

SUBTITLE D. NEW JERSEY HIGHWAY AUTHORITY

CHAPTER 8

REGULATIONS GOVERNING USE OF THE GARDEN STATE PARKWAY

Authority

N.J.S.A. 27:12B-5(i),(j) and (t), 27:12B-14 and 27:12B-18.

Source and Effective Date

R.2003 d.277, effective June 13, 2003. See: 35 N.J.R. 1048(a), 35 N.J.R. 2890(a).

Chapter Expiration Date

Chapter 8, Regulations Governing Use of the Garden State Parkway, expires on June 13, 2008.

Chapter Historical Note

Chapter 8, Regulations Governing Use of the Garden State Parkway, Subchapters 1 through 4, was adopted and became effective prior to September 1, 1969.

Subchapter 5, Central Purchasing, and Subchapter 6, Sale of Surplus Personal Property, were adopted as R.1976 d.92, effective March 25, 1976. See: 8 N.J.R. 155(b), 8 N.J.R. 315(a).

Subchapter 7, Inspection and Obtaining of Authority Records, was adopted as R.1976 d.168, effective May 28, 1976. See: 8 N.J.R. 263(c), 8 N.J.R. 359(c).

Subchapter 8, Special Permits for Oversize Vehicles, was adopted as R.1980 d.476, effective October 31, 1980. See: 12 N.J.R. 619(c), 12 N.J.R. 732(c).

Subchapter 9, Permits for Outdoor Advertising, was adopted as R.1982 d.361, effective October 18, 1982. See: 14 N.J.R. 901(a), 14 N.J.R. 1166(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1983 d.237, effective June 2, 1983. See: 15 N.J.R. 615(a), 15 N.J.R. 1039(d).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, expired on June 1, 1988.

Chapter 8, Regulations Governing the of the Garden State Parkway, was adopted as R.1988 d.292, effective July 5, 1988. See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Subchapter 10, Pre-Employment Screening, was adopted as R.1989 d.44, effective January 17, 1989. See: 20 N.J.R. 2864(a), 21 N.J.R. 173(c).

Subchapter 11, Organizational Rules, was adopted as R.1989 d.361, effective June 14, 1989. See: 21 N.J.R. 2056(a).

Subchapter 12, Petitions for Rules, was adopted as R.1989 d.482, effective September 18, 1989. See: 21 N.J.R. 1975(a), 21 N.J.R. 3021(b).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1993 d.290, effective May 17, 1993. See: 25 N.J.R. 1500(b), 25 N.J.R. 2701(c).

Subchapter 5, Central Purchasing, was renamed Purchasing and Procurement by R.1998 d.25, effective January 5, 1998. See: 29 N.J.R. 4460(b) 30 N.J.R. 107(a).

Pursuant to Executive Order No. 66(1978), Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.1998

d.210, effective April 7, 1998. See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

Subchapter 13, Fee Policy for Construction and Utility Installation Permits, was adopted as R.1994 d.520, effective October 17, 1994. See: 26 N.J.R. 3252(a), 26 N.J.R. 4213(a).

Subchapter 15, Electrical Toll Collection Monitoring System, was adopted as R.1999 d.17, effective January 19, 1999. See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

Chapter 8, Regulations Governing Use of the Garden State Parkway, was readopted as R.2003 d.277, effective June 13, 2003. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS AND TRAFFIC RULES

- 19:8-1.1 Definitions
19:8-1.2 Speed limits
19:8-1.3 Retarding traffic
19:8-1.4 Uniform direction of traffic
19:8-1.5 Passing
19:8-1.6 "U" Turns prohibited
19:8-1.7 Use of medial strip and roadside areas prohibited
19:8-1.8 Parking, standing or stopping on Parkway prohibited except in emergency
19:8-1.9 Limitations on use of Parkway
19:8-1.10 Civil defense regulations
19:8-1.11 Load limit of structures
19:8-1.12 Transportation of hazardous material
19:8-1.13 Traffic control
19:8-1.14 Energy crisis limitations

SUBCHAPTER 2. GENERAL REGULATIONS ON THE GARDEN STATE PARKWAY

- 19:8-2.1 Waste and rubbish
19:8-2.2 Damaging of shrubs or plants and defacement of Parkway prohibited
19:8-2.3 Displays, posters, placards and leafletting prohibited
19:8-2.4 Parades, demonstrations and picnics prohibited
19:8-2.5 Hunting and trapping prohibited
19:8-2.6 Use of firearms prohibited
19:8-2.7 Fire prohibited
19:8-2.8 Soliciting of alms prohibited
19:8-2.9 Hitchhiking and loitering prohibited
19:8-2.10 Sales and distribution prohibited
19:8-2.11 Arts Center
19:8-2.12 Towing and emergency services
19:8-2.13 Discharges
19:8-2.14 Damage to the Parkway due to discharges
19:8-2.15 Response to a discharge
19:8-2.16 Limitations on activities in the Telegraph Hill Nature Area

