

SUBTITLE B. SOUTH JERSEY TRANSPORTATION AUTHORITY**CHAPTER 2****ATLANTIC CITY EXPRESSWAY****Authority**

N.J.S.A. 27:25A-7(q) and 21(g).

Source and Effective Date

R.1994 d.462, effective August 15, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

Executive Order No. 66(1978) Expiration Date

The expiration date of Chapter 2, Atlantic City Expressway, was extended by gubernatorial directive from August 15, 1999 to February 15, 2000. See: 31 N.J.R. 2369(b).

Chapter Historical Note

Chapter 2, Atlantic City Expressway, Subchapters 1 through 6, was adopted by the New Jersey Expressway Authority, and was filed and became effective prior to September 1, 1969. Chapter 2 was reprinted and adopted as R.1973 d.42, effective February 5, 1973. See: 5 N.J.R. 96(b). Subchapter 7, Purchasing Regulations, was adopted as R.1973 d.284, effective September 28, 1973. See: 5 N.J.R. 396(a).

Pursuant to Executive Order No. 66(1978), Chapter 2 was readopted by the South Jersey Transportation Authority as R.1994 d.462. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PENALTIES AND DEFINITIONS**19:2-1.1 Penalties**

(a) Under the terms of paragraph 21(o) of the Authority's enabling legislation, N.J.S.A. 27:25A-1 et seq., any violation of any of the regulations established by the Authority with regard to the payment of tolls or the operation of motor vehicles, including, but not limited to, all traffic and parking regulations, regulations concerning the type, weight and size of vehicles permitted to use the project, and regulations prohibiting hazardous activities shall be punishable by a fine not exceeding \$500.00, or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(b) Violators may be required to leave the Expressway at the next exit in the direction of traffic.

(c) A violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the Special Civil Part of the Law Division of the Superior Court or any municipal court in the county where the offense was committed.

(d) In addition to any punishment or penalty provided in this section, every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for any such violation, after due notice in writing of the proposed suspension, revocation or prohibition and the grounds thereof, all otherwise in accordance with the powers, practices and procedure established by the provisions of Title 39 of the Revised Statutes applicable to the suspension, revocation or prohibition.

(e) Except as otherwise provided by this section or by any regulation contained in this chapter, the requirements of Title 39 of the Revised Statutes applicable to persons using, driving or operating vehicles on the public highways of this state and to vehicles so used, driven or operated shall be applicable to persons using, driving or operating vehicles on any expressway project and to vehicles so used, driven or operated.

(f) For violations of this chapter, other than those specifically set forth in (a) above, the violator will be subject to a minimum fine of \$150.00 for the first offense, \$300.00 for a second offense and \$500.00 for any subsequent offense. Such violations shall be tried in accordance with (c) above.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).
Amended by R.1999 d.357, effective October 18, 1999.
See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).
Added (f).

19:2-1.2 Definitions

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

"Atlantic City Expressway" or "Expressway" means the expressway project known as the Atlantic City Expressway, constructed by the New Jersey Expressway Authority pursuant to Section 40 of P.L. 1962, c.10 (N.J.S.A. 27:12C-40, repealed).

"Authority" means the South Jersey Transportation Authority created by Section 4 of the South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.).

"Expressway employee" or "employee" means any person in the official employ of the Authority.

"Expressway police" or "police" means any or all officers of the State Police assigned to duty on the Expressway.

"Expressway project" means the acquisition, construction and maintenance of the Atlantic City Expressway as transferred to the Authority pursuant to the enabling legislation and of any express highway, super highway or motor way at the locations and between the termini as may hereafter be established by law and acquired or to be acquired or constructed or to be constructed under the provisions of the enabling legislation by the Authority, over which abutters have no easements or rights of light, air or direct access by reason of the fact that their properties abut thereon, and shall include, but not be limited to, bridges, parking facilities, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll booths, service areas, stations and facilities, communications facilities, administration, storage and other buildings, and other structures related to the use of the express highway, super highway or motor way, intersecting highways and bridges and feeder roads which the Authority may deem necessary or desirable for the operation of the project, together with all property rights, easements and interests which may be acquired by the Authority for the construction or the operation of the project, and includes any planning necessary for the execution of any expressway projects.

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

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points without South Jersey.

"Roadside memorial" means a memorial of any kind placed upon the Expressway, or Expressway property, for the purpose of expressing grief for the loss of a loved one from a vehicular accident.

"Service areas" means those areas established by the Authority to provide services to the public. On the Expressway these areas include an intercept parking lot, the New Jersey State Police Barracks, the South Jersey Transportation Authority Administration Building, a restaurant, a gasoline service station, and a farmers market, along with their parking and related facilities.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon the Expressway.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).
Amended by R.1999 d.357, effective October 18, 1999.
See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).
Inserted "Roadside memorial".

