)5 to (a)3.

### 16:22-1.4 Applications and agreements

(a) Applications and agreements for Part I—Urban revitalization projects are as follows:

1. Applications may be submitted at any time. Applications should include project descriptions, cost estimates and otherwise meet the general criteria for local aid bond issue projects.

2. Narrative statements should be prepared addressing program objectives as stated in N.J.A.C. 16:22-1.2.

3. New Jersey Department of Transportation encourages projects to be part of an urban development funded "package" but street and highway project implementation should not be solely dependent on the timely completion of other non-transportation related programs.

4. Initial reviews will be made by the Department of Transportation to determine relationships to current or future Department of Community Affairs projects.

5. Submittals will be evaluated by the New Jersey Department of Transportation. Recommendations will be presented to the Commissioner of Transportation for consideration.

(b) Applications and agreements for Part II—Special Demonstrations are as follows:

1. Applications may be submitted at any time. Applications should include project descriptions, cost estimates and otherwise meet the general criteria for local aid bond issue projects.

2. Submittals will be evaluated by a Task Force from the Department of Community Affairs and the New Jersey Department of Transportation. Recommendations will be presented to the Commissioner of Transportation for consideration.

(c) For Part III—Emergency projects, applications may be submitted at any time. Applications shall include project descriptions, cost estimates and substantiate the fact that an emergency exists.

As amended, R.1982 d.68, eff. March 15, 1982.  
See: 14 N.J.R. 97(a), 14 N.J.R. 284(a).

(a) and (b)1: Deleted "projects ... consideration" and replaced with "Applications may be submitted at any time";  
(a)5: Delete "the county ... Community Affairs and";  
(b)2: Deleted "the county ... Committee and".

**16:22-1.5 Procedure**

The application and agreement provides for an engineering description of the existing road or bridge and the description of the proposed road improvement indicating the right-of-way width, paved and graded widths, shoulder widths, type and depth of proposed pavement and an estimate of the cost of the proposed work. The district offices shall make a field investigation of all projects for which applications have been received. The Commissioner of Transportation determines the applications considered essential.

**16:22-1.6 Contracts**

All work must be performed by the contract method unless otherwise approved by the State.

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**SUBCHAPTER 2. PLANS AND SPECIFICATIONS**
**16:22-2.1 Local government responsibility**

(a) The local 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 materials testing as required.

(b) The local government will provide such maps, reports, construction plans and specifications and contract documents as may be required by the State.

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**SUBCHAPTER 3. CONTRACTS**
**16:22-3.1 Award of contract**

(a) The local government will advertise and award the contract, subject to the approval of the State, in accordance with the provisions of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(b) Fifteen calendar days prior to the time of advertisement of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:

1. Two copies of the contract plans and specifications; and
2. Two copies of the engineer's estimate of costs.

(c) Within 30 calendar days following the receipt of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:

1. Two copies of the summary of construction bids;

2. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the Department.

(d) When all information relative to the bidding has been approved by the State, the local government shall be advised of the approval of the award of contract.

Amended by R.1989 d.69, effective February 6, 1989.

See: 20 N.J.R. 3000(b), 21 N.J.R. 307(c).

Added new (b); recodified (b)-(c); deleted (c)1.-2. and recodified 3.-4. as 1.-2.

**16:22-3.2 Contract completion and payment**

(a) When all work has been completed satisfactorily, the local government will prepare and submit to the Local Aid District Office, Bureau of Local Aid, the following:

1. A statement of the work performed, certified by the municipal/county engineer, for acceptance and approval of the computed work;
2. A certification by the county/municipal chief financial officer that all expenditures are supported by valid documentation and conform with the terms of the State's agreement; and
3. A request for reimbursement by the State, on vouchers to be supplied by the State.

(b) After a final inspection of the completed work by the State, action shall be taken to reimburse the county/municipality.

(c) The county/municipality shall maintain complete documentation of the project for a period of three years after receiving reimbursement by the State. An evaluation of the acceptability of the work by the Department and a determination of the extent of State participation in the cost thereof will be based on an inspection of the completed project and a review of the documentation maintained by the county/municipality.

Amended by R.1987 d.269, effective July 6, 1987.

See: 19 N.J.R. 625(a), 19 N.J.R. 1231(a).

(a)2 and (b) substantially amended.

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**SUBCHAPTER 4. STATE PARTICIPATION IN COST**
**16:22-4.1 State participation in cost**

(a) Unless otherwise approved by the Department, State participation shall not exceed the lesser of either 90 percent of the eligible cost of the completed construction work or the original allocation.

(b) Unless otherwise approved by the Department, design costs, the costs of acquisition of all necessary right-of-way, easements, slope rights and permits as required by governmental agencies and costs associated with construction supervision and inspection and material testing will be totally borne by the county/municipality and not be considered as eligible project costs.

(b) A Single Audit of the municipality shall be performed annually beginning with the fiscal year ended December 31, 1986 by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards in conformity with State audit policy.

(c) Department of Transportation agreements governed by N.J.A.C. 16:22 shall be subjected to audit compliance tests in accordance with requirements delineated in the Department of Treasury, OMB publication entitled "New Jersey Grants Management Information System Manual".

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## SUBCHAPTER 5. AUDIT

### 16:22-5.1 General provisions

(a) The municipality shall comply with the State of New Jersey Single Audit Policy defined by the Department of Treasury, Office of Management and Budget and the Single Audit Act of 1984 (Federal OMB Circular A-128).

(d) Expenditures prior to January 1, 1986 made under the terms of the county/municipality agreement(s) with the Department of Transportation and not previously audited by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards may be audited in context of the Single Audit performed for the fiscal year ended December 31, 1986.

(e) Audit costs incurred by the municipality to comply with this subchapter shall not be reimbursable.