

CHAPTER 21B

NEW JERSEY BRIDGE REHABILITATION AND IMPROVEMENT AND RAILROAD RIGHT-OF-WAY PRESERVATION BOND ACT OF 1989 FUNDING RULES

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-13, 27:7-47 and the New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Bond Act of 1989, P.L. 1989, c.180.

Source and Effective Date

R.1990 d.589, effective December 3, 1990.
See: 22 N.J.R. 2901(b), 22 N.J.R. 3630(b).

Executive Order No. 66(1978) Expiration Date

Chapter 21B, New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Bond Act of 1989 Funding Rules, expires on December 3, 1995.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS, BRIDGE FUNDING

- 16:21B-1.1 Bridge bond funds
- 16:21B-1.2 Project shares
- 16:21B-1.3 Standards
- 16:21B-1.4 Audits

SUBCHAPTER 2. STATE AID TO LOCAL GOVERNMENTS FOR BRIDGE PROJECTS

- 16:21B-2.1 Applications for bridge bond funding
- 16:21B-2.2 Procedure
- 16:21B-2.3 Local government responsibility
- 16:21B-2.4 Award of contract
- 16:21B-2.5 Contract completion and payment
- 16:21B-2.6 Cost of construction
- 16:21B-2.7 Cost of engineering, right-of-way, and bridge evaluation
- 16:21B-2.8 Emergency bridge projects

SUBCHAPTER 3. STATE ADMINISTERED BRIDGE BOND PROJECTS

- 16:21B-3.1 State projects

SUBCHAPTER 4. RAILROAD OVERHEAD BRIDGE PROJECTS INVOLVING JURISDICTIONAL ASSIGNMENTS

- 16:21B-4.1 General provisions
- 16:21B-4.2 Procedure
- 16:21B-4.3 Emergency bridge projects

SUBCHAPTER 5. GENERAL PROVISIONS, RAILROAD RIGHT-OF-WAY PRESERVATION (RESERVED)

SUBCHAPTER 6. STATE AID FOR RAILROAD RIGHT-OF-WAY PRESERVATION (RESERVED)

SUBCHAPTER 1. GENERAL PROVISIONS, BRIDGE FUNDING

16:21B-1.1 Bridge bond funds

(a) This chapter implements bridge funding provisions of the New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Bond Act of 1989, P.L. 1989, c.180. Funds for rehabilitation or improvement means the construction, reconstruction, demolition, removal, replacement, improvement, repair, rehabilitation, or rebuilding of bridges carrying State, county or municipal roads, including railroad overhead bridges (highway over rail), as appropriated by the Legislature. These funds shall be referred to in this chapter as "bridge bond funds".

(b) The Commissioner of Transportation, after consultation with applicable local officials, shall make the final selection of projects to be funded with bridge bond funds.

(c) Bridge projects for which bridge bond funds have been appropriated shall be advanced and under contract within three years of the appropriation. In the event that a bridge project for which funds have been appropriated is not under contract after three years, the appropriated funds for that project shall be returned to the Commissioner, for reallocation as provided by law.

(d) A bridge, for the purposes of this chapter, is a structure with a minimum clear span of five feet.

16:21B-1.2 Project shares

(a) Bridge bond funds shall defray 100 percent of the cost of those bridges which carry State highways and which are constructed, owned or maintained by the State and those railroad overhead bridges over and across a railroad or electric railway operated by the State.

(b) Bridge bond funds shall defray not more than 90 percent of the cost of rehabilitation and improvement, with the county or municipality defraying not less than 10 percent of the cost, of those bridges which carry county or municipal roads, except those railroad overhead bridges carrying county or municipal roads which are provided for in (a) above.

(c) Notwithstanding the provisions of chapter 12 of Title 48 of the Revised Statutes, the railroad company whose tracks or right-of-way the bridge crosses, shall furnish, at its own expense, necessary track safety services and engineering reviews for railroad overhead bridges.

(d) Cost sharing prescribed in this section shall be determined after first reducing the cost of rehabilitation and improvement of bridges by the amount of Federal funding, when Federal funding is involved in a project.

16:21B-1.3 Standards

(a) Bridge projects shall conform to applicable design criteria of the American Association of State Highway and Transportation Officials (AASHTO) or applicable New Jersey Department of Transportation Standards. Any exceptions to these design criteria must be justified by the engineer responsible for the project to be in the public interest.

(b) Construction and materials shall conform with the applicable New Jersey State Department of Transportation Standard Specifications for Road and Bridge Construction.