19:2-1.3 Route maps

A route map showing the Expressway is available upon request at a manned toll booth, at the administrative offices of the Expressway, and at the Tourist Information Center located at the service plaza inside the restaurant area.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

the main roadways and 25 miles per hour on the entrance and exit ramps.

(b) Maximum speed of 55 miles per hour is in effect except when such speeds are unsafe by reason of weather or highway conditions.

(c) Where signs are posted along the Expressway indicating a lesser speed within any section, no vehicles shall be operated within the section at a speed in excess of the speed posted on such signs.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

SUBCHAPTER 2. SPEED LIMITS

19:2-2.1 Maximum speed limits

(a) Except where otherwise posted, the maximum speed limits in force on the Expressway are 55 miles per hour on

19:2-2.2 Minimum speed limits

No vehicle shall be operated at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation due to conditions existing on the Expressway.

SUBCHAPTER 3. OPERATION OF VEHICLES**19:2-3.1 Obedience to signs and signals**

No person shall fail, neglect, or refuse to comply with any traffic control sign, signal, or device erected or displayed by the Authority unless directed otherwise by an employee of the Authority or by the Expressway police.

19:2-3.2 Uniform direction of traffic

No vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, acceleration lane, access ramp, shoulder, or other roadway of the Expressway.

19:2-3.3 Use of passing lane

(a) Drivers shall keep to the right-hand lane except to pass.

(b) However, if vehicles on the roadways are moving in two substantially continuous lines, the provisions of this article shall not be considered as prohibiting the vehicles in one line from overtaking and passing the vehicles in the other line upon either the right or left.

19:2-3.4 U-turns

No vehicles, except those performing emergency services or engaged in the performance of duties in connection with the operation of the Expressway, shall make a U-turn at any point on the Expressway.

19:2-3.5 Use of median strip and roadside areas

Except as authorized by the Expressway police or employees, no vehicle shall be operated on, or stopped on, or driven across the median strip between the roadways, including the crossovers, or on the roadside areas beyond the surfaced shoulders, except at service areas.

19:2-3.6 Parking, standing or stopping of vehicles

(a) Parking, standing, or stopping of vehicles is prohibited anywhere on the Expressway, except in areas designated by the Authority or in cases of emergency.

(b) In cases of emergency, hereinafter defined, vehicles shall be permitted to park, stop, or stand on the surfaced shoulders to the right of the traffic lanes, facing in the direction of travel, providing that all wheels and projecting

parts of the vehicle, including the load thereof, are completely clear of the traffic lanes.

(c) For the purpose of this regulation, an "emergency" is defined to exist when the vehicle in question is physically inoperable or unable to be operated safely, or when the driver of the vehicle is ill or fatigued, but in no case shall the parking, standing, or stopping exceed a two-hour period.

(d) Parking in public parking facilities at the service areas shall not exceed a two-hour period.

(e) Long-term parking by employees at the service areas and farmers market shall be limited to prescribed parking areas.

(f) Vehicles violating the terms of this article may be towed away and impounded. The owner of the vehicle will be held responsible for the costs of towing, storage, and any other related costs.

(g) Stopping of vehicles on any part of the Expressway for the purpose of picking up or discharging any person is prohibited.

(h) Parking of casino buses and trucks in the appropriate intercept lot and marshalling of vehicles in designated areas shall be at the direction of the Authority.

(i) Exiting vehicles at unattended toll ramps shall be prohibited.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-3.7 Entry to and exit from the Expressway

No vehicle shall enter upon or leave the Expressway except at interchanges and entrance and exit ramps provided for that purpose.

19:2-3.8 Vehicles involved in accident

The operator of any vehicle upon the expressway project involved in an incident resulting in injury or death to any person or damage to any property shall immediately stop the vehicle at the scene of the incident, render assistance as may be needed, and give his or her name, address, and operator's license and motor vehicle registration number to the person injured and to any officer or witness of the injury and shall make a report of the incident in accordance with law.

New Rule, R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-3.9 Civil Defense regulations

Applicable Civil Defense regulations, as promulgated by the Governor and the Department of Law and Public Safety of the State of New Jersey, shall be complied with on the Expressway.

Recodified from 19:2-3.8 and amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-3.10 Exempt vehicles

Vehicles which are operated by the Expressway police, or by the employees or agents of the Authority while on Authority business, are exempt from the restrictions as prescribed by this Subchapter as long as they are operated in a safe manner and do not create a hazard to other vehicles.

Recodified from 19:2-3.9 by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

SUBCHAPTER 4. RESTRICTIONS ON USE OF THE EXPRESSWAY

19:2-4.1 Pedestrians

Pedestrians are prohibited from using or entering upon the Expressway at any time, except on sidewalks, footpaths, or in areas designated by the Authority for that purpose.

