

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 Authority patrons, the general public, or the Authority's agents or employees is too great to await the arrival of the emergency response contractor 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 or its agents, including, but not limited to, 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 of Operations 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.

5. Access to the Roadway for the purposes of investigating or remediating contamination caused by the discharge or release of any material will be granted only after compliance with (f)2 above and only after notification to the Chief Engineer of the Authority. Such access will not be unreasonably withheld. All investigatory data, including but not limited to, soil investigations, soil boring logs, ground water monitoring well logs, laboratory analytical data, correspondence with regulatory agencies, and all reports and submissions generated as a result of work on the Roadway shall be made available for inspection by the Authority or its agents, and copies of all such information and data shall be produced for the Authority or its agents upon request.

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.

Amended by R.2003 d.287, effective July 21, 2003.

See: 34 N.J.R. 2207(a), 35 N.J.R. 3392(a).

In (b), substituted "Director of Operations" for "Manager of Emergency Services".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (f), added 5.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), deleted "with respect to the Turnpike or the Director of Traffic Operations with respect to the Parkway" following "Director of Operations"; in (d), substituted "placarded in accordance with 49 CFR 172.500" for "labeled" and inserted the last sentence; in the introductory paragraph of (f)1, substituted "Unless" for "Where practicable, not" and "or unless it would create an unsafe condition to" for "and not contrary to the safety of", inserted "New Jersey", "where practicable," and "hazardous", and deleted a comma following "public" and "provided" following "equipment"; in (f)1iii, deleted "hereafter," following "discharged"; in (f)1iv, in (f)1iii, deleted "hereafter," following "discharge" and substituted "contractor" for "contractors"; in (f)2 and (f)4ii, deleted "with respect to the Turnpike and the Director of Traffic Operations with respect to the Parkway" following "Director of Operations"; in (f)2, substituted "(f)1i" for "(f)1ii"; in the introductory paragraph of (f)4, substituted "contractor" for "contractor(s)" and inserted "but not limited to,"; in (f)4ii, substituted "the" for "either" preceding "Director's"; and in (f)5, substituted "the Roadway" for "Authority property" twice.

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 occupying a vehicle on the Roadway.

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.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Substituted "occupying" for "operating".

19:9-1.17 Operation of vehicles on Authority 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).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(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 Roadway 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 Roadway whose exhaust system is:

1. Not equipped with an exhaust chamber, resonator or noise dissipative device;
2. Not in constant operation and properly maintained; or
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).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b)2, inserted "or".

19:9-1.19 Tolls; payment required

(a) Except as provided by N.J.S.A. 27:23-40, no vehicle shall be operated on the Roadway except upon the payment of such tolls as are required by the Authority.

(b) Tolls shall be paid by currency, coin, or by means of an electronic toll collection system.

(c) It is hereby declared to be unlawful for any person to place or insert any plastic, paper, cloth, wadding or other article, object, material, substance, instrument or contrivance within the coin-receipt chute or in any other part of an automatic toll collection machine on the Roadway, in such a manner as to prevent, interfere with or obstruct the receipt of coins deposited therein by the patrons of the Roadway, or in such manner as to cause such coins to be uncollected or unlawfully returned, or, by any such other means or device whatsoever, to prevent or contrive to prevent the receipt of coins by such automatic toll collection machine, or to place or insert in any part of such machine any article, substance, contrivance or device in such manner as to obstruct, alter, injure or interfere with the action or operation of such machine, or, by any device or contrivance, or in any manner whatsoever, to obstruct, alter, injure or interfere with the action or operation of such machine.

(d) It is hereby declared to be unlawful for any person to operate, or owner to permit to be operated, a vehicle in an "Exact Change" toll lane of the Roadway unless the person has the exact amount to pay the applicable toll in accordance with the current toll schedule.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in the "Exact Change" toll lane of the Roadway and does not have the exact amount to pay the applicable toll in accordance with the current toll schedule must stop at the toll booth, remain in the vehicle, blow horn and wait until assisted by a toll, traffic or police officer before proceeding unless directed otherwise by an official traffic control device.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "Exact Change" toll lane of the Roadway at an entrance or exit ramp when no toll collector is on duty and not having the exact amount to pay the applicable toll in accordance with the current toll schedule shall pay said toll by mailing in a Payment Return Envelope to the New Jersey Turnpike Authority, PO Box 5042, Woodbridge, New Jersey 07095, or in person to a toll collector at any other location on the Roadway.