(c) Evaluations, ratings, and reports shall conform to the national bridge inspection standards as contained in the current AASHTO Manual for Maintenance Inspection of Bridges.

16:21B-1.4 Audits

(a) Entities receiving bridge bond funds shall comply with audit requirements of the New Jersey Department of the Treasury and of the New Jersey Department of Transportation, and with any Federal audit requirements associated with Federal funding of projects.

(b) Local governments 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).

(c) A single audit of a local government shall be performed annually 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.

(d) Department of Transportation agreements 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."

(e) Audit costs incurred by such entities to comply with this section shall not be reimbursable from the Department.

SUBCHAPTER 2. STATE AID TO LOCAL GOVERNMENTS FOR BRIDGE PROJECTS

16:21B-2.1 Applications for bridge bond funding

(a) Any county or municipality may submit project applications which contain executed agreements and resolutions for bridge bond funds to the New Jersey Department of Transportation through the Local Aid District Office for review and project approval for those State aid projects funded in accordance with N.J.A.C. 16:21B-1.2(b).

(b) Applications containing agreements and resolutions are available to local governments at the Local Aid District Office.

(c) All approved applications with executed agreements and resolutions for funding shall be implemented by contract in accordance with N.J.A.C. 16:21B-2.3 and 2.4 unless otherwise approved by the State.

16:21B-2.2 Procedure

(a) The application with agreement and resolution shall provide an engineering description of the existing road and bridge and the description of the proposed improvement indicating the length of span, proposed load limit, 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 for both the bridge and approach roadways. The Department may make a field investigation of all projects for which applications have been received.

(b) Applications will be reviewed and evaluated by the staff of the Local Aid District Office. Recommendations for approval will be presented to the Commissioner of Transportation or designee for execution.

16:21B-2.3 Local government responsibility

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

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

(c) The local government unit shall be responsible for obtaining all necessary permits, right-of-way, easements, and slope rights required.

(d) The local government unit shall have the following bridge evaluation responsibilities:

1. Be responsible for engaging a qualified consulting engineering firm to inspect, rate, and prepare reports;
2. Prior to executing an agreement with a consulting firm, submit two copies of the consultant proposal to the Local Aid District Office for review and approval; and
3. Make available for review any reports, ratings or other information as may be required by the State.

16:21B-2.4 Award of contract

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

(b) The local government shall submit the following to the Local Aid District Office 15 calendar days prior to the time of advertisement for construction bids:

1. Two copies of contract plans and specifications;
2. Two copies of the engineer's estimate of costs; and
3. Two copies of the responsible engineer's justification for any exceptions to the applicable design standards, or certification that none is involved.

(c) The local government shall submit the following to the Local Aid District Office within 30 calendar days of receipt of construction bids:

1. Two copies of the summary of construction bids; and
2. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the Department.

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

16:21B-2.5 Contract completion and payment

(a) The State may disburse funds after acceptance of completed work by the local government unit and the Department. Progress payments may be made on a monthly basis when authorized by the Department and when the requested progress payment exceeds \$10,000.

(b) The local government will prepare and submit the following to the Local Aid District Office, when all work has been completed satisfactorily:

1. A statement by the local government unit's engineer certifying that the work performed is accepted and approved upon completion of the work;
2. A certification by the local government unit's chief financial officer that all expenditures are supported by valid documentation and conform with the terms of the State's agreement, and a statement that the project is contained in the annual audit;
3. A request for reimbursement by the State, on vouchers to be supplied by the State; and
4. For bridge evaluations, the following information is also required:
 - i. An inventory listing of the structures inspected, including the structure identification number, the intersecting feature, the route number, and the municipality for each structure; and
 - ii. A notification of the filing location of the final study reports and any instructions for arrangements to review them.

(c) Action shall be taken to reimburse the local government unit after a final inspection of the completed work by the State.

(d) The local government unit 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 documentation maintained by the local government unit.

16:21B-2.6 Cost of construction

(a) The State participation in the eligible cost of the completed rehabilitation and improvement work shall be as provided in P.L. 1989, c.180, any applicable legislative appropriation acts, and this chapter, in accordance with the availability of funds, concerning those bridges which carry county or municipal roads which are constructed, owned, or maintained by a county or municipality.

(b) Actual construction costs including construction supervision and material testing costs shall be eligible for reimbursement. The State shall participate in construction supervision and material testing costs in accordance with the current practices of the Department. The maximum State participation shall be limited to the lesser of:

1. Ninety percent of the total participating project cost including construction, design engineering and right of way acquisition costs;
2. One hundred percent of the participating construction cost including construction supervision and materials testing; or
3. The allotment amount as approved in the executed agreement or subsequent approved revisions or supplements.

