

CHAPTER 20B

NEW JERSEY TRANSPORTATION TRUST FUND
AUTHORITY ACT: MUNICIPAL 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.162, effective April 26, 2001.
See: 33 N.J.R. 770(a), 33 N.J.R. 1599(a).

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

Chapter 20B, New Jersey Transportation Trust Fund Authority Act:
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.266, effective July 6,
1987. See: 19 N.J.R. 623(a), 19 N.J.R. 1229(b).

Pursuant to Executive Order No. 66(1978), Chapter 20B, New Jersey
Transportation Trust Fund Authority Act: Municipal Aid, expired on
December 17, 1989.

Chapter 20B, New Jersey Transportation Trust Fund Authority Act:
Municipal Fund, was adopted as new rules by R.1990 d.130, effective
February 20, 1990. See: 21 N.J.R. 3716(b), 22 N.J.R. 669(b).

Pursuant to Executive Order No. 66(1978), Chapter 20B, New Jersey
Transportation Trust Fund Authority Act: Municipal Fund, was re-
adopted as R.1995 d.72, effective January 12, 1995. See: 26 N.J.R.
4486(a), 27 N.J.R. 504(c).

Chapter 20B, New Jersey Transportation Trust Fund Authority Act:
Municipal Fund, was repealed, and a new Chapter 20B, New Jersey
Transportation Trust Fund Authority Act: Municipal Aid, was adopted
as R.1996 d.305, effective July 1, 1996. See: 28 N.J.R. 1354(a), 28
N.J.R. 3315(a).

Pursuant to Executive Order No. 66(1978), Chapter 20B, New Jersey
Transportation Trust Fund Authority Act: Municipal Aid, was readopted
as R.2001 d.162, effective April 26, 2001. See: Source and Effective
Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:20B-1.1 Appropriation of funds

New Jersey Transportation Trust Fund Authority Act funds are appropriated by the Legislature as the State's share of the cost for transportation improvements under municipal jurisdiction.

16:20B-1.2 Funding allocation and agreement procedure

(a) Each municipality may submit fully executed resolution, application and agreement forms for New Jersey Transportation Trust Fund Authority Act funds to the Local Government Services and Economic Development District Office of the New Jersey Department of Transportation. Resolution, application and agreement forms are available to the municipalities at the District Offices.

(b) Procedures for municipal aid formula appropriations are as follows:

1. Subject to appropriation of funds, State Aid for municipal projects in each county will be allocated according to the formula set forth in the Transportation Trust Fund legislation which gives equal weight to percentage of State population within a county and percentage of total State municipal road mileage within a county. For the purpose of this formula, population figures will be obtained from the New Jersey Department of Labor and municipal road mileage will be determined by the New Jersey Department of Transportation.

2. The resolution, application and agreement form provides for an engineering description of the existing road or bridge and the description of the proposed 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 Local Government Services and Economic Development District Offices shall review the form for completeness, make a field investigation and evaluate all projects for which applications have been received.

3. Projects for which applications have been received will be reviewed by a Screening Committee composed of

municipal engineers, representing a cross section of New Jersey, and staff of the New Jersey Department of Transportation. Recommendations as to which projects should receive funding, will be presented to the Commissioner of Transportation for consideration and approval. In determining the recommendations, consideration is given to the volume of traffic, safety, service to the public, growth potential, readiness to construct and local taxing capacity.

4. Each municipality will be required to execute State/Municipal Agreements for each project on forms provided by the State. Each agreement shall specify a time frame for the award of contract. In the event the award is not made within the specified timeframes, the State may either grant a time extension or recoup the State funds for use on other eligible projects throughout the State.

(c) Separate from the Municipal Aid Formula allocation, the Commissioner shall allocate \$5,000,000 to municipalities qualifying for urban aid under P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.) in the same proportion that they receive aid under P.L. 1978, c.14. The proportion is determined by the Department of Community Affairs.

(d) Separate from Municipal Aid Formula and Urban Aid appropriations, the Cities of Jersey City and Newark 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 on non-attributable funds made available for Small Urban Areas. In any one year in which insufficient funds have been appropriated to meet the minimum allocations, or if no appropriation is provided, the Commissioner of Transportation shall determine on a prorated basis the amount of the deficiency for each municipality.

1. Annually, prior to September 30, Jersey City and Newark will be advised for budgetary purposes of the amount of funds they can anticipate for the following calendar year. The Transportation Improvement Program with a State Aid element or, at the discretion of Jersey City and Newark, an Annual Transportation Program shall be submitted for approval by the Department prior to February 1 of the next succeeding calendar year. Municipal Capital Transportation Programs shall be approved by the Mayor and Council and submitted to the Department of Transportation for final approval. Jersey City and Newark shall make reasonable progress in the attainment and maintenance of National Ambient Air Quality Standards consistent with the New Jersey State Implementation Plan.

2. The Annual Transportation Programs shall list each project by name and location with a brief description of how each project conforms with Jersey City's and Newark's Municipal Transportation Plan.

3. Each program shall list the approved phase (engineering, right-of-way, construction) of each project to be undertaken. A cost estimate shall be provided for each phase of eligible work. This cost estimate shall indicate the amount of anticipated State participation and the amount of Jersey City's and Newark's participation. The total cost of work in the program (in which State participation is requested) shall not exceed Jersey City's and Newark's annual share of their funds.

4. Jersey City and Newark will be required to execute State/Municipal Agreements for each project 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 Mayor and Council and the Department of Transportation.

5. Escalation in a project's cost that exceed the approved amount in the State/Municipal Agreement shall be reviewed by the Department to determine eligibility for State participation. A request must be made for Department of Transportation's approval to modify the Annual Transportation Program to permit State participation in the additional work and revised agreements executed. Otherwise, all cost escalations will be totally borne by the municipality.

Amended by R.2001 d.162, effective May 21, 2001.
See: 33 N.J.R. 770(a), 33 N.J.R. 1599(a).
Rewrote the section.

16:20B-1.3 Discretionary funds

(a) Annually, subject to funds appropriated by the Legislature, a discretionary fund shall be established to address emergency and critical transportation projects. Any municipality may make application to the Department of Transportation at any time for these funds. All municipal aid formula rules, regulations and procedures in this chapter shall apply to discretionary funds except that due to the nature of the projects, applications will not be evaluated by a Municipal Engineers Screening Committee. Project approvals will be at the discretion of the Commissioner of Transportation.

(b) Applications should be made as described in N.J.A.C. 16:20B-1.2. Applications submitted for the formula portion, but not receiving funding approval, can be recycled for discretionary funding at the applicant's request. Department staff shall review requests as they are received and shall make recommendations to the Commissioner for approvals. Emergencies shall be reviewed immediately with recommendations for timely action.