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).

Amended by R.1999 d.65, effective March 1, 1999.

See: 30 N.J.R. 4335(a), 31 N.J.R. 670(a).

Rewrote the section.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

Amended by R.2008 d.336, effective November 3, 2008.

See: 40 N.J.R. 4498(a), 40 N.J.R. 6478(a).

In (b), deleted "authorized Authority tokens (applicable to Parkway only)," following "coin,;" in (d), (e) and (f), deleted "or authorized Authority token" following "required change"; in (f), inserted the first occurrence of "Turnpike", deleted "Garden State Parkway Division," preceding "PO Box", substituted "5042" for "53" and deleted "(with respect to the Parkway); or to the New Jersey Authority, Administration Building, Turnpike Interchange 9 at Route 18 North, East Brunswick, New Jersey 08816 (with respect to the Turnpike)" following "07095".

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), deleted "credit card (for commercial account holders)," following "coin,;" in (d), (e) and (f), substituted "exact amount" for "required change".

19:9-1.20 Records

(a) Any operator of a commercial motor vehicle, omnibus, or tractor in interstate commerce upon the Roadway shall keep records showing the day and hour when, and the place where, the operator went on and off duty. The operator's records must reflect the current duty status of the operator upon entering the Roadway.

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

1. The operator does not operate beyond a 100 air-mile radius of the normal work reporting location;
2. The operator, except a driver salesperson, returns to the work reporting location and is released from work within 12 consecutive hours;
3. At least eight consecutive hours off duty separate each 12 hours on duty;
4. The operator does not exceed 10 hours maximum driving time following eight consecutive hours off duty; and
5. The motor carrier which employs the operator maintains and retains for a period of six months accurate and true time 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).

Amended by R.1998 d.520, effective November 2, 1998.

See: 30 N.J.R. 2368(a), 30 N.J.R. 3971(a).

Rewrote the section.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

19:9-1.21 Other regulations

In addition to these traffic rules, users of the Roadway 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 (N.J.S.A. 39:3-1 et seq. and 39:4-1 et seq.). Commercial vehicles in interstate commerce using the Roadway 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).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Deleted "relating to lights, brakes, weights, registration and other matters" following "New Jersey".

19:9-1.22 Filming, photographing or videotaping on the Roadway 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 (collectively, "film") on the Roadway, except as provided in (b) below or except as otherwise authorized pursuant to (c) or (d) below.

(b) Notwithstanding (a) above, persons, with prior written permission from the Executive Director of the Authority, shall be permitted to take film in those portions of the service areas of the Roadway under the Authority's control which are not used for the moving, servicing or parking of vehicles, provided the taking of such film does not interfere with or obstruct the movement or flow of vehicles and people lawfully on the Roadway. Such interference or obstruction includes, without limitation, the taking of such film within 100 feet of any ramp or traveled roadway portion of the Roadway. Persons wishing to take film in those portions of the Roadway which are not under the control of the Authority, such as the buildings in the service areas which are under lease, shall contact the appropriate party for approval.

(c) The Authority, through its Department of Communications or successor department, Executive Director or designee, may grant a permit to take film on the portions of Authority property not specified in (b) above, provided the person(s) requesting such permit submits the following:

1. A written application to the Authority, at least two weeks prior to the date of the filming, stating the date, time and location of the filming, names and addresses of the applicants, the number of individuals and vehicles to be present at the filming, the purpose of such filming and any other information the Authority may deem necessary in order for it to make a determination that such filming can be conducted without a risk to the safety, traffic security or movement of the Roadway;

2. Certificates of liability insurance (indicating the New Jersey Turnpike Authority, its officers, agents and employees, as an additional insured under the policies) in types and limits of liability deemed by the Authority to be acceptable given the nature and scope of the filming;

3. A copy of the motor vehicle insurance policy for each vehicle to be used in the filming; and

4. An indemnification and hold harmless agreement signed by all persons responsible for the filming, in a form provided by or acceptable to the Authority.