16:21B-2.7 Cost of engineering, right-of-way, and bridge evaluation

(a) Design engineering and right-of-way costs are not eligible for reimbursement by the State; however, they may be included in the total project cost for calculation of the maximum State share.

(b) Consultant services for the evaluation of bridges with clear spans less than 20 feet will be eligible for reimbursement. Costs incurred by the local government unit for negotiation and administration of the consultant agreement shall not be eligible for reimbursement and shall not be included in the total project cost for calculation of the maximum State share. The maximum State participation shall be limited to the lesser of:

1. Ninety percent of the participating consultant agreement costs; or

2. The allotment amount as approved in the executed agreement or subsequent approved revisions or supplements.

16:21B-2.8 Emergency bridge projects

The New Jersey Department of Transportation will evaluate applications received from municipalities and counties throughout the State for projects of an emergency nature. Rapid construction, reconstruction, or rehabilitation of projects of this type will reduce undue hardships to the traveling public or correct unsafe conditions in a timely fashion. The requirements of this chapter shall pertain to emergency projects.

SUBCHAPTER 3. STATE ADMINISTERED BRIDGE BOND PROJECTS

16:21B-3.1 State projects

Projects involving State owned bridges or where the Department of Transportation is the lead agency will be governed by the Department's policy and procedures for State projects.

SUBCHAPTER 4. RAILROAD OVERHEAD BRIDGE PROJECTS INVOLVING JURISDICTIONAL ASSIGNMENTS

16:21B-4.1 General provisions

(a) The Department of Transportation shall be the lead agency, when a railroad overhead bridge project involves a jurisdictional assignment. Project funding shall be in accordance with N.J.A.C. 16:21B-1.2. The 10 percent local match requirements shall only apply to the direct design, right-of-way, construction, and inspection costs of the project.

(b) Responsibilities and jurisdictional assignments for railroad overhead bridges shall be governed by P.L. 1988, c.171 (N.J.S.A. 27:5G-5 et seq.), the Railroad Overhead Bridge Act of 1988, and by N.J.A.C. 16:53B.

(c) The Department may accept or assign full or partial permanent jurisdictions or responsibilities to either the Department or to a county or municipality as provided in accordance with P.L. 1988, c.171 (N.J.S.A. 27:5G-5 et seq.) for those railroad overhead bridges whose ownership is not determined or is in doubt. The Department may assign responsibility for routine roadway maintenance to the governmental entity with jurisdiction for the approaching roadways. Jurisdiction or responsibility for other than roadway maintenance shall be accepted by the Department except in those cases where the Department determines by a preponderance of the evidence that a county or municipality already owns or has jurisdiction for a bridge.

(d) The provisions of (c) above shall not restrict interested parties from entering into voluntary jurisdictional agreements or allocations of responsibilities.

(e) The Department of Transportation through the Division of Right-of-Way shall administer and direct all phases of the real property or right-of-way acquisition in the event that a project requires the purchase of additional real property or right-of-way. Purchase of right-of-way or additional needed real property shall be made in accordance with the statutory requirements of N.J.S.A. 20:3-1 et seq. If relocation assistance is required, it shall be provided in accordance with applicable statutes and regulations. Unless determined otherwise by the Commissioner, real property or right of way shall be acquired in the name of the entity with approach road jurisdiction.

16:21B-4.2 Procedure

(a) The applicable local government unit(s) shall execute a cost sharing and jurisdictional agreement(s) with the Department of Transportation prior to work commencing on a project. The agreement(s) shall conform to the requirements of N.J.A.C. 16:53B.

(b) The agreement(s) shall provide an engineering description of the existing road and bridge, a description of the proposed improvement, and an estimate of the cost of the proposed work for both the bridge and approach roadways.

(c) Agreements shall be reviewed and evaluated by the staff of the Department of Transportation. Recommendations for approval will be presented to the Commissioner of Transportation or designee for execution.

16:21B-4.3 Emergency bridge projects

The New Jersey Department of Transportation shall evaluate situations throughout the State for projects of an emergency nature. Rapid construction, reconstruction, or rehabilitation of projects of this type will reduce undue hardships to the traveling public or correct unsafe conditions in a timely fashion.

SUBCHAPTER 5. GENERAL PROVISIONS, RAILROAD RIGHT-OF-WAY PRESERVATION (RESERVED)

SUBCHAPTER 6. STATE AID FOR RAILROAD RIGHT-OF-WAY PRESERVATION (RESERVED)