

SUBTITLE E. NEW JERSEY TURNPIKE AUTHORITY

CHAPTER 9

NEW JERSEY TURNPIKE AUTHORITY

Authority

N.J.S.A. 27:23-1, 27:23-5(e), 27:23-5(h),
27:23-5(o), 27:23-9 and 27:23-29.

Source and Effective Date

R.1998 d.492, effective September 11, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

Executive Order No. 66(1978) Expiration Date

Chapter 9, New Jersey Turnpike Authority, expires on September 11, 2003.

Chapter Historical Note

Chapter 9, New Jersey Turnpike Authority, was filed and became effective December 3, 1963.

Subchapter 9 was adopted as R.1973 d.173, effective June 29, 1973.
See: 5 N.J.R. 205(b), 5 N.J.R. 295(b).

Pursuant to Executive Order 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1983 d.301, effective July 13, 1983.
See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a). Subchapter 9 was repealed and adopted as new rules by R.1983 d.556, effective December 5, 1983.
See: 15 N.J.R. 1639(a), 15 N.J.R. 2046(d). Pursuant to Executive Order 66(1978), Chapter 9 expired on July 13, 1988.

Chapter 9, New Jersey Turnpike Authority, was adopted as new rules by R.1988 d.483, effective October 17, 1988. See: 20 N.J.R. 1338(a), 20 N.J.R. 2591(a).

Subchapter 7 was adopted as R.1989 d.444, effective July 24, 1989.
See: 21 N.J.R. 2528(b).

Subchapter 6 was adopted as R.1989 d.580, effective November 20, 1989. See: 21 N.J.R. 2440(a), 21 N.J.R. 3675(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1993 d.496, effective September 13, 1993. See: 25 N.J.R. 2839(b), 25 N.J.R. 3685(a), 25 N.J.R. 4605(a). Administrative Correction. See: 25 N.J.R. 4927(c).

Pursuant to Executive Order No. 66(1978), Chapter 9, New Jersey Turnpike Authority, was readopted as R.1998 d.492, effective September 11, 1998, and Subchapter 8, Debarment, Suspension and Disqualification from Contracting, was adopted by R.1998 d.492, effective October 5, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. TRAFFIC CONTROL ON NEW JERSEY TURNPIKE

19:9-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Abandoned vehicles” means any vehicle whose occupants leave the vehicle unattended on the Turnpike for any reason for any period of time.

“Authority” means the New Jersey Turnpike Authority, the body corporate and politic defined in N.J.S.A. 27:23-1 et seq., acting by and through the duly appointed commissioners thereof and their designees.

“Bicycle” means any vehicle with two wheels supported by a frame propelled by the feet acting upon pedals.

“Commercial vehicles” means every type of motor driven vehicle used for commercial purposes on the Turnpike such as the transportation of goods, wares and merchandise, excepting such vehicle of the passenger car type.

“Construction equipment” means all vehicles, machinery and equipment enumerated in N.J.S.A. 39:3-20.

“Gross combination weight rating (G.C.W.R.)” means the value specified by the manufacturer as the loaded weight of a combination vehicle.

“Gross vehicle weight rating (G.V.W.R.)” means the value specified by the manufacturer as the loaded weight of a single vehicle.

“Gross weight” means the combined weight of a vehicle and any load thereon.

“Interstate 95 Extension” means that portion of Interstate Highway 95 previously maintained by the New Jersey Department of Transportation and transferred to the Authority by N.J.S.A. 27:23-23.7, beginning at milepost 117.9+ and thence in a general northerly direction to milepost 122.0+, and all bridges, tunnels, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings which the Authority may deem necessary for the operation of such extension, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such extension and all other property within the Interstate 95 Extension right-of-way.

“Motorcycles” means all motor operated vehicles of the bicycle or tricycle type, whether the motor power being a part thereof or attached thereto and having a saddle or seat with driver seat astride or upon it.

“Motor trucks” means every motor vehicle designed, used or maintained primarily for the transportation of property, which property is not affixed to or a necessary part of the design or construction of the vehicle itself.

“Official traffic control devices” means only those signs, signals, markings and devices approved and accepted by the Authority and placed, erected or caused to be placed or erected by the Authority for the purpose of regulating, warning or guiding traffic on the Turnpike.

“Omnibus” means any motor vehicle capable of transporting 10 or more passengers and registered as a bus, as indicated by the letter “O” preceding the registration number or the word “Bus” or “Omnibus” on the vehicle’s license plate. Vehicles with the letters “CV” or the word “Livery” or “Autocab” on the license plate are excluded from this definition.