(d) The permittee shall comply with any Authority restrictions on the time, place and manner of the filming imposed as a condition of the grant of a permit in order to ensure the safety, traffic security or movement of the Roadway.

(e) The Authority shall grant such permit in accordance with (c) and (d) above, unless the Authority determines that the time, location or nature of such filming would create a risk to the safety, traffic security or movement of the Roadway and that such risk cannot be adequately controlled.

(f) In the event that a bona fide representative of the news media requires immediate permission to film an emergency situation on a portion of the Roadway not specified in (b) above, the Authority may grant a permit to film over the telephone to the news media representative, provided:

1. The applicant has previously obtained a valid press pass from the Authority;

2. The Authority has determined that such filming would not create an unreasonable risk to the safety, traffic security or movement of the Roadway; and

3. The applicant agrees to abide by certain time, place and manner restrictions on the filming which may be imposed by the Authority or the State Police to ensure the safety, traffic security or movement of the Roadway.

New Rule, 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).

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Section was "Filming, photographing or videotaping on Authority property prohibited, except as authorized". In (a), deleted "hereinafter" preceding and inserted a comma following "collectively"; and rewrote (c)2.

19:9-1.23 Distribution of literature

(a) Literature other than commercial or advertising literature may be distributed at service areas of the Roadway, which for purposes of this section shall include Park-n-Rides, at the times and places and in accordance with the terms and conditions enumerated in (b) through (j) below.

(b) A person, persons or organization who desires to distribute literature or conduct a survey at or about a service area shall first file an application for a Certificate of Registration.

Applicants shall complete the application form (providing identification and distribution specifics) and a waiver of claims and indemnity form supplied by the Authority. Applicants shall also submit a certificate(s) of insurance (indicating the "New Jersey Turnpike Authority, its officers, agents and employees" as additional insured under the policies) for workers compensation, general liability insurance and automobile insurance, if applicable, in an amount deemed necessary by the Authority. Certificates will be issued without charge on a first-come, first serve basis, subject to availability and limitations of space. Certificates shall be issued for not more than one calendar day. Applications may be obtained and submitted and Certificates obtained, in person, by mail or by facsimile on weekdays between 9:00 A.M. and 5:00 P.M. from the Director of Law, New Jersey Turnpike Authority, 581 Main Street, Woodbridge, New Jersey 07095.

(c) Certificate holders shall distribute literature only at the locations indicated in the Certificate, which locations shall be determined by the Authority in order to minimize inconvenience to Authority patrons and to ensure patron safety. No more than two persons shall distribute literature during the same period at the same service area.

(d) Certificate holders shall at no time shout, make outcries, use devices for voice or sound amplification or any other instruments or devices for sound production.

(e) Placards or any other literature or material shall not be affixed to any portion of the building or any other structure.

(f) No certificate holder shall use a table or other device unless the Certificate expressly provides for its use in the designated expressive area.

(g) Certificate holders shall not leave material unattended and shall remove the same when the distribution or permissive period ends, whichever occurs earlier. Certificate holders shall at all times keep the area in a reasonably clean, neat and uncluttered condition and shall, when leaving, make certain that the literature has been removed and cleared from the service area.

(h) Certificate holders shall not disrupt or obstruct passage to or from the service buildings or parking areas, nor shall they act in a boisterous and disturbing manner to the traveling public.

(i) If a Certificate holder violates any of the provisions of this section, the Authority shall notify the violator to stop the wrongful conduct, correct that condition or leave the area. If the violator does not stop, correct, or leave as ordered, the violator shall be deemed guilty of being a disorderly person pursuant to N.J.S.A. 27:23-32, or N.J.S.A. 27:23-4, or N.J.S.A. 27:23-33, subject to arrest, fine and imprisonment pursuant to applicable law.

(j) The Certificate holder shall assume all liability for any and all damage or injury arising out of or related in any way

Substituted "companies on the Turnpike and Parkway may be directed, in writing, to the Director of Law" for "companies may be directed to the Director of Operations".

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Substituted "Roadway" for "Turnpike and Parkway".

