

4. Operators of motor vehicles bearing license plates which identify the operator as a disabled or handicapped driver shall be exempt from the provision of (c) above and shall be permitted to purchase motor fuel on any day.

(g) Violations rules are as follows:

1. No persons shall threaten, interfere, or attempt to interfere with compliance with these regulations.

2. No person shall knowingly or willfully misrepresent a motor vehicle as one entitled to an exemption from these regulations or a priority thereunder. If such misrepresentation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense. Any penalties imposed resulting from a violation of this section shall not preclude the application of any other penalties, civil or criminal, as prescribed by law.

(h) The Authority may, from time to time and for such period as it deems appropriate, modify or suspend the operation and/or enforcement of any or all of these regulations, in whole or in part. Such modification or suspension may be immediately effective without prior notice. Any modification or suspension order issued by the Authority may be for a definite or indefinite duration, and, notwithstanding the fact that any such order hereinafter issued is specified to be for a definite duration, the Authority may rescind any such order and reinstate any such modified or suspended regulations.

R.1979 d.246, eff. June 18, 1979.
See: 11 N.J.R. 415(d).

SUBCHAPTER 2. GENERAL REGULATIONS ON THE GARDEN STATE PARKWAY

19:8-2.1 Waste and rubbish

No person shall throw, drop or discard bottles, cans, paper, garbage, rubbish or other material of any kind or description on the Parkway. No person shall dispose of waste oil and other hazardous materials and/or their containers at any location or into any receptacle on the Parkway.

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

19:8-2.2 Damaging of shrubs or plants and defacement of Parkway prohibited

(a) No person shall cut, mutilate or remove any trees, shrubs, flowers, plants, top soil or sod location upon the Parkway or attempt to do so.

(b) Injury, defacement, removal or destruction of the surfaces of the Parkway, or its structures, appurtenances, recreational facilities or property is prohibited.

19:8-2.3 Displays, posters, placards and leafleting prohibited

No person shall erect or place any displays, posters, or placards, or engage in leafleting or display any advertising matter of any kind, regardless of the character or content of the message, on the Parkway, except as otherwise specifically pre-authorized by the Authority.

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

19:8-2.4 Parades, demonstrations and picnics prohibited

(a) Parades or other demonstrations are prohibited.

(b) Picnics or other gatherings, games, entertainment or sports, on the Parkway are prohibited except at sites which may be designated for such purposes.

(c) Use of picnic areas during the period of ½ hour after sunset until ½ hour before sunrise is prohibited, except that visitation at the Vietnam Veterans Memorial for public use and activity as defined at N.J.A.C. 19:8-2.16(b) is generally permitted at any time except as may be otherwise directed by the Authority or the operators of the Memorial.

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

19:8-2.5 Hunting and trapping prohibited

No person shall hunt, trap or molest any wildlife upon the Parkway, or fish on or from the Parkway, except at designated locations.

19:8-2.6 Use of firearms prohibited

The use, display or discharge of any firearms or other weapons or fireworks on the Parkway, except by persons authorized by the Authority or by law, is prohibited.

19:8-2.7 Fire prohibited

The igniting of fires for any purpose whatsoever is prohibited on the Parkway, except in fireplaces or pits provided by the Authority for that purpose.

19:8-2.8 Soliciting of alms prohibited

Soliciting of alms or contributions on the Parkway is prohibited.

19:8-2.9 Hitchhiking and loitering prohibited

(a) Soliciting of rides on the Parkway, commonly known as "hitchhiking", is prohibited.

(b) No person shall loiter on the Parkway in such manner as to:

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to be created a disturbance or annoyance to the comfort and repose of any person;
3. Obstruct the free passage of pedestrians or vehicles;
4. Obstruct, molest or interfere with any person lawfully on the Parkway. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

As amended, R.1978 d.257, effective July 28, 1978.
See: 10 N.J.R. 307(b), 10 N.J.R. 408(b).

19:8-2.10 Sales and distribution prohibited

No person shall enter or remain on the Parkway for the purpose of offering, selling, hiring or leasing any goods, wares, merchandise or services, whether or not such services are to be rendered for compensation, nor for the purpose of distributing samples, pamphlets or advertising matter of any sort, except as authorized by the authority.