19:2-4.2 Animals

(a) No animal shall be led, ridden, or driven on the hoof upon the Expressway at any time.

(b) This restriction does not apply to dogs, cats, or other household pets if kept on a leash.

19:2-4.3 Restricted vehicles

(a) The following vehicles are prohibited at all times from using the Expressway:

1. Vehicles drawn by animals;
2. Bicycles, every motorcycle, every motor scooter or every bicycle with a motor attached of 150 cubic centimeter or less piston displacement;
3. Vehicles with livestock not properly confined;
4. Farm implements or machinery, either self-propelled or towed;
5. Construction equipment other than trucks and construction equipment belonging to the Authority;
6. Vehicles with deflated pneumatic tires, metal or solid tires, or caterpillar treads;
7. Vehicles in tow, unless both the towing and towed vehicles and the connecting and control devices between them meet the requirements of the laws of New Jersey except under the direction of the Expressway police;
8. Vehicles with improperly secured attachments or loads;

9. Vehicles or combinations of vehicles, including any load thereon, which exceed the following maximum dimensions:

- i. Length: 62 feet;
- ii. Width: Eight feet, six inches;
- iii. Height: 13 feet, six inches;
- iv. Maximum Gross Weight: 80,000 pounds.

10. Vehicles with loads extending more than four feet (48 inches) beyond the front or the rear of the body, or with lateral projections in excess of 12 inches or vertical projections of 24 inches (passenger vehicles only):

11. Vehicles whose condition, equipment, or tires are such as to be considered unsafe for operation on the Expressway, in the judgement of the Expressway employees or Expressway police;

12. Vehicles performing emergency or repair service unless acting under contract or permit from the Authority. (See N.J.A.C. 19:2-4.5, Permits.)

(b) In addition to the above restrictions, the Authority may temporarily prohibit other specified vehicles, including house trailers, at any time when, in the opinion of the Authority, adverse weather conditions would make the operation of these vehicles unsafe.

As amended, R.1971 d.41, effective March 25, 1971.

See: 3 N.J.R. 68(d).

Amended by R.1994 d.462, effective September 6, 1994.

See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

Statutory References

N.J.S.A. 39:4-54, N.J.S.A. 39:3-67.

19:2-4.4 Transportation of dangerous articles

(a) The transportation of dangerous articles at any time or place or in such manner or condition as to endanger unreasonably persons or property is prohibited.

(b) All vehicles transporting dangerous articles on the Expressway shall comply with all of the regulations of the State of New Jersey regarding the transportation of such articles as covered in N.J.S.A. 39:5A-1 et seq.

(c) No person shall transport in or upon any expressway project, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid, or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases or any compressed gas, or any radioactive article, substance or material, at a time or place or in a manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

(d) If a violation of (c) above shall result in injury or death to a person or persons or damage to property in excess of the value of \$5,000, it shall constitute a crime of the third degree.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-4.5 Permits

(a) Upon application, the Authority may issue, from time to time, special permits authorizing the use of the Expressway by vehicles to which such use is restricted by Section 4.3 (Restricted vehicles) of this Chapter.

(b) Every such permit shall be carried in the vehicle to which it refers, and shall be open to inspection by the Expressway employees and the Expressway police.

(c) Every person operating such a vehicle on the Expressway under such a permit shall comply with all the terms and conditions of the permit.

(d) Special permits issued under Title 39 of the Revised Statutes shall not be valid on the Expressway.

19:2-4.6 Call boxes

All persons are prohibited from tampering with, transmitting false alarms on, or otherwise misusing the emergency call box system on the Expressway.

SUBCHAPTER 5. GENERAL REGULATIONS

19:2-5.1 Waste and rubbish

No person shall throw, dump, or otherwise dispose of bottles, cans, papers, garbage, rubbish, or any waste materials of any kind or description on the Expressway, except in receptacles intended for that purpose.

19:2-5.2 Damage to property

(a) No person shall cut, mutilate, or remove any trees, shrubs, flowers, plants, topsoil, or sod located upon Expressway property, or attempt to do so.

(b) No person shall deface, damage, mutilate, or remove any sign, delineator, structure, fence or any other property or equipment of the Authority.

19:2-5.3 Advertising devices, posters, placards and signs

(a) No person shall erect, place, or display any advertising matter, posters, placards signs or items of any kind on the Expressway, or Expressway property except as otherwise authorized by the Authority. Items erected, placed, or displayed without a permit issued pursuant to N.J.A.C.

19:2-9.5, shall be subject to removal by the Authority and the imposition of fines as provided in N.J.A.C. 19:2-1.1(f).

(b) In addition to any fines imposed in accordance with (a) above, the Authority shall impose a removal fee of \$5.00 per item.