19:9-3.4 Miscellaneous permits and fees

In the event that any permit not set forth in the rules is requested from the Authority, such request shall be forwarded to the Director of Law. If it is determined to be proper and in the best interest of the Authority, its patrons and the public to grant such permit, the Authority may grant the permit and impose a fee for the permit on a man-hour basis.

New Rule, R.1998 d.492, effective October 5, 1998.

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

Special readoption, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).

See: 36 N.J.R. 3431(a).

SUBCHAPTER 4. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

19:9-4.1 General provisions

(a) Except as otherwise provided by law, all "public records," as that term is defined by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., shall be available to any individual for the purpose of inspection or hand copying during regular business hours at the Authority's main offices at 581 Main Street, Woodbridge, New Jersey 07095, in accordance with the procedure set forth in N.J.A.C. 19:9-4.3. Other records within the possession of the Authority may be made available for inspection or copying subject to applicable law. For convenience, the Authority recommends that any request made under this subchapter be made using forms provided by the Authority and available on the Authority's website.

(b) Except as otherwise specified herein, copies of records may be obtained by written request or request via facsimile to:

Records Custodian
New Jersey Turnpike Authority
581 Main Street
Woodbridge, New Jersey 07095
Fax: 732-750-5393

(c) Copies of accident reports concerning accidents on the Turnpike may be obtained by a written request to:

New Jersey Turnpike Authority
Operations Department
New Jersey State Police Troop D
Accident Report Request
P.O. Box 5042
Woodbridge, New Jersey 07095

A copy of the written request shall also be sent to the Records Custodian at the address provided under (b) above. New Jersey State Police Troop D shall copy the Records Custodian on any and all responses under this subsection.

(d) Copies of accident reports concerning accidents on the Parkway may be obtained by a written request to:

New Jersey Turnpike Authority
Operations Department
New Jersey State Police Troop E
Accident Report Request
P.O. Box 20
Woodbridge, New Jersey 07095

A copy of the written request shall also be sent to the Records Custodian at the address provided under (b) above. New Jersey State Police Troop E shall copy the Records Custodian on any and all responses under this subsection.

(e) Photographs of the Roadway, Authority structures and/or appurtenances will be taken by the Authority, through its employees or agents, upon written request to the Executive Director at 581 Main Street, Woodbridge, New Jersey 07095. Requests must specify the exact location of the site, accompanied by a brief description of the item to be photographed. The taking of photographs by persons other than those employed or contracted by the Authority shall be governed by N.J.A.C. 19:9-1.22.

(f) Copies of bid documents for contractors and vendors bidding on work, services or materials shall be obtained at fees established by the Authority to cover printing and distribution costs and published in the advertisement for the receipt of bids, subject to applicable law.

(g) The fees for obtaining Authority records, which are set forth in N.J.A.C. 19:9-4.4 shall be collectable at or before delivery of the documents copied. Payment shall be made by check or money order payable to the New Jersey Turnpike Authority.

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).

Rewrote (e).

Amended by R.2000 d.289, effective July 3, 2000.

See: 32 N.J.R. 1290(a), 32 N.J.R. 2468(a).

In (c), substituted "fee in accordance with the schedule provided in N.J.A.C. 19:9-4.4(a)7" for "\$10.00 report charge" in the introductory paragraph.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote the section.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Rewrote the section.

19:9-4.2 (Reserved)

As amended, R.1978 d.258, effective July 31, 1978.

See: 10 N.J.R. 310(a), 10 N.J.R. 408(c).

As amended, R.1982 d.447, effective December 20, 1982.

See: 14 N.J.R. 974(b), 14 N.J.R. 1464(e).

Increased fees from \$3.00 to \$10.00; \$6.00 to \$15.00 and \$1.00 to \$10.00.

Repeal and New Rule, R.1993 d.496, effective October 4, 1993.

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

Section was "Photographs; slides".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (a), rewrote 3.

Repealed by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Section was "Nonpublic information".

19:9-4.3 Procedures for obtaining Authority records

(a) The Director of Law shall review all requests for inspection or copying of public records and shall notify the requesting party of the time and date, or alternative times and dates, that the records will be made available for inspection and copying. If the request is denied, the requesting party will be notified of the denial and the reasons for such denial. All records requests shall be made at the above applicable addresses during regular business hours or at such other times and/or locations as the Director of Law deems convenient.