“Passenger vehicles” means all automobiles used and designed for the transportation of passengers other than omnibuses and school buses, irrespective of whether the vehicle has commercial or noncommercial registration license plates.

“Semitrailer” means every vehicle with or without motive power, including a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some parts of its weight and that of its load rests upon or is carried by another vehicle.

"Trailer" means every vehicle with or without motive power, including a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

"Truck-tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

"Turnpike" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, owned and/or operated under the provisions of N.J.S.A. 27:23-1 et seq. by the Authority, and shall include, but not be limited to, all bridges, tunnels, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communication facilities, and administration, storage and other buildings which the Authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the Authority for the construction or the operation of such project and all other property within the Turnpike right-of-way.

"Turnpike right-of-way" means the area continued within the right-of-way lines as designated on Turnpike parcel property maps filed in the respective county clerk's office of each county in which the Turnpike is located.

"Vehicles" means every device in, upon or by which a person or property is or may be transported upon a highway.

Amended by R.1974 d.227, effective October 1, 1974.

See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1992 d.379, effective October 5, 1992.

See: 24 N.J.R. 2692(a), 24 N.J.R. 3534(d).

Revised definition "New Jersey Turnpike."

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Case Notes

Statutory objective may be examined to determine whether act of State Turnpike Authority is statutorily authorized. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

Regulations of State Turnpike Authority are afforded rebuttable presumption of validity. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

19:9-1.2 Speed limits

(a) Vehicles shall not be operated on the Turnpike between Interchange 14 (milepost N-0) and Interchange 14C (milepost N-8) or between the Pennsylvania-New Jersey State line on the Delaware River-Turnpike Bridge (milepost P-0) and the toll booths at Interchange 6 (milepost P-1.2) at a speed in excess of 50 miles per hour.

(b) Vehicles shall not be operated elsewhere on the Turnpike at a speed in excess of 55 miles per hour except at such locations as shall be designated for test purposes.

(c) Where signs prescribing a lesser speed are posted or erected by a person or persons authorized by the Authority to post or erect such signs, no vehicle within the area or zone or section where such signs are posted or erected shall be operated in excess of the speed prescribed by said signs.

(d) Consistent with the requirements of this section, any vehicle operated on the Turnpike shall at all times be operated at an appropriate reduced speed when specified hazards exist with respect to traffic, road, weather or other conditions irrespective of the posted speed limit.

(e) No vehicle shall be operated anywhere on the Turnpike at a speed of less than 35 miles per hour on level ground, except where otherwise posted or when specific hazards exist with respect to traffic, road or weather conditions.

Amended by R.1972 d.146, effective July 27, 1972.

See: 4 N.J.R. 109(c), 4 N.J.R. 199(c).

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1989 d.60, effective February 6, 1989.

See: 20 N.J.R. 2684(b), 21 N.J.R. 314(a).

Deleted (e) and recodified (f) to (e).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.3 Traffic control

(a) The regulating, warning or guiding of all traffic on the Turnpike shall be governed by official traffic control devices.

(b) No vehicle shall operate an emergency flashing light of any color on the Turnpike except State Police vehicles, the Authority's maintenance and official vehicles, contractors' private vehicles while in the performance of authorized Turnpike duties, vehicles on the Turnpike for the purpose of furnishing authorized towing and other services to disabled vehicles, and all other vehicles performing emergency services, such as ambulances and fire engines, when they are properly in use in the performance of authorized Turnpike duties.

(c) All official traffic control devices on the Turnpike shall be obeyed by the operators of all vehicles unless a State Police officer or authorized Authority personnel directs otherwise.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

19:9-1.4 Uniform direction of traffic

(a) No vehicle shall be operated, pushed or otherwise caused to move in a direction which is against the normal flow of traffic.

(b) No vehicle shall be operated on a roadway lane where lane usage by that classification of vehicle is prohibited by appropriate signs.

(c) Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Turnpike, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Turnpike duties; provided that no such excepted vehicles shall be operated against the normal flow of traffic or contrary to classification prohibitions so as to create a hazard to other vehicles.

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
Amended by R.1994 d.414, effective August 15, 1994.
See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

19:9-1.5 "U" turns prohibited

(a) The making of a "U" turn at any point on the Turnpike is prohibited.

(b) The direction of travel of any vehicle operated on the Turnpike shall be reversed only by passing through an interchange.

(c) Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Turnpike, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Turnpike duties; provided however, that this exception shall be for the sole purpose of crossing from a traffic lane carrying vehicles in one direction to a traffic lane carrying vehicles bound in the opposite direction; and provided further, that no such excepted vehicles shall make such crossing so as to create a hazard to other vehicles.