(c) Political signs for public or private elections shall be prohibited on the Expressway or Expressway property and candidates shall be charged a \$5.00 removal fee for each sign.

(d) The Authority may waive the imposition of fines and/or removal fees for State agency sponsored items, in accordance with the provisions of N.J.A.C. 19:2-9.6.

(e) Advertising on commercial vehicles is allowed.

Amended by R.1999 d.357, effective October 18, 1999.
See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).
Rewrote the section.

19:2-5.4 Parades, demonstrations, picnics and the like

(a) Parades or other demonstrations are prohibited on Expressway property.

(b) Picnics, games, entertainment, sports, or other gatherings are prohibited, except in designated areas of the Service Area.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-5.5 Use of firearms and fireworks

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

(b) The igniting of fires for any purpose whatsoever is prohibited.

19:2-5.6 Hunting, trapping and fishing

Hunting, trapping, fishing or molesting wildlife is prohibited on or from Expressway property.

19:2-5.7 Sales and distribution

No persons shall enter or remain on the Expressway 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.

19:2-5.8 Soliciting of alms

Soliciting of alms or contributions on the Expressway is prohibited.

19:2-5.9 Hitch-hiking and loitering

(a) Soliciting of rides, commonly known as hitch-hiking, is prohibited on the Expressway.

(b) Loitering in or about toll plazas, service areas, maintenance areas, or any other portion of the Expressway for any purpose is prohibited.

19:2-5.10 Roadside memorial

(a) All persons who wish to install, or add to, a roadside memorial shall first contact the Authority to arrange for an escort to the proposed site.

(b) The Authority shall relocate or deny a proposed roadside memorial if the location or content are detrimental to the health, safety or welfare of Authority staff or patrons.

(c) All roadside memorials shall be removed by the Authority 10 days after the original date of installation and stored for an additional 10 days, after which they shall be discarded. The addition of new material to the roadside memorial after the original date of installation shall not extend the 10 day period.

(d) All roadside memorials, or additions thereto, installed without first contacting the Authority shall be subject to the location and removal requirements of (b) and (c) above.

(e) All persons who install or add to, roadside memorials without first contacting the Authority shall be subject to penalties as specified in N.J.A.C. 19:2-1.1(f) for violations of N.J.A.C. 19:2-3 and 19:2-4.1.

New Rule, R.1999 d.357, effective October 18, 1999.
See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

SUBCHAPTER 6. TOLLS**19:2-6.1 Payment of tolls**

It is hereby declared to be unlawful for any person to refuse to pay or to evade the payment of tolls at any area, according to the schedule of tolls adopted by the Authority.

19:2-6.2 Toll-free passage

(a) Unless specifically authorized by the Authority, no toll-free passage through toll collection points on the Expressway will be permitted, except for the following:

1. The Commissioners and executive staff members of the Authority;
2. Employees of the Authority, and its concessionaires, and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while travelling to or from the place of performance of such duties;

3. Vehicles carrying persons to or from destinations on the Expressway where such persons are required by law to perform specified functions on the Expressway;

4. Any motorbus operated on motorbus regular route service for the benefit of the public by the State of New Jersey, in accordance with the New Jersey Public Transportation Act of 1979, N.J.S.A. 27:25-1 et seq., or by any county, municipality, charitable or nonprofit corporation or organization; and

5. Ambulance, first aid or emergency aid vehicles, vehicular fire fighting apparatus, or other similar vehicle, operated for the benefit of the public by the State, or by any county or municipality or charitable or non-profit corporation or organization, first aid squad, emergency squad, or fire company of this State.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

SUBCHAPTER 7. PURCHASING REGULATIONS**19:2-7.1 General provisions**

(a) All purchases, contracts, or agreements of the Authority, shall be made or awarded directly by the Authority, except as otherwise provided in this chapter, after public advertisement for bids, in the manner prescribed in this chapter, and notwithstanding the provisions of any other laws to the contrary. The objective of these regulations is to enable the Authority to accomplish its procurement equitably and expeditiously at the least possible cost.

(b) Any purchase, contract or agreement may be made, negotiated or awarded by the Authority without public bid or advertising under the following circumstances:

1. For the furnishing or performing services of a professional or technical nature;
2. When the aggregate amount of such purchase or contract does not exceed the threshold amount as determined by the Governor;
3. To acquire subject matter described in N.J.S.A. 52:34-9;
4. To award a contract under circumstances described in N.J.S.A. 52:34-10;
5. For the supplying of any product or rendering of any service by a public utility;
6. When the Authority deems it appropriate to have the work performed by its own employees;
7. When the Authority has advertised for bids on two occasions and received no bids or no responsive bids on both occasions;

8. When a piece of equipment requires diagnostic repairs;
9. For the printing of bonds and related documents for the sale thereof; or
10. To contract for liability or indemnification insurance to meet the needs of the Authority.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.2 Purchases in excess of \$11,100 or the threshold as set by the Governor

(a) Rules concerning advertising and awards of bids include the following:

1. All purchases of personal property or services where the aggregate cost is \$11,100 or more, which threshold amount shall be adjusted by the Governor as provided in (a)2 below, shall be made only after public advertisement for competitive bids, except where exempted by law. In cases where public advertising is not required, the Authority shall follow the rules and regula-

tions of the State Treasurer to ensure that said purchase, contract or agreement promotes full and free competition whenever competition is practicable.

2. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd numbered year, adjust the threshold as set forth in paragraph 1 in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia area as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of each odd numbered year, and such amount shall determine the threshold for competitive bidding.

3. Advertisements for competitive bids shall be placed in appropriate newspapers or journals, having a large circulation in the State. All advertisements may be approved by the Executive Director. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

- i. A brief description of the supplies, materials, equipment or services to be furnished or performed;
- ii. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;
- iii. The place, date and time when the sealed bids shall be publicly opened.

4. In addition to advertising, bids may be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

5. In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given to all prospective bidders at least three days prior to the opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

6. When the requisitioning unit specifies either the source or the brand name of personal property or services with a value exceeding the adjusted threshold, the related Department head shall file with the Director of Finance a memorandum stating the basis or reasons for the particular selection; the memorandum shall be approved by the Executive Director prior to submission to the Commissioners.

7. Prior to the award of any contract, the Director of Finance and Executive Director shall forward their recommendations to the Commissioners. All awards of contracts shall be made by the Commissioners. The Executive Director or his or her designee may reject any and all bids when such rejection is in the best interests of the Authority. In determining the Authority's best interest, the Authority may consider, but is not limited to, the following:

- i. Availability of funds;
- ii. Budgetary constraints; and/or
- iii. Credibility and reliability of bidder.

8. For valid reasons, the Commissioners may award the contract to a person other than the lowest bidder.

(b) Rules concerning terms and conditions applicable to submission of bids include:

1. All bids are to be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the time fixed for the public opening.
2. All bids must be properly signed and executed.
3. Any correction of an entry made on the quotation form should be initialed by the party signing the bid.
4. Bidders may withdraw, or withdraw and resubmit, bids at any time prior to the public opening and signed by a duly authorized representative of the bidding firm.

Bids so withdrawn shall be returned to the bidders unopened.

5. With respect to bids submitted, the Executive Director or his or her designee may reject any and all bids when such rejection is in the best interests of the Authority in accordance with the criteria set forth in N.J.A.C. 19:2-7.2(a)(7). The Authority retains the right to waive informalities and minor irregularities and to make awards at any time within 60 calendar days of the public opening. If an award is not made within 60 calendar days of public opening, written extensions of time should be obtained from bidders whose bids remain under consideration.

6. In the case of inconsistencies or errors in unit prices, extensions and totals, the Authority shall have sole discretion to make determinations with regard to same.

7. Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any bid.

(c) Rules concerning receipt and opening of bids include:

1. All bids solicited by advertising or by mail must be submitted in sealed envelopes on the appropriately signed quotation forms before the time fixed for the public opening. Any bids received after the bidding has been closed shall be returned unopened.

2. The bidder, item description, applicable purchase request or contract number, if any, bid opening date and time shall be designated on the face of each sealed envelope submitted.

3. The purchasing supervisor shall maintain a locked box for the purpose of receiving bids. When sealed envelopes containing bids are received in the office of the purchasing division, they shall be dated, time-stamped and deposited (unopened) in the appropriate locked boxes.

4. On the appropriate date and at the time and place announced in the invitation to bid or in the advertisement, that person, designated by the Executive Director, shall open and publicly read the bids.

5. Simultaneously with the public reading of the bids, the bids shall be recorded on a bid summary. The original copy of such summary shall be signed by the reader. A copy of the summary shall be forwarded to the Commissioners for their action thereon.

6. The bid summary form shall record all bids timely received whether complying with all formalities or not. Due note shall be made on the bid summary form with respect to any bid which did not comply with formalities.

(d) Rules concerning bid guarantees include:

1. Except when specifically waived by the Authority, all bids submitted relative to acquisitions wherein the total bid price aggregate exceeds the adjusted threshold,

shall be accompanied by a bid guaranty in an amount not less than ten per cent of the bid. However, no bidder shall be required to make a deposit in excess of \$20,000.

2. In furtherance of the Authority's policies of advancing opportunities for small business enterprises including minority and women-owned businesses, the Executive Director, in his discretion, may modify the bid bond requirement on contracts with a value of \$50,000 or less to allow that bidders on such contracts to post a certified check in the amount of five percent of the bid amount or \$1,000, whichever is less, which check would serve as the bid and performance bond of such bidder on such contract.