(b) All duplication shall be done by, or at the request of, the Authority, and the charges shall be in accordance with those set forth in N.J.A.C. 19:9-4.4. If the Director of Law finds that there is no risk of damage, mutilation or loss of such records and that it would not be incompatible with the economic and efficient operation of the Authority, the Director of Law may permit the requesting party seeking to copy more than 100 pages to use his or her own photographic process upon the payment of a reasonable fee, considering the equipment and the time involved, to be fixed by the Director of Law at not less than \$10.00 nor more than \$50.00 per day. If it is not practicable for the Authority to copy any document, that document will be copied commercially, and the party requesting the copy shall be charged a fee equal to the Authority's cost for such commercial reproduction.

Repeal and New Rule, R.1993 d.496, effective October 4, 1993.

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

Section was "Bid documents".

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

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

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Rewrote the section.

19:9-4.4 Fees

(a) Copies of Authority records shall be made available by the Authority to the requesting party upon full payment of copying costs. Copying costs shall be determined in accordance with the following schedule:

1. Documents:
 - i. First page to 10th page: \$0.75 per page;
 - ii. Eleventh page to 20th page: \$0.50 per page;
 - iii. All pages over 20: \$0.25 per page.

2. Drawings, maps, and plan sheets: \$1.00 per page;

3. Microfilm copies, any size: \$1.00 per page;

4. Existing photographs:

i. Photographs up to 8 by 10 inches, black and white glossy: \$10.00 per picture;

ii. Photographs 8 by 10 inches, color glossy: \$15.00 per picture;

5. Photographs taken upon request (prices include travel time, materials and film processing) up to 8 by 10 inches:

i. Black and white, first photograph: \$30.00;

ii. Black and white, each additional photograph: \$15.00;

iii. Color, first photograph: \$40.00;

iv. Color, each additional photograph: \$20.00.

6. Slides, 35 millimeter: \$10.00 per slide;

7. State Police Accident reports:

i. Certified copies: All pages \$10.00;

8. State Police photographs up to 8 by 10 inches, color glossy:

i. First photograph: \$5.00;

ii. Each additional photograph: \$3.00.

(b) Payment may be waived when the request is made by the United States, the State of New Jersey, or any agency or political subdivision thereof, individuals or firms doing work or performing services for the Authority, organizations or associations of which the Authority is a member, credentialed media organizations, and organizations exchanging information with the Authority on a reciprocal basis.

(c) A fee of \$5.00 per document or photograph will be charged for certification by the Secretary of the Authority that an Authority document is authentic or that a record of which the Authority is legal custodian cannot be found.

(d) The Authority may, in its discretion, prepare responses to requests for traffic and accident statistics. Such requests shall be submitted to the Director of Operations. There shall be a minimum fee of \$50.00 for responses to such request. For requests which involve more than one man-hour for research, investigation and/or analysis by Authority employees, the charges shall be on a man-hour basis.

As amended, R.1983 d.554, effective December 5, 1983.

See: 15 N.J.R. 1643(a), 15 N.J.R. 2046(e).

Amended text to allow requests to be made by mail or in person. Reports obtained in person cost \$1.00; mailed reports cost \$6.00.

Repeal and New Rule, R.1993 d.496, effective October 4, 1993.

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

Section was "New Jersey State Police reports".

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

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

Rewrote (a); and added a new (d).

Amended by R.2000 d.289, effective July 3, 2000.

See: 32 N.J.R. 1290(a), 32 N.J.R. 2468(a).

Rewrote (a)7.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

In (a), deleted ii; in (d), inserted "of the Turnpike or Parkway" at the end of the second sentence.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In the introductory paragraph of (a), substituted "party" for "individual or entity"; in (a)1i, substituted "\$0.75" for "\$.75"; in (a)1ii, substituted "\$0.50" for "\$.50"; and in (a)1iii, substituted "\$0.25" for "\$.25"; in (a)4 and the introductory paragraph of (a)8, substituted "photographs" for "Photographs"; and in (d), deleted "of the Turnpike or Parkway" following "Operations" and substituted ". For" for "; for".