(d) The making of a "U" turn on a toll plaza shall be done only at the direction of and under the supervision of toll plaza personnel.

Amended by R.1977 d.63, effective March 1, 1977.
See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).
Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).
Amended by R.1994 d.414, effective August 15, 1994.
See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

19:9-1.6 Parking, standing or stopping on Turnpike prohibited, except in case of emergency

(a) No vehicle shall be parked, stopped, loaded or unloaded or allowed to stand on the Turnpike except where otherwise posted or expressly permitted by the Authority. Excepted from the provisions of this section while in the performance of assigned duties are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Turnpike, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performances of authorized duties, provided that no such excepted vehicles shall be stopped so as to create a hazard to other vehicles.

(b) "Emergency," for the purposes of this section, shall be defined and construed to exist only when the vehicle in question can not be moved.

(c) In the event of an emergency, vehicles are permitted to stop or stand on the shoulders of the traffic lanes with all wheels and projecting parts of any such vehicles, including the load thereof, completely clear of the traffic lanes.

(d) In the event of an emergency on those portions of the traveled roadway of the Turnpike where there are no shoulders, the operator of the vehicle shall take reasonable precautions, under the circumstances, to warn others of his or her vehicle's presence in the traffic lanes, and the operator shall move his or her vehicle as soon as the vehicle is physically operable.

(e) Any vehicle involved in an emergency as defined above shall be removed as promptly as possible from the Turnpike.

(f) No vehicle is permitted to stop or stand on any portion of the Turnpike for more than two continuous hours, except that parking is allowed in the designated areas of facilities used for bus, vanpool, carpool and related operations (hereinafter "Park-n-Ride") for more than two continuous hours; provided, however, that parking in Park-n-Rides is prohibited before and after the posted hours of operation unless the requisite permits have been obtained. In addition to the State Police, Authority employees in charge of operating parking facilities used for bus, vanpool, carpool and related operations are authorized to enforce the provisions of this subsection.

(g) Whenever any vehicle shall be parked, stopped or allowed to stand upon the Turnpike for any of the reasons prohibited by this chapter, such vehicle shall be removed forthwith from the Turnpike and impounded by the Authority at the owner's expense until all towing and storage costs have been satisfied.

R.1977 d.63, effective March 1, 1977.
See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).
Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

Amended by R.1997 d.82, effective February 18, 1997.

See: 28 N.J.R. 2518(a), 28 N.J.R. 3242(a), 29 N.J.R. 587(a).

Inserted new (b); recodified former (b) as (c); combined former (c) and (d) into new and substantially amended (d); in (f), added exception to two hour parking maximum; deleted (g) and (h); recodified former (i) as (g); and deleted (j).

Case Notes

Action to force utility to comply with backup requirement for overweight shipment of nuclear waste dismissed as moot; "capable of repetition yet evading review" test for decision on moot issue not met. *New Jersey Turnpike Authority v. Jersey Central Power and Light*, 772 F.2d 25 (3rd Cir.1985).

Regulation banning all photography on State turnpike exceeded powers delegated to State Turnpike Authority. *State v. Levinson*, 225 N.J.Super. 135, 541 A.2d 1110 (A.D.1988).

19:9-1.7 Use of medial strip prohibited

The medial strip between the traffic lanes of the Turnpike shall not be used for driving upon any part thereof or for crossing between said lanes by vehicles or by persons on foot. Excepted from the provisions of this section are State Police vehicles, the Authority's maintenance and official vehicles and vehicles authorized to furnish towing and other services to disabled vehicles on the Turnpike, and all other vehicles discharging emergency functions, such as ambulances and fire engines, when they are properly in use in the performance of authorized Turnpike duties, provided that no excepted vehicle shall use the medial strip so as to create a hazard to other vehicles.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

19:9-1.8 (Reserved)

Repealed by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Section was "Air raid precautions".

19:9-1.9 Limitations on use of Turnpike

(a) Use of the Turnpike and entry thereon by the following, unless otherwise authorized by the Authority, is prohibited.