3. In the event any bidder fails to accept an award in accordance with his bid, the security submitted shall be forfeited.

4. All bid guarantees shall be returned to bidders as soon as possible after the opening of bids.

(e) Rules concerning security for faithful performance include:

1. Where the aggregate cost of all purchases of personal property or services exceeds the adjusted threshold, the successful bidder, simultaneously with his delivery of the executed contract to the Authority in addition to all of the foregoing requirements, may be required to furnish a surety bond or bonds as security for faithful performance of the goods and services to be furnished in accordance with the bid quotations and for the payment of all persons performing labor on the project and furnishing materials in connection therewith as specified in the general conditions covering the submission of bids and furnishing of personal property and services.

2. The surety on such bonds shall be a duly authorized surety company satisfactory to the Authority.

3. In furtherance of the Authority's policies of advancing opportunities for small business enterprises including minority and women-owned businesses, the Executive Director, in his or her discretion, may modify this requirement on contracts with a value of \$50,000 or less to allow that bidders on such contracts to post a certified check in the amount of five percent of the bid amount or \$1,000, whichever is less, which check would serve as the bid and performance bond of such bidder on such contract.

(f) Rules concerning dispensing with bids when emergency exists include:

1. When the Commissioners deem that the safety or protection of its or other public property, or the public convenience requires, or the exigency of the Authority's service will not allow sufficient time to advertise and award bids according to the requirements of these regulations, the Commissioners may waive the requirement of public bidding.

2. If the Commissioners shall find that in one of the emergencies, as set forth in paragraph 1 of this subsection, exists, they shall, by resolution passed by an affirmative vote of a majority of the members of the Commission, declare an emergency to exist and set forth in the resolution the nature thereof, the approximate duration, and the approximate amount to be expended during the duration of such emergency.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.3 Purchases under the adjusted threshold

(a) In the case of purchases or personal property or services where the aggregate cost or amount involved is equal to or exceeds \$1,000, but is less than the bid threshold, written bids shall be solicited by mail from qualified vendors.

(b) Where the acquisition is less than \$1,000, informal bids should be solicited from qualified vendors.

(c) Awards of bids may be to other than the lowest bidder for valid reasons, if specifically approved by the Executive Director and upon the written recommendations of the Department head.

(d) When the requisitioning unit specifies either the source of supply or a name brand, the related Department head shall file with the Director of Finance a memorandum stating the basis and reasons for the selection; the memorandum shall be approved by the Executive Director should the acquisition be \$1,000 or more.

(e) The award of the contract or order shall be made by the Director of Finance with the approval of the Executive Director.

(f) The procedures set forth in this Section 3 of this Subchapter shall not be used as a means to evade or avoid the requirements for public advertising set forth in Section 2 of this Subchapter.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.4 Limited purchase orders

(a) Purchases of personal property and services of a value not exceeding \$100.00 may be made on limited purchase orders directly by employees so authorized in writing by the Executive Director under procedures promulgated by the Director of Finance.

(b) The limited purchase order is to be used to expedite the procurement of small or minor items and shall not be used to evade or avoid the other Sections of these regulations.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.5 Purchase orders and contracts

(a) All purchase orders shall be signed by the Director of Finance and approved by the Department head of the requisitioning unit.

(b) All purchase orders shall be approved by the Executive Director.

(c) The purchase orders may be revised, reduced, increased, cancelled or otherwise amended by purchase order supplements. Purchase order supplements may be issued to reduce a purchase order to any extent but may not increase an order more than \$100.00.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.6 Purchases under New Jersey State contracts

When it is deemed advisable and in the best interest of the Authority, the manager of purchasing may recommend that services, equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State.

Amended by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

19:2-7.7 (Reserved)

Repealed by R.1994 d.462, effective September 6, 1994.
See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

Section was "Waiver of requirements for bids and advertising".

SUBCHAPTER 8. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

Authority

N.J.S.A. 27:25A-7, 27:25A-19, 27:25A-21,
27:25A-21.2 and 27:25A-21.3.

Source and Effective Date

R.1998 d.542, effective November 16, 1998.
See: 30 N.J.R. 3169(a), 30 N.J.R. 4067(a).

19:2-8.1 Definitions

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

"Authority" means the South Jersey Transportation Authority created by Section 4 of the South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.).

"Atlantic City Expressway" or "Expressway" means the expressway project known as the Atlantic City Expressway, constructed by the New Jersey Expressway Authority pursuant to Section 40 of P.L. 1962, c.10 (N.J.S.A. 27:12C-40, repealed).