SUBCHAPTER 3. TOLLS ON THE GARDEN STATE PARKWAY

- 19:8-3.1 Tolls
19:8-3.2 Toll-free passage

SUBCHAPTER 4. PENALTIES

- 19:8-4.1 Penalties

SUBCHAPTER 5. PURCHASING AND PROCUREMENT

- 19:8-5.1 Purpose and objective
19:8-5.2 through 19:8-5.6 (Reserved)
19:8-5.7 Emergency engineering and construction procurements
19:8-5.8 through 19:8-5.9 (Reserved)
19:8-5.10 Tie bids

- 19:8-5.11 through 19:8-5.18 (Reserved)
 19:8-5.19 Purchases from State Distribution Center

SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY

- 19:8-6.1 Purpose and objective
 19:8-6.2 Bids
 19:8-6.3 Invitation to bid and receipt and opening of bids
 19:8-6.4 Failure to receive bids or more than one bid
 19:8-6.5 Withdrawal of items from offer to sell after bid opening and prior to award
 19:8-6.6 Bid deposits
 19:8-6.7 General terms and conditions
 19:8-6.8 Tie bids

SUBCHAPTER 7. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

- 19:8-7.1 General provisions
 19:8-7.2 Bid documents
 19:8-7.3 New Jersey State Police reports
 19:8-7.4 Subscription services

SUBCHAPTER 8. SPECIAL PERMITS FOR OVERSIZE VEHICLES

- 19:8-8.1 Scope
 19:8-8.2 Permit requirement
 19:8-8.3 Period of validity
 19:8-8.4 Fee
 19:8-8.5 Issuance
 19:8-8.6 Limitations on permit
 19:8-8.7 Application
 19:8-8.8 Insurance
 19:8-8.9 Permit to be carried in vehicle
 19:8-8.10 Permit nontransferable
 19:8-8.11 Permit privilege; suspension or revocation

SUBCHAPTER 9. PERMITS FOR OUTDOOR ADVERTISING

- 19:8-9.1 General provisions
 19:8-9.2 Procedures application for permit
 19:8-9.3 Suspension or revocation of permit
 19:8-9.4 Informal conference
 19:8-9.5 Notice of violation
 19:8-9.6 Removal provisions
 19:8-9.7 Penalties

SUBCHAPTER 10. PRE-EMPLOYMENT SCREENING

- 19:8-10.1 Pre-employment screening

SUBCHAPTER 11. ORGANIZATIONAL RULES

- 19:8-11.1 Authority purpose
 19:8-11.2 Organization of the New Jersey Highway Authority
 19:8-11.3 Public information requests

SUBCHAPTER 12. PETITIONS FOR RULES

- 19:8-12.1 Scope
 19:8-12.2 Procedure for petitioner
 19:8-12.3 Procedure after receipt of petition

SUBCHAPTER 13. FEE POLICY FOR CONSTRUCTION AND UTILITY INSTALLATION PERMITS

- 19:8-13.1 Purpose and objective; services provided
 19:8-13.2 Fee schedule
 19:8-13.3 Unauthorized installations
 19:8-13.4 Waiver

SUBCHAPTER 14. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

- 19:8-14.1 Definitions
 19:8-14.2 Toll collection monitoring system violation; advisory and payment request
 19:8-14.3 Penalties

SUBCHAPTER 15. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES

- 19:8-15.1 Procedure for prequalification and award of contracts for architectural, engineering and land surveying services

SUBCHAPTER 1. DEFINITIONS AND TRAFFIC RULES

19:8-1.1 Definitions

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

“Amphitheater” means the theater and lawn areas within the confines of the fence which surrounds the theater located at the Garden State Arts Center.

“Arts Center” means the amphitheater, plaza, buildings, mall, all roads leading to and from the amphitheater, all parking areas supporting the amphitheater, and surrounding lands located on the Garden State Parkway at the Telegraph Hill Nature Area, Holmdel, New Jersey.

“Authority” means the New Jersey Highway Authority created by L.1952 c.16 and its statutory successors.

“Bus token” means the Authority’s authorized discount token for use by buses.

“Camper” means a self-propelled motor vehicle, single unit or unit attached, which is used and designed for human habitation and not used for commercial purposes.