1. Pedestrians;
2. Bicycles with or without motors and any other two or three-wheel vehicles, excluding motorcycles;
3. Motorcycles, during high winds or during the prevalence of other adverse weather conditions;
4. Vehicles drawn by animals;
5. Animals led, ridden or driven on the hoof;
6. Vehicles loaded with animals or poultry not properly confined;

7. Vehicles with improperly inflated pneumatic tires; also vehicles with tires in such condition that they are, in the judgment of the Authority, unsafe for use upon the Turnpike;

8. Farm implements and farm machinery, whether self-propelled or towed;

9. Passenger vehicles and passenger vehicle-drawn trailers with improperly secured loads:

- i. Passenger vehicles and passenger vehicle-drawn trailers carrying any load on the top or sides with lateral or horizontal projection in excess of 12 inches from body of vehicle or vertical projection in excess of 24 inches from body of vehicle;

10. Vehicles with metal tires or solid tires worn to metal and vehicles with caterpillar treads;

11. Construction equipment other than motor trucks or truck cranes capable of maintaining 45 miles per hour;

12. Vehicles or combinations of vehicles, including any load thereon, exceeding the following extreme overall dimensions or weights:

- i. Height: 13 feet, 6 inches;

- ii. Width: 8 feet, 6 inches;

- iii. Length: semitrailer in excess of 53 feet in length when in a tractor-semi-trailer combination, private utility, house-type semitrailer or trailer with a length of any single vehicle in excess of 35 feet, private utility, house-type semitrailer and towing vehicle combination in excess of 45 feet and private utility, house-type trailer and towing vehicle combination in excess of 50 feet;

- iv. Gross weight: 80,000 pounds;

- (1) Single axle: 22,400 pounds;

- (2) Tandem axle: 34,000 pounds;

v. Notwithstanding the above limitations, a combination of vehicles designed, built and used to transport other motor vehicles may carry a load which does not exceed 65 feet overall length, including load overhang. The overhang shall be limited to seven feet and may not exceed three feet at the front and four feet at the rear and that the overhang shall be above the height of the average passenger car;

vi. Notwithstanding the above limitations, no vehicle operated with a tandem trailer combination, commonly known as a "double bottom," with overall individual trailer length in excess of 28 feet 6 inches shall be operated on the Turnpike.

13. Except for the Interstate 95 Extension, any vehicle operated pursuant to a special permit issued pursuant to N.J.S.A. 39:3-84, unless said permit or its equivalent is issued by the Authority;

14. Passenger vehicles or passenger vehicle-drawn trailers being towed by other vehicles, unless both vehicles and the connecting and control devices between them meet the following requirements:

i. Not more than one vehicle is being towed;

ii. A hitch bar is used in combination with chain strong enough to hold if the bar became disconnected from either vehicle; and

iii. Brakes, brake lights and directional signals on both vehicles are controlled by the driver of towing vehicle and synchronized. A trailer with a gross weight of 3,000 pounds or less may be operated without brakes if it is towed by a vehicle whose gross weight is at least $2\frac{1}{2}$ times the gross weight of the trailer;

15. Vehicles with loads extending more than four feet:

i. Beyond the rear of the vehicle body or other supporting member; or

ii. Beyond the rear of vehicle-drawn trailer;

16. Vehicles with improperly secured loads;

17. Vehicles so loaded or operated that the contents or any part thereof may be scattered on the Turnpike roadway;

18. Vehicles that are not capable of maintaining a speed of at least 35 miles per hour on a level grade;

19. Vehicles not otherwise specified in this section that create a probable hazard to other vehicles or to persons;

20. During winds or during the prevalence of other adverse weather conditions, house trailers, horse trailers, boat trailers, utility trailers, motorcycles and all passenger vehicle-drawn trailers;

21. Vehicles in tow:

i. With an axle or combination of axles raised off the ground and supported by cable, chains, rope, dollies or other devices, except that Class 1 vehicles in tow with front axle off the ground and supported by dollies with safety chains are permitted to enter and use the Turnpike provided that the brake lights and turn signals of the tow dolly trailering system or towed vehicle are connected to and operating in conjunction with the towing vehicle's lights;

ii. Without axles raised, if interconnected with rope, chains, cable or pipe or tow bars without chains; or

iii. By a fifth wheel crane or hoist mounted on a truck-tractor.

22. Vehicles owned or operated by a member or employee of a diplomatic mission, where said member or employee of the diplomatic mission has been sent prior written notice from the Authority that said member or employee violated any provision of N.J.A.C. 19:9 and who, subsequent to said notice, committed another violation of a provision of N.J.A.C. 19:9. Upon the occurrence of the second violation, said vehicle or vehicles shall be escorted off the Turnpike at the nearest point of exit or interchange;

23. Commercial motor vehicles, trailer and semitrailers including farm trucks, while loaded with hay or straw when the extreme overall dimension is greater than 102 inches in width.