19:8-2.11 Arts Center

(a) For events requiring a ticket, no person shall be admitted to the amphitheater without a ticket, including minors. For events requiring a ticket, no person, including a minor, may occupy a reserved seat at the amphitheater unless able to produce a ticket stub for that seat nor occupy lawn space unless able to produce a ticket stub.

(b) No person shall be admitted to the amphitheater unless properly attired. Bare feet are not permitted.

(c) No person shall be admitted to the amphitheater with the following in his or her possession:

1. Alcoholic beverages;
2. Food or beverages of any kind, whether or not contained in any package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description unless expressly authorized by the Authority;
3. Cameras, video cameras, recording equipment, radios, televisions or other electronic equipment unless specifically authorized by the Authority;
4. Pets.

(d) To effect compliance with (c) above, the Authority shall have the right to inspect any such package, can, bottle, cooler, box, flask, thermos bottle, bag or container of any description in the possession of any persons seeking admission to the amphitheater. Any refusal to permit such inspection shall be grounds to prohibit the admission of any person to the amphitheater.

(e) No person may take or leave their reserved seat when the house lights are out, unless accompanied by an usher.

(f) Ticket resales are prohibited except in accordance with Title 56 of the New Jersey statutes.

(g) After any person has been admitted to the amphitheater, there shall be no departure and readmittance permitted without the approval of the Authority.

(h) No person shall sell any merchandise of any description or kind on Arts Center property without express permission of the Authority. Any unauthorized sale of said merchandise shall subject same to confiscation. A person who has in his or her possession or under his or her control four or more like items is presumed to have violated this subsection.

R.1975 d.145, effective May 29, 1975.

See: 7 N.J.R. 241(b), 7 N.J.R. 350(d).

As amended, R.1980 d.189, effective May 1, 1980.

See: 12 N.J.R. 225(a), 12 N.J.R. 355(e).

As amended, R.1981 d.169, effective June 4, 1981.

See: 13 N.J.R. 247(e), 13 N.J.R. 378(a).

(c)2 and (d) added.

Amended by R.1992 d.178, effective April 20, 1992 (operative May 1, 1992).

See: 24 N.J.R. 557(a), 24 N.J.R. 1515(a).

Amended by R.1994 d.235, effective May 16, 1994.

See: 26 N.J.R. 1318(a), 26 N.J.R. 2146(c).

Amended by R.1998 d.210, effective May 4, 1998.

See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

19:8-2.12 Towing and emergency services

(a) In accordance with P.L. 1997, c.390, § 2, this section shall apply to contracts between the Authority and service providers for towing and emergency services entered into after March 20, 1998.

(b) Repair and towing of vehicles on the Parkway shall be by the off-Parkway garages licensed by the Authority only and awarded under an open and competitive procurement process pursuant to applicable laws and regulations.

(c) Rules on road service for all Class I vehicles (see (d)1 below) are as follows:

1. The maximum amount charged as a service charge, 24 hours per day, shall be \$17.00. This service charge shall only be charged for roadside assistance which does not include hook-up and towing services.

2. An additional maximum charge of \$17.00 may be charged with respect to any Class I vehicle, for providing any or all of the following, in any combination, as part of a roadside repair or service: motor fuel, oil, labor, parts and other material needed for roadside repair, including, but not limited to, a tire change.

(d) Rules for towing, storage and mileage charges for all vehicles are as follows:

1. The maximum hook-up charge for towing cars and campers up to a registered maximum gross weight 6,999 pounds (Class I) shall be \$50.00 plus a mileage charge of \$2.70 per mile or fraction thereof.

2. The maximum hook-up charge for towing trucks and buses (two-axle) and cars and campers with a registered gross weight from 7,000 pounds to 14,999 pounds (Class II) shall be \$70.00 plus a mileage charge of \$3.00 per mile or fraction thereof.

3. The maximum hook-up charge for towing trucks, with or without trailers, and buses (three-axle or more) or vehicles with a registered gross weight exceeding 14,999 pounds (Class III) shall be \$110.00 plus a mileage charge of \$3.50 per mile or fraction thereof.