SUBCHAPTER 5. ADMINISTRATIVE PRACTICES

19:9-5.1 Pre-employment screening

(a) Applicants for employment with the Authority shall be of good moral character. In the event the applicant has previously been convicted of a crime, the Authority will consider such criminal conviction in the Authority's pre-employment screening process, provided however, such conviction will not be dispositive.

(b) The Authority or its designee shall submit to the New Jersey State Police requests for criminal history record information regarding any applicant for employment with the Authority.

(c) A medical examination, including, but not limited to, drug screening, may be performed on any applicant for employment by the Authority's designated medical representative. Annual medical evaluations may subsequently be performed on all employees, and for appropriate personnel, may include drug screening.

R.1979 d.181, effective May 7, 1979.

See: 11 N.J.R. 309(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 (b), inserted "or its designee" following "Turnpike Authority".

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote (a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), inserted "to the New Jersey State Police", substituted "criminal history record information" for "any Criminal History Record Information (CHRI) from the New Jersey State Police" and deleted "New Jersey Turnpike" preceding "Authority"; and in (c), inserted ", but not limited to,".

19:9-5.2 Waivers generally

Nothing in these rules shall be construed to prohibit the Authority from granting waivers from any provisions hereof or the Authority's Standard Specifications.

New Rule, 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).

Substituted "or the 5th Edition 1987" for "the", and added ", as may be updated from time to time" at the end.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Deleted "5th Edition 1987 New Jersey Turnpike" following the second occurrence of "the", substituted "Authority's" for "Authority" and deleted ", as may be updated from time to time" following "Specifications".

19:9-5.3 Procedure for waiver

Any party desiring a waiver or release from the express provisions of any of these rules, or the Authority's Standard Specifications, as may be updated from time to time, shall submit a written request to the Executive Director. Any waiver so requested may be granted by the members of the Authority only upon a finding that such waiver would not jeopardize the health, safety or welfare of the Roadway, its patrons or the general public, would not contravene the provisions of N.J.S.A. 27:23-1 et seq., and that granting the waiver would be consistent with the Authority's statutory purposes.

New Rule, 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).

Substituted "or the 5th Edition 1987" for "the", and inserted "as may be updated from time to time," in the first sentence.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Deleted "5th Edition 1987 New Jersey Turnpike" preceding the first occurrence of "Authority's", inserted "by the members of the Authority", and substituted "Roadway" for "Turnpike".

SUBCHAPTER 6. PETITIONS FOR RULES; OPPORTUNITY TO BE HEARD UPON SHOWING OF SUFFICIENT PUBLIC INTEREST IN A PROPOSED RULEAMKING

19:9-6.1 Scope

This subchapter shall apply to all petitions made by interested persons for the promulgation, amendment or repeal of any rule by the Authority, pursuant to N.J.S.A. 52:14B-4(f) and N.J.S.A. 27:23-29.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

Deleted "New Jersey Turnpike" preceding "Authority".

19:9-6.2 Procedure for petitioner

(a) Any person who wishes to petition the Authority to promulgate, amend or repeal a rule must submit to the Executive Director, in writing, the following information:

1. The name of the petitioner;
2. The substance or nature of the rulemaking which is requested, together with the citation of affected rule, if applicable;
3. The reasons for the request and the petitioner's interest in the request; and
4. References to the authority of the Authority to take the requested action.

(b) A petitioner has the option of providing the text of the proposed new rule, amended rule or repealed rule with the information in (a) above, although this option is not required.

(c) Petitions shall be addressed to:

Executive Director
New Jersey Turnpike Authority
581 Main Street
Woodbridge, New Jersey 07095

(d) Any document submitted to the Authority which is not in substantial compliance with (a) above shall not be deemed to be a petition for a rule requiring further Authority action pursuant to N.J.S.A. 52:14B-4(f) and N.J.S.A. 27:23-29.

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), deleted "Donald L. Watson" preceding "Executive Director" in the address.

Amended by R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(b).

Added new (b); recodified existing (b), (c) as (c), (d).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), inserted "option"; and in (c), substituted "581 Main Street" for "PO Box 1121" and "Woodbridge, New Jersey 07095" for "New Brunswick, NJ 08903".