24. Three-vehicle combinations, commonly known as "Double Saddle-mount," wherein a tractor is hauling two additional tractors; and

25. Omnibuses exceeding 45 feet in length, excluding bumpers, and articulated omnibuses exceeding 61 feet in length, excluding bumpers.

(b) In addition to the State Police, toll collection employees of the Authority are authorized to enforce the provisions of this section, and all persons shall comply with the orders of such employees given to prevent the use of the Turnpike by any of the aforesaid prohibited vehicles.

Amended by R.1972 d.37, effective February 25, 1972.

See: 4 N.J.R. 14(b), 4 N.J.R. 56(a).

Amended by R.1973 d.145, effective June 4, 1973.

See: 5 N.J.R. 172(a), 5 N.J.R. 247(d).

Amended by R.1974 d.227, effective January 1, 1975.

See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).

Amended by R.1975 d.25, effective February 7, 1975.

See: 7 N.J.R. 122(d).

Amended by R.1975 d.41, effective February 28, 1975.

See: 7 N.J.R. 77(c), 7 N.J.R. 185(a).

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1978 d.412, effective December 5, 1978.

See: 9 N.J.R. 497(c), 11 N.J.R. 53(b).

Amended by R.1981 d.520, effective January 18, 1982.

See: 13 N.J.R. 751(b), 14 N.J.R. 106(a).

(a)25: new text added for paragraph previously reserved.

Amended by R.1982 d.448, effective December 20, 1982.

See: 14 N.J.R. 1087(a), 14 N.J.R. 1464(c).

Added 26 to (a).

Amended by R. 1983 d.301, effective August 1, 1983.

See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a).

Amended several length requirements.

Amended by R.1984 d.547, effective December 17, 1984.

See: 16 N.J.R. 2517(a), 16 N.J.R. 3458(a).

Deleted language "A red inspection ... or to persons".

Amended by R.1986 d.271, effective July 7, 1986.

See: 18 N.J.R. 935(a), 18 N.J.R. 1402(b).

(a)12v deleted text "The total ... front or rear" and substituted "The overhang shall ... at the rear".

Amended by R.1990 d.32, effective January 16, 1990.

See: 21 N.J.R. 3272(b), 22 N.J.R. 249(a).

Repealed regulation on schoolbus use of "Out-of-Service" sign pursuant to repeal of pertinent statute, see: P.L. 1989, c.36.

Amended by R.1992 d.211, effective May 18, 1992.

See: 24 N.J.R. 931(a), 24 N.J.R. 1905(c).

Revised (a)12iii.

Amended by R.1993 d.311, effective July 6, 1993.

See: 25 N.J.R. 684(a), 25 N.J.R. 2906(c).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

Amended by R.1997 d.455, effective November 3, 1997.

See: 29 N.J.R. 3432(a), 29 N.J.R. 4714(b).

In (a)21i, inserted the exception for Class 1 vehicles in tow.

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (a), inserted "committed another violation of" preceding "a provision" in 22.

Case Notes

Action to force utility to comply with backup requirement for overweight shipment of nuclear waste dismissed as moot; "capable of repetition yet evading review" test for decision on moot issue not met. *New Jersey Turnpike Authority v. Jersey Central Power and Light*, 772 F.2d 25 (3rd Cir.1985).

19:9-1.10 Waste and rubbish

(a) Littering of the Turnpike with bottles, cans, papers, garbage or rubbish including tobacco and tobacco products or other materials of any kind or description is prohibited.

(b) The throwing or discarding of any such material from Turnpike structures is also prohibited.

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.11 Loose cargo; discharges

(a) Vehicles carrying material likely to spill that is not otherwise boxed, crated, bagged or packaged must 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, whether solid, liquid or gaseous, shall be discharged on Turnpike property, whether intentionally or unintentionally. This prohibition shall apply to any material being carried as cargo, whether or not for hire, 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 or the apparatus affixed thereto.

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.12 Damaging of Turnpike property

(a) No person shall cut, mutilate or remove any trees, shrub or plants located on Turnpike property.

(b) No person shall deface, damage, mutilate or remove any official traffic control device, delineator, structure, fence or other property or equipment of the Authority or its concessionaires.

(c) No person shall install or attempt to install, construct or place upon any portion of the Turnpike, any item, sign, structure or equipment for any purpose whatsoever, without prior written approval of the Authority.

(d) No material shall be discharged on Turnpike property, whether intentionally or unintentionally, that may cause damage to the Turnpike, the general public, the Authority, its agents and employees, or any real or personal property owned, leased or under the supervision of the Authority. For purposes of this subsection only, "damage" includes any effect which may be injurious to health, safety or welfare, or

which may cause financial loss or delay the movement of traffic.