4. The maximum hook-up charge for use of a land all trailer (low boy) shall be \$125.00 for the first hour, with an additional \$63.00 charge for each additional hour used, plus a mileage charge of \$5.00 per mile or fraction thereof.

5. The maximum hook-up charge for the use of a heavy-duty under-reach shall be \$230.00 per hour, plus a mileage charge of \$5.00 per mile or fraction thereof.

6. The maximum amount charged as a storage fee shall be \$25.00 per day, after the first 24 hours, for any Class I vehicle.

(e) The mileage charges in (d)1 above shall not apply when the operator of a Class I vehicle elects to be towed to a destination other than the nearest exit or the service provider's garage. In such cases, the mileage charge shall be reasonable and as mutually agreed upon between the operator of the vehicle and the garage.

(f) The following criteria shall be considered by the Authority in awarding a contract for towing and storage services:

1. Reliability;
2. Experience;
3. Response time;
4. Acceptance of credit cards and prepaid towing contracts;
5. Price of such services to the patrons of the Parkway;
6. Adequate equipment to safely handle sufficient volume of common vehicle types under a variety of traffic and weather conditions;
7. Location of storage and repair facilities;
8. Security of vehicles towed or stored;
9. Financial return to the Authority;
10. Maintenance of adequate liability insurance; and

11. Appropriate safeguards to protect the personal safety of customers, including considerations related to the criminal background of employees.

(g) Contracts for emergency services entered into prior to March 20, 1998, shall remain in effect in accordance with the terms thereof.

R.1975 d.331, effective November 1, 1975.

See: 7 N.J.R. 491(b), 7 N.J.R. 579(a).

As amended, R.1979 d.167, effective May 15, 1979.

See: 11 N.J.R. 213(a), 11 N.J.R. 309(b).

As amended, R.1981 d.115, effective May 7, 1981.

See: 13 N.J.R. 165(b), 13 N.J.R. 315(a).

(a)-(e) substantially amended. (f), previously codified as footnote 1, added.

As amended, R.1983 d.99, effective April 4, 1983.

See: 15 N.J.R. 134(a), 15 N.J.R. 554(c).

Fees increased.

Amended by R.1985 d.14, effective February 4, 1985.

See: 16 N.J.R. 3299(a), 17 N.J.R. 321(b).

Rate increases throughout section.

Amended by R.1987 d.9, effective January 5, 1987.

See: 18 N.J.R. 2120(c), 19 N.J.R. 141(c).

(e)2 added.

Amended by R.1992 d.179, effective April 20, 1992 (operative May 1, 1992).

See: 23 N.J.R. 557(b), 24 N.J.R. 1516(a).

Amended by R.1998 d.22, effective January 5, 1998.

See: 29 N.J.R. 4413(a), 30 N.J.R. 112(a).

Rewrote (a) and deleted (b) through (f).

Repeal and New Rule, R.1998 d.311, effective June 15, 1998.

See: 30 N.J.R. 1394(a), 30 N.J.R. 2270(a).

Section was "Emergency service".

Case Notes

Term "responsible" within meaning of statutory language "lowest responsible bidder" refers to bidder's quality, fitness, and capacity to satisfactorily perform the proposed work; although financial package offered by bidder is important consideration, bidder must also possess requisite judgment, skill, ability, and integrity to fulfill its obligations under the public contract, as well as other attributes. *N.E.R.1. Corp. v. New Jersey Highway Authority*, 147 N.J. 223, 686 A.2d 328 (1996).

Highway Authority towing contracts exempted from public bidding requirements. *N.E.R.I. Corp. v. New Jersey Highway Authority*, 282 N.J.Super. 460, 660 A.2d 564 (A.D.1995).

19:8-2.13 Discharges

(a) Any material being carried by a vehicle shall be firmly secured and vehicles carrying loose material likely to be discharged that is not otherwise boxed, crated, bagged or packaged, shall be firmly secured on all sides with a tarpaulin completely covering the material, and capable of preventing the escape of said material.

(b) No material shall be discharged on the Parkway or on the property adjacent to the Parkway which may cause an impact on the operations of the Parkway. This prohibition shall apply to any material being carried as cargo in or on a vehicle, by any person or by any contractor or vendor of the Authority, and to any material that is a part of the vehicle or necessary for the operation of the vehicle or any apparatus affixed thereon, but shall not apply to ordinary vehicular emissions anticipated by the original design of the vehicle.