"Electronic Toll Collection System" or "ETC System" means the electronic system employed or utilized by the Authority to register and collect the toll required to be paid for a vehicle entering a toll plaza owned and/or operated by, or upon the behalf of, the Authority.

"Expressway employee" or "employee" means any person in the official employ of the Authority.

"Inadvertent toll violation" means a toll violation that occurs when a person enters a toll collection plaza with the intention of paying, and takes every reasonable action to pay the required toll but, despite his or her intention, is prevented by circumstances beyond his or her reasonable ability to control from paying the required toll. The owner of a violating vehicle shall have the affirmative obligation to establish an inadvertent violation. Inadvertent toll violation does not include the following:

1. Failure to adequately deposit the full amount of the toll in the toll collection basket;
2. Failure to have coinage, tokens or other authorized means necessary to pay the required toll; or
3. Entering an ETC System lane with a vehicle not equipped for the ETC System.

"Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other contract that provides the lessee with the exclusive use of the vehicle for any period of time.

"Operator" means the term "operator" as defined in N.J.S.A. 39:1-1.

"Owner" means the term "owner" as defined in N.J.S.A. 39:1-1.

"Toll collection monitoring system" means a vehicle sensor, placed in a location to work in conjunction with a toll collection facility, that produces one or more photographs, one or more microphotographs, a videotape or other recorded image or a written record, of a vehicle at the time the vehicle is used or operated in violation of N.J.A.C. 19:2-8.2. The term shall also include any other technology that identifies a vehicle by photographic, electronic or other method.

"Toll violation" means the failure of a person to pay such toll as may be prescribed by the Authority for the operation of a vehicle by an owner, operator, lessor or lessee.

"Vehicle" means the term "vehicle" as defined in N.J.S.A. 39:1-1.

19:2-8.2 Electronic toll collection monitoring system violation; advisory and payment request

(a) It shall be a toll collection monitoring system violation for an owner, operator, lessor or lessee to fail to pay the electronic toll collection toll for passage of a vehicle on the Atlantic City Expressway.

(b) Within 30 days from the date that a toll violation is recorded by a toll collection monitoring system, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided by P.L. 1997, c.59. Upon receipt of the Advisory and Payment Request, the owner of the violating vehicle shall pay to the Authority or its agent, the proper toll and an administrative fee in the amount of \$25.00 per violation. If the owner fails to pay the required toll and fee within 60 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties as prescribed in N.J.A.C. 19:2-8.3. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to an unresolved violation.

(c) The Advisory and Payment Request shall contain the name and address of the person alleged to be liable as an owner for a violation of this section, the license plate number of the vehicle involved in such violation, the location where such violation took place, and the date and time of such violation.

(d) The Advisory and Payment Request shall contain information advising the person named of the manner in which he or she may contest the liability alleged in the Advisory and Payment Request or assert that liability should not attach in a given instance due to circumstances that caused an inadvertent toll violation. Such Advisory and Payment Request shall also contain advice that persons failing to pay the indicated penalty or failing to contest the liability will render the owner subject to the penalty described in N.J.A.C. 19:2-8.3.

(e) If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle was reported stolen within two hours after the discovery of the theft by the owner. For purposes of asserting that the vehicle was stolen, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent first class mail to the Authority or its agent at the address specified on the Advisory and Payment Request.

(f) An owner who is a lessor of a vehicle to which an Advisory and Payment Request was issued pursuant to this section shall not be liable for the violation provided that the lessor submits to the Authority or the party issuing the Advisory and Payment Request a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation (with the name and address of the lessee clearly legible), within 30 days after receiving the original Advisory and Payment Request. Failure to send such information within such 30 day time period shall render the lessor liable for the prescribed penalty. If the lessor complies with the above provisions, and the lessee is sent an Advisory and Payment Request within 30 days of such compliance by the lessor, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section and shall be subject to liability for same.

(g) The Authority shall authorize an employee or agent to be a complaining witness to make, sign and initiate complaints and to issue summonses in the name of the Authority on behalf of the State, to the extent permitted by and pursuant to the Rules Governing the Courts of the State of New Jersey.

(h) The Authority may adopt a form of contract ("subscription agreement") which may set forth the terms and provisions that govern the responsibilities, duties and obligations of an owner as a subscriber to the Authority's electronic toll collection system which contract may include the termination of the owner as a patron of the Authority's electronic toll collection system if the owner fails to comply with the terms and provisions of the aforesaid contract.

19:2-8.3 Penalties

(a) A violation of this subchapter shall be punishable by a civil penalty of not less than \$50.00 nor more than \$200.00 per violation.

(b) Nothing in this section shall be construed as limiting the power of the Authority to proceed against an operator of a vehicle for a violation of N.J.A.C. 19:2-6.1 or as prohibiting or limiting the enforcement of a violation of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes except that an operator of a vehicle charged with a violation of N.J.S.A. 27:25A-21 shall not be liable for the civil penalty provided in (a) above for the same incident.