(e) The operator, owner or lessee of any vehicle from which a discharge in violation of any provision of this section or N.J.A.C. 19:9-1.10, 1.11(b) or 1.15 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 Department of Environmental Protection and Energy and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Turnpike immediately. The vehicle operated, owned or leased by any person 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, the State Police, or the New Jersey Department of Transportation and their agents and employees until such time as all penalties, towing and storage fees and costs have been satisfied.

(f) 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. 19:9-1.10, 1.11(b) or 1.15, shall be liable to the Authority for any and all costs arising out of said violation, including the costs of:

1. Collecting, testing and disposing of the material and restoring the Turnpike to its condition immediately prior to the violation;
2. Replacing or repairing, in the Authority's sole discretion, any property damaged by reason of said violation;
3. Toll and concession revenue lost because of the closing of the Turnpike, any part thereof, or any interchange 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 or third parties.

(g) The Authority may recover the costs under (f) above by way of complaint filed in Superior Court, Law Division or United States District Court, by an administrative consent order executed by an authorized representative of the Department of Environmental Protection and Energy, or by any other lawful means.

Amended by R.1993 d.496, effective October 4, 1993.
See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1998 d.492, effective October 5, 1998.
See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (a), inserted "property" at the end of the sentence.

19:9-1.13 Hitch-hiking, loitering, soliciting, and distributing prohibited

The soliciting of rides commonly known as "hitch-hiking" or stopping for the purpose of taking on or discharging such passengers at or near toll booths, service areas, and all other portions of the Turnpike is prohibited. Loitering, soliciting funds or services, selling goods or services, or distributing samples or advertising matter of any sort in or about the toll booths, service areas and all other portions of the Turnpike is prohibited unless expressly authorized by the Authority.

Amended by R.1977 d.63 effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1997 d.82, effective February 18, 1997.

See: 28 N.J.R. 2518(a), 28 N.J.R. 3242(a), 29 N.J.R. 587(a).

Inserted references to stopping to take on or discharge hitchhikers, selling services, and authorization by the Authority; and substituted "distributing samples or advertising matter of any sort" for "distributing pamphlets and literature".

19:9-1.14 Repairs and towing

(a) Subject to the provisions of N.J.A.C. 19:9-1.6, a vehicle that becomes disabled while using the Turnpike may be repaired by the occupants thereof, provided that the occupants can complete repairs within a two-hour period from the time of disablement and the occupants do not leave the vehicle unattended. A vehicle disabled and abandoned by its occupants will be removed immediately by an authorized service of the Authority at the expense of the owner.

(b) If other mechanical services or towing is required, such services or towing must be performed by a service agency authorized by the Authority to furnish such service on the Turnpike.

(c) If towed, such disabled vehicles must be removed at the nearest exit in the original direction of travel.

(d) A truck or bus company may obtain a private mechanical and towing service permit provided they conform to the rules and regulations governing said permits. These permits are obtainable from the Office of the Manager of Emergency Services. The fee for such permit shall be \$100.00.

(e) A truck or bus company may obtain a permit to perform their own tire service or designate a prearranged tire service; said permits are obtainable from the Office of the Manager of Emergency Services. The fee for such permit shall be \$100.00. Truck or bus companies not holding a private tire service permit may either receive tire service from a service agency authorized by the Authority or be removed by a towing service authorized by the Authority.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (d), added a new last sentence; and in (e), substituted "Manager of Emergency Services" for "Director of Operation" and added a new second sentence.

19:9-1.15 Transportation of hazardous materials

(a) The transportation or shipment on the Turnpike of any hazardous materials, as defined in Part 172 of the regulations of the United States Department of Transportation (49 CFR 172), shall be subject to the requirements of parts 171 to 178 inclusive of such regulations (49 CFR 171 to 178) governing the preparation of the materials for transportation, construction of containers, packing, weighing, marking, labeling, billing and certification of such materials.

(b) The transportation or shipment on the Turnpike of radioactive materials or devices, and transportation of Division 1.1, 1.2, 1.3 and 1.4 explosives, as defined in Part 173 of the regulations of the United States Department of Transportation (49 CFR 173), shall be subject to the prior written approval of the Authority. All applications for such approval shall be made in writing addressed to the Manager of Emergency Services and shall provide, to the satisfaction of the Authority, that the shipment shall comply in all respects with the provisions of parts 171 to 178 and 397 inclusive of such regulations (49 CFR 171-178, 397). The fee for processing the application for such approval shall be \$50.00. All approvals granted shall be subject to annual renewal.