“Car” means a passenger motor vehicle, including station wagons, hearses, funeral flower and funeral service vehicles for which issuance of passenger car plates is authorized, taxicabs, motorcycles, two axle four tire campers, school buses and panel vans, pickup trucks and similar vehicles having a gross weight not exceeding 6,999 pounds.

“Car token” means the Authority’s authorized car token for use by cars only at exact change and/or “TOKEN ONLY” toll lanes.

“Discharge” means the unintentional or intentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, abandonment or dumping of a hazardous or non-hazardous material or waste into or on the land, water or air. This shall also include the disposal of containers of hazardous materials into receptacles for trash or recycling at any location on the Parkway.

“Division head” means those individuals who hold that title and who report directly to the Executive Director.

"Executive Director" means that individual so designated by the Authority.

"Garden State Parkway" or "Parkway" means the highway project known as the Garden State Parkway as defined and described in L.1952, c.16 and more particularly Section 20 thereof, expressly including, but not limited to, the Garden State Arts Center, the Telegraph Hill Nature Area, to the extent provided in an Agreement dated April 23, 1992 among the Authority, the New Jersey Vietnam Veterans Memorial Committee and the State of New Jersey, the Vietnam Veterans Memorial and all real property owned by, operated or under the jurisdiction of the Authority and any improvements thereon.

"Hazardous material" means any material or substance that is capable of posing a risk to health, safety and property or as set forth in N.J.A.C. 7:E1-17, N.J.A.C. 7:26-8, 40 CFR Part 261 and 49 CFR Part 172, as amended or recodified.

"Heavy truck" means a truck with two axles and four tires weighing more than 6,999 pounds, a truck with two axles and six or more tires, or a truck with three or more axles.

"Loitering" means remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and which also includes the colloquial expression "hanging around".

"Motorcycle" means a two or three-wheel vehicle with the motive power a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, excluding motor scooters, minibikes and bicycles and any other vehicle not registered with the New Jersey Division of Motor Vehicles for use on limited access highways of this State having a regulatory speed limit of 55 miles per hour.

"Omnibus" means any motor vehicle used to transport passengers for hire, excluding taxicabs.

"Parkway" means the Garden State Parkway.

"Passenger motor vehicle" means a motor vehicle used and designed to transport passengers.

"Telegraph Hill Nature Area" means that approximately 400 acre tract including, but not limited to, forest, groves, gardens, picnic areas, nature trails, exercise areas and any improvements thereon, also encompassing the Vietnam Veterans Memorial and the Garden State Arts Center, located in Holmdel, New Jersey.

"Vietnam Veterans Memorial" means that structure containing the open air memorial to the New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict, its environs, including, but not limited to, the Vietnam Era Education Center, located in Telegraph Hill Nature Center.

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

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

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

As amended, R.1975 d.332, effective November 1, 1975.

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

As amended, R.1976 d.167, effective May 28, 1976.

See: 8 N.J.R. 264(a), 8 N.J.R. 359(b).

As amended, R.1977 d.113, effective April 1, 1977.

See: 9 N.J.R. 151(a), 9 N.J.R. 246(a).

As amended, R.1977 d.419, effective November 27, 1977.

See: 9 N.J.R. 497(b), 9 N.J.R. 603(d).

As amended, R.1978 d.257, effective July 28, 1978.

See: 10 N.J.R. 307(b), 10 N.J.R. 408(b).

As amended, R.1984 d.29, effective February 21, 1984.

See: 15 N.J.R. 2153(a), 16 N.J.R. 381(a).

Definition of "vehicles" changed to expedite determination of weight violation.

Amended by R.1988 d.160, effective April 18, 1988 (operative May 1, 1988).

See: 20 N.J.R. 49(a), 20 N.J.R. 913(c).

Added definitions "bus token", "car token", "heavy truck"; amended definition of "car".

Amended by R.1989 d.182, effective April 3, 1989 (operative April 16, 1989).

See: 21 N.J.R. 127(a), 21 N.J.R. 914(b).

"Car token"—deleted "discount" and "\$0.50", added "TOKEN ONLY".

Amended by R.1990 d.479, effective October 1, 1990.

See: 22 N.J.R. 2128(a), 22 N.J.R. 3164(a).

Passenger vehicles with more than four wheels and two axles may use Garden State Parkway.

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

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

Added definition "amphitheater"; revised "Arts Center".

Amended by R.1994 d.519, effective October 17, 1994.

See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

Amended by R.1995 d.631, effective December 4, 1995.

See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Added "Division head" and "Executive Director".

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

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

Rewrote "Arts Center" definition and deleted "Garden State Arts Center" definition.

19:8-1.2 Speed limits

(a) Unless otherwise posted or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated on the main roadway of the Parkway in both directions of traffic shall be 65 miles per hour for its entire length, except the following