19:9-6.3 Procedure of the Authority

(a) Upon receipt of a petition in compliance with this subchapter, the Authority shall, within 15 days of receipt, file a notice of petition with the Office of Administrative Law for publication in the New Jersey Register. The notice will include:

1. The name of the petitioner;
2. The substance or nature of the rulemaking action which is requested;
3. The problem or purpose which is the subject of the request; and
4. The date the petition was received.

(b) Within 60 days of receiving the petition, the Authority shall mail to the petitioner, and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which will include:

1. The name of the petitioner;

2. The New Jersey Register citation for the notice of petition, if that notice appeared in a previous New Jersey Register;

3. Certification by the Executive Director that the petition was duly considered pursuant to law;

4. The nature or substance of the Authority's action upon the petition; and

5. A brief statement of reasons for the Authority's action.

(c) Authority action on a petition may include:

1. Denying the petition. If the petition is denied, the petitioner will be provided with a written statement of the Authority's reasons for the denial;

2. Granting the petition. If the petition is granted, the Authority will initiate a rulemaking proceeding no later than 90 days after the petition is granted; or

3. Referring the matter for further deliberations by and among appropriate Authority staff. If the matter is referred for further deliberations, the nature of the deliberations will be given in writing to the petitioner and the deliberations must conclude within 90 days after the matter is referred.

- i. Upon the conclusion of further deliberations, the Authority shall either deny or grant the petition. If the petition is granted, the Authority shall initiate a rulemaking proceeding within 90 days. The Authority will mail the results of these deliberations to the petitioner and submit the results to the Office of Administrative Law for publication in the New Jersey Register.

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

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

Amended by R.2003 d.288, effective July 21, 2003.

See: 34 N.J.R. 2411(a), 35 N.J.R. 3392(a).

In (a), introductory paragraph inserted "within 15 days of receipt" following "Authority will"; in (b), introductory paragraph substituted "60" for "30"; in (c) rewrote 1 through 3.

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In the introductory paragraphs of (a) and (b), substituted "shall" for the first occurrence of "will".

19:9-6.4 Authority's failure to act on a petition for rulemaking

(a) If the Authority fails to act in accordance with the time frames set forth in N.J.A.C. 19:9-6.3, the petitioner may request, in writing, a public hearing on the petition by submitting a request to the Director of the Office of Administrative Law in accordance with N.J.A.C. 1:30-4.3.

(b) If a petitioner requests a public hearing from the Director of the Office of Administrative Law due to the Authority's failure to adhere to the time frames listed in N.J.A.C. 19:9-6.3, and if the Authority receives notice from the Director of the Office of Administrative Law of his or her intent to hold a public hearing on the petition, the Authority may, within 15 days of receipt of said notice, provide notice of a public hearing.

19:9-8.11 Discretion

Nothing contained herein shall be construed to limit the authority of the Authority to refrain from contracting within the discretion allowed by law.

SUBCHAPTER 9. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

19:9-9.1 Definitions

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

“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.

“Inadvertent toll violation” means a toll violation that occurs when a person who enters a toll collection plaza and takes every reasonable action to pay the required toll but who 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 toll violation. An inadvertent toll violation does not include the following:

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

“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 images, or a written record, of a vehicle at the time the vehicle is used or operated in violation of the toll collection monitoring system rules. The term shall also include any other process that identifies a vehicle by photographic, electronic or other method.

“Toll collection monitoring system rules” means the rules contained in this subchapter and authorized and adopted pursuant to N.J.S.A. 27:23-34.2 that prohibit a vehicle from making use of the Roadway except upon the payment of such tolls as may from time to time be prescribed by the Authority and that further makes it a violation subject to a civil penalty for any person to refuse to pay, to evade, or to attempt to evade the payment of such tolls, if the violation is recorded by a toll collection monitoring system as defined in N.J.S.A. 27:23-34.1.

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

“Violating vehicle” means a vehicle alleged to be involved in a violation of the toll collection monitoring system rules.

Amended by R.2010 d.077, effective June 7, 2010.
See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In the introductory paragraph, substituted “context” for “content”; substituted definition “‘Electronic toll collection system’ or ‘ETC system’” for definition “‘Electronic Toll Collection System’ or ‘ETC System’”; in paragraph 2 of definition “Inadvertent toll violation”, substituted “system” for “System”; in definition “Toll collection monitoring system”, substituted “images” for “image” and “process” for “technology”; and in definition “Toll collection monitoring system rules”, substituted “the Roadway” for “any Turnpike project” and “N.J.S.A. 27:23-34.1” for “this section”.

19:9-9.2 Toll collection monitoring system violation

(a) No owner, operator, lessor or lessee shall refuse to pay, evade or attempt to evade the payment of the toll for passage of a vehicle on a Roadway, unless an exemption exists for the payment of the required toll. Except as provided in N.J.S.A. 27:23-34.3(b), an owner of a vehicle shall be jointly and severally liable for the failure of an operator of the vehicle to comply with the toll collection system monitoring rules. The owner of a vehicle shall be liable if the vehicle was used or operated by the operator with the express or implied permission of the owner when the violation of the toll collection system monitoring rules was committed, and the evidence of the violation is obtained by a toll collection monitoring system. An owner of a vehicle shall not be liable if the operator of the vehicle has been identified and charged with a violation of N.J.S.A. 27:23-25 for the same incident.

(b) Within the time period specified in N.J.S.A. 27:23-34.3, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided for in 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 or such other amount as may be established by

duly adopted rule; provided, however, that an owner that proves an inadvertent toll violation has occurred shall be required only to pay the toll and shall not incur the administrative fee. If the owner fails to pay the required toll and fee by the number of days specified in N.J.S.A. 27:23-34.3 from the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties described herein. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to the unresolved violation.

(c) The Advisory and Payment Request shall contain the name and address of the person alleged to be liable as an owner of a violating vehicle, the license plate number of the violating vehicle, 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 to occur. Such Advisory and Payment Request shall also contain notice that failure to pay the indicated toll and administrative fee or failure to successfully contest the liability will render the owner subject to the penalties described in N.J.A.C. 19:9-3.

(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 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 for 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 its agent issuing the Advisory and Payment Request a copy of the rental agreement, 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 60 days after

receiving the original Advisory and Payment Request. Failure to send such information within such 60-day time period shall render the lessor liable for the prescribed penalty. If the lessor complies with these provisions, and the lessee is sent an Advisory and Payment Request within 60 days of such compliance by the lessor, the lessee of the vehicle on the date of the 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 may designate an employee(s) or agent(s) of the Authority to be a complaining witness on behalf of the Authority and to cause a summons and complaint to issue 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 or operator as a subscriber to the ETC System, which subscription agreement may include the termination of the owner or operator as a subscriber of the Authority's ETC System if the owner or operator fails to comply with the terms and provisions of the subscription agreement.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Administrative correction.

See: 37 N.J.R. 1085(a).

Amended by R.2010 d.077, effective June 7, 2010.

See: 42 N.J.R. 155(a), 42 N.J.R. 1064(a).

In (b), substituted "the time period specified in N.J.S.A. 27:23-34.3" for "60 days of the date that a toll violation occurs"; "by the number of days specified in N.J.S.A. 27:23-34.3 from" for "within 30 days of" and "Authority" for "authority"; and inserted "or such other amount as may be established by duly adopted rule"; in (f), substituted "60" for "30" throughout; and in (h), deleted "Authority's" preceding "ETC" and substituted the second occurrence of "subscription agreement" for the second occurrence of "contract" and the third occurrence of "subscription agreement" for "aforesaid contract".

19:9-9.3 Penalties

(a) A violation of this subchapter 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) Nothing in this subchapter shall be construed as limiting the power of the Authority to proceed against an operator for a violation of N.J.A.C. 19:9-1.19 or as prohibiting or limiting the enforcement of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes, except that an operator charged with a violation of N.J.S.A. 27:23-34 shall not also be liable for the civil penalty provided in (a) above for the same incident.

Amended by R.2005 d.23, effective January 3, 2005.

See: 36 N.J.R. 4415(a), 37 N.J.R. 90(a).

Rewrote (a).