(c) The Authority reserves the right to withhold the approval required in (b) above, and to prohibit entry to the Turnpike of any carrier of any hazardous materials, despite compliance with the aforementioned regulations of the United States Department of Transportation or any other pertinent regulations or law, if in the Authority's opinion, the transportation or shipment will be likely to endanger life or property.

(d) No person shall transport gasoline or other flammable liquids in containers in private vehicles. Commercial vehicles carrying flammable liquids shall be appropriately labeled.

(e) Any operator, owner or lessee of a vehicle on the Turnpike which contains any 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.

(f) In the event of a discharge of hazardous materials on the Turnpike, 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 and Energy.

1. Where practicable, not contrary to the rules of the Department of Environmental Protection and Energy, and not contrary to the safety of the operator, the general public, or the Turnpike, the operator, owner or lessee of the vehicle may be afforded the opportunity to contain and remove discharged material using personnel, materials and equipment provided:

i. Aboard the vehicle from which the discharge occurred;

ii. By another vehicle owned or leased by the operator, owner or lessee of the vehicle from which the discharge occurred;

iii. By a specialized response team operated by the manufacturer or distributor of the hazardous material that has been discharged (hereafter, "manufacturers' response team"); 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 specifically for the purpose of remediating hazardous materials discharges from the operator's vehicle.

2. No emergency response services may be provided pursuant to (f)1ii through iv above unless all the entities undertaking such services have provided to the Authority proof of adequate insurance and such other information as may be required by the Director of Operations.

3. The Authority shall make available to any operator, owner or lessee so requesting a list of emergency response contractors that have met the requirements of (f)2 above to perform emergency response services on the Turnpike. The operator, owner or lessee shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (f)2 above is not to be considered a warranty or assurance by the Authority of such contractors' ability to perform emergency response services.

4. Whenever the operator, owner or lessee refuses to arrange for an emergency response contractor, or whenever exigent circumstances or the risk posed by the discharge to Turnpike patrons, the general public, or the Authority's agents or employees is too great to await the arrival of the emergency response contractor(s) arranged by the operator, owner or lessee in the opinion of the Director of Operations or the Director's designee, the Director or the Director's designee may arrange for emergency response services and long-term remedial efforts to be provided by a third party of the Authority's choice. Emergency response and long term remedial services may be performed by or through the Department of Environmental Protection and Energy or its agents, including any county environmental health department, or by private organizations engaged by the Authority. The cost of services pursuant to this paragraph shall be based on the most recent agreement between the Authority and the third party, or if there is no such agreement, shall be based on the schedule of rates normally charged to commercial concerns for emergency response or long-term remedial services, and shall be borne by the operator, owner or lessee of the vehicle.

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator,

owner or lessee of the vehicle refuses to agree to pay or complete any documents necessary to engage the contractor for such services, the Authority may impound the vehicle and any cargo or contents thereof until such time as the costs of remedial services are satisfied. If such costs are not satisfied within 14 days, the Authority shall have the right to sell the vehicle, its cargo and contents at public auction and/or to recover any unsatisfied costs by filing a civil action in the Superior Court of New Jersey or in any District Court of the United States having jurisdiction over such action.

ii. If the emergency response contractor refuses to contract with the operator, owner or lessee of the vehicle because of a bona fide concern about the operator's, owner's or lessee's ability or willingness to pay for such services, the Director or the Director's designee may authorize such services to be performed at the Authority's expense, and the Authority may thereafter recover the costs thereof from the operator, owner or lessee by filing a civil action in Superior Court of New Jersey or in any District Court of the United States having jurisdiction over such action. The emergency response contractor's concern shall be deemed bona fide if the operator's, owner's or lessee's credit record indicates a history of refusal or failure to pay commercial debts.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1983 d.263, effective July 5, 1983.

See: 15 N.J.R. 687(b), 15 N.J.R. 1105(c).

In (b), added transportation of Class A, B and C explosives.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Amended by R.1994 d.414, effective August 15, 1994.

See: 26 N.J.R. 337(a), 26 N.J.R. 3463(a).

Amended by R.1998 d.492, effective October 5, 1998.

See: 30 N.J.R. 2835(a), 30 N.J.R. 3661(a).

In (b), substituted "Manager of Emergency Services" for "Director of Operations" and added a new last sentence.

19:9-1.16 Intoxicating beverages

No person shall consume or imbibe any intoxicating beverage from a bottle or container containing liquor, beer, wine or other alcoholic beverage while operating a vehicle on the Turnpike.

Amended by R.1993 d.496, effective October 4, 1993.

See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.17 Operation of vehicles on Turnpike projects; care required

No vehicle shall be operated carelessly, without due caution or prudence, or in a manner so as to endanger any person or property, or while the operator is under the influence of intoxicating liquors or any narcotic or habit-forming drug.

Amended by R.1977 d.63, effective March 1, 1977.

See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).

Amended by R.1983 d.555, effective December 5, 1983.

See: 15 N.J.R. 1638(b), 15 N.J.R. 2046(c).
 Deleted old (a) and (b).
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

Case Notes

State trooper's stop of defendant's vehicle was justified by reasonable suspicion that driver was violating New Jersey's careless driving statute. *U.S. v. Kikumura*, C.A.3 (N.J.)1990, 918 F.2d 1084.

19:9-1.18 Noise limits

(a) No vehicle shall be operated on the Turnpike in violation of 49 C.F.R. 325 or any other noise standards promulgated by the United States or the State of New Jersey and applicable to that class of vehicle.

(b) No vehicle shall be operated on the Turnpike whose exhaust system is:

1. Not equipped with an exhaust chamber, resonator or noise dissipative device;
2. Not in constant operation and properly maintained;
3. Equipped with any cutout, bypass or similar device designed to reduce the effectiveness of noise control devices or to increase noise.

New Rule, R.1974 d.227, effective October 1, 1974.
 See: 6 N.J.R. 209(c), 6 N.J.R. 370(c).
 Amended by R.1975 d.25, effective February 7, 1975.
 See: 7 N.J.R. 122(d).
 Amended by R.1983 d.301, effective August 1, 1983.
 See: 15 N.J.R. 886(a), 15 N.J.R. 1257(a).
 Deleted several sound level limitations from Table 1.
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.19 Tolls; payment required

No vehicle shall be operated on the Turnpike except upon the payment of such tolls as are required by the Turnpike Authority.

New Rule, R.1977 d.63, effective March 1, 1977.
 See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.20 Records

(a) Any operator of a commercial motor vehicle, omnibus, motor bus, or tractor in interstate commerce upon the Turnpike shall keep records showing the day and hour when, and the place where, the operator went on and was released from duty, whether in or outside of this State. In the event the operator went on duty at a place outside of this State, the operator shall, immediately upon entering the Turnpike, certify upon such records that they are correct.

(b) Records showing the day and hour when, and the place where the operator went on duty and was released from duty are not needed, provided:

1. The operator does not operate beyond the 100-mile radius of the work reporting location more than one time in any seven consecutive day period;

2. The operator, except a driver salesperson, returns to the work reporting location within 12 hours;

3. At least eight consecutive hours off-duty separate each 12 hours on duty; and

4. The motor carrier which employs the operator maintains accurate and true records showing:

- i. The total number of hours the operator is on duty each day;
- ii. The time the operator reports for duty each day;
- iii. The time the operator is released from duty each day; and
- iv. The total on-duty time for the preceding seven days for operators used for the first time or intermittently.

Amended by R.1977 d.63, effective March 1, 1977.
 See: 9 N.J.R. 56(a), 9 N.J.R. 203(a).
 Amended by R.1983 d.555, effective December 5, 1983.
 See: 15 N.J.R. 1638(b), 15 N.J.R. 2046(c).
 Added (b).
 Amended by R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.21 Other regulations

In addition to these traffic rules, users of the Turnpike are subject to all applicable statutory provisions, including, but not limited to, penalties for nonpayment of tolls (N.J.S.A. 27:23-25), penalties for violation of any of the Authority's regulations (N.J.S.A. 27:23-32), United States Department of Transportation regulations, and, except as otherwise provided hereinabove, the Motor Vehicle and Traffic Acts of New Jersey relating to lights, brakes, weights, registration and other matters (N.J.S.A. 39:3-1 et seq. and 39:4-1 et seq.). Commercial vehicles in interstate commerce using the Turnpike remain subject to Interstate Commerce Commission regulations.

New Rule, R.1993 d.496, effective October 4, 1993.
 See: 25 N.J.R. 2839(b), 25 N.J.R. 4605(a).

19:9-1.22 Filming, photographing or videotaping on the Turnpike prohibited, except as authorized

(a) To insure the health, safety and welfare of motorists, the general public and the Authority, no person shall be permitted to park, stop, stand or travel at a slow speed in violation of N.J.S.A. 27:23-27, for the purpose of taking photographs, videos or motion pictures (hereinafter collectively "film") on the Turnpike, except as provided in (b) below or except as otherwise authorized pursuant to (c) or (d) below.