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

19:8-2.14 Damage to the Parkway due to discharges

(a) No material shall be discharged on the Parkway or on the property adjacent to the Parkway, that may cause damage to the Parkway, the general public, the environment, the Authority, its agents and employees. For purposes of this section only, "damage" includes any effect which may be injurious to health, safety or welfare, cause the contamination of the environment including soils and ground water, or which may cause financial loss or delay the movement of traffic.

(b) The operator, owner or lessee of any vehicle, lessee of Authority property, or owner or lessee of adjacent property from which a discharge in violation of any provision of this section or N.J.A.C. 19:8-1.12, or 2.13 occurs, regardless of the cause of the discharge, shall cooperate fully with the Authority, its employees, agents, and third parties (authorized to respond to an emergency, discharge or blockage of traffic by the Authority), the State Police and the New Jersey Department of Environmental Protection (NJDEP) and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Parkway immediately. The vehicle operated, owned or leased by any person, lessee of Authority property, or the owner or lessee of the adjacent property failing to cooperate or take such action as deemed necessary by the official in charge of the scene where the discharge occurred is subject to impoundment by the Authority, or its agents and their employees until such time as all penalties, towing and storage fees and costs have been satisfied.

(c) In addition to any penalties prescribed by this chapter or by the laws and regulations of other government entities including, but not limited to, Titles 2C, 13, 27, 39 and 58 of the New Jersey Statutes and Federal law or regulation, any person violating any provision of this section or N.J.A.C. 19:8-1.12, 2.13 or 2.15, shall be liable to the Authority for treble the amount of damages for any and all costs arising out of said violation, including, but not limited to, the costs of:

1. Collecting, testing and properly disposing of the material and any noted contaminated soils or ground water and providing the Authority with all copies of results and documentation of same;
2. Replacing or repairing, in the Authority's sole discretion, any property damaged by reason of said violation.
3. Toll and other revenues lost because of closing of the Parkway, any part thereof, by reason of said violation;
4. Medical care, supervision or other costs relating to personal injury suffered by the general public, the Authority, its agents or employees; and

5. Any other costs arising out of said violation and incurred by the Authority, its Consultants or third parties.

(d) The Authority may recover the costs under (c) above by way of complaint filed in a court of appropriate jurisdiction, by an administrative consent order executed by an authorized representative of the Department of Environmental Protection or by any other lawful means.

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

19:8-2.15 Response to a discharge

(a) Any operator, owner or lessee of a vehicle on the Parkway which contains any hazardous or non-hazardous material shall be subject to all provisions and penalties hereunder, in addition to any provisions of the United States Code, the New Jersey Statutes and the New Jersey Administrative Code.

(b) In the event of a discharge of hazardous or non-hazardous material on the Parkway or on adjacent property impacting the Parkway, all remedial efforts shall be conducted in compliance with these rules and under the supervision of the Authority, the State Police, and/or the Department of Environmental Protection.

1. Where practicable, but not contrary to the rules of the NJDEP, and not contrary to the safety of the operator, the general public or the Authority, the operator, owner or lessee of the vehicle, lessee of Authority property or owner or lessee of adjacent property may be afforded the opportunity to contain and remove discharged material using personnel, materials and equipment:

- i. Aboard the vehicle or on the property from which the discharge occurred;
- ii. Aboard another vehicle owned or leased by the operator, owner or lessee of the vehicle or of the property from which the discharge occurred;
- iii. By a specialized response team operated by the manufacturer or distributor of the hazardous or non-hazardous material that has been discharged; or
- iv. By third parties contracted to contain, clean up, and/or dispose of the discharge (hereafter "emergency response contractors") by the operator, owner or lessee of the vehicle or of the property specifically for the purpose of remediating hazardous or non-hazardous materials discharged from the operator's, owner's, or lessee's vehicle or property.

2. No emergency response services may be provided pursuant to (b)1i through iv above unless all the entities undertaking such services have provided to the Authority proof of adequate insurance, registration with the NJDEP (as per N.J.A.C. 7:E1-4.2) and other such information as may be required by the Department of Operations.