SUBCHAPTER 9. HIGHWAY ACCESS PERMITS

Authority

N.J.S.A. 27:25A-7.

Source and Effective Date

R.1999 d.357, effective October 18, 1999.
See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

19:2-9.1 Purpose and objective

(a) The purpose of this subchapter is to establish uniform rules and procedures for the review of Expressway or Expressway property access permit applications.

(b) The objective of this subchapter is to enable the Authority to review, inspect and administer access permits equitably and expeditiously.

(c) No one shall access Authority property without first obtaining a permit from the Authority. Each application for an access permit shall include the applicant's name; address; reason for access; a brief description of the project; insurance, performance bond and maintenance bond information and any specific information the Authority shall request regarding a particular project.

(d) Upon submittal of an access permit application, the Authority shall:

1. Review the work plan and offer guidance regarding the application and review process for the particular project;
2. Review detailed plans and other work-related documents and provide comments and guidance;
3. Perform any field inspections the Authority deems necessary for a particular project;
4. Review and approve the applicant's insurance certificate, performance bond and maintenance bond, based on:
 - i. Authority exposure to liability related to the project;
 - ii. Cost of the project; and
 - iii. Scope of the project;
5. Periodically inspect ongoing work to assure compliance with the permit granted; and
6. Initiate and maintain all permit documentation, including closeout documentation.

19:2-9.2 Fee schedule

(a) The following fee schedule is established to offset costs associated with the effects of work on roadway useful life and the review, administration, inspection and other necessary tasks performed by Authority staff. The fee schedule shall be established as follows:

1. An application fee of \$250.00 shall be submitted along with the completed access permit application and other associated documents. This fee shall be nonrefundable whether the Authority issues or denies the requested permit.

2. A nonrefundable permit fee of five percent of the total amount of construction or work to be performed on the Expressway or Expressway property or \$500.00, whichever is greater, plus any needed specialized fee as described in (a)3 below. The permit fee shall be paid prior to permit issuance.

3. Nonrefundable specialized fees are required as follows:

- i. Shoulder closure—\$250.00 per location per day;
- ii. Lane closure—\$500.00 per lane per location per day;
- iii. Slow downs—\$75.00 per set-up; and
- iv. Detours—\$25.00 per day.

(b) Fees for all other items of specialized work shall be determined by the Director of Engineering on a case-by-case basis. Such determination shall be based upon the amount of staff time and services provided.

1. All specialized fees shall be considered part of the permit fee, and shall be paid with the permit fee.

19:2-9.3 Work estimate

An applicant shall submit with a permit application an engineer's estimate of the work to be performed on the Expressway or Expressway property. The estimate shall be based upon construction rates prevailing at the time of application. The Director of Engineering shall reject any estimate that is determined to be contrary to construction rates prevailing at the time of application or not in the best interest of the Authority. If acceptable to the Director of Engineering, the estimate shall be used in calculating the permit fee required by N.J.A.C. 19:2-9.2(a)

19:2-9.4 Unauthorized installations

Anyone performing work upon the Expressway or Expressway property without the access permit required by N.J.A.C. 19:2-9.2 shall stop work immediately when so ordered by Authority staff. The Authority shall inspect all work performed on the Expressway or Expressway property and make a recommendation for removal, restoration, remediation and/or submission of required permit application and associated fees. Any person or persons performing unauthorized work on the Expressway or Expressway property shall pay a \$1,000 fee for performing such unauthorized work and shall submit an application for the appropriate permit to remove, restore, or remediate and/or continue construction work as approved by the Director of Engineering. All associated fees in N.J.A.C. 19:2-9.2 shall also apply. All fees shall be nonrefundable.

19:2-9.5 Non-construction access permits

(a) In the following circumstances, the fees provided in N.J.A.C. 19:2-9.2 shall not apply and shall not be required.

Instead, the applicant shall pay a \$5.00 application fee and the appropriate permit fee as follows:

1. Telephone booth installation—\$35.00 each; and
2. All other non-construction permits as determined by the Director of Engineering—\$25.00.

(b) Failure to obtain a non-construction permit shall result in the imposition of fines in accordance with N.J.A.C. 19:2-1.1(f) and/or removal fees in accordance with N.J.A.C. 19:2-5.3(b).

19:2-9.6 Waiver

The Director of Engineering may waive the fees, or some portion thereof, for a government or nonprofit entity, upon written request for a waiver from the applicant submitted at the time of application, based upon the Director of Engineering's determination that the fee is not warranted. This determination shall be based upon the nature of the entity making the request, actual costs to the Authority, and whether the nature of the project results in continued maintenance costs for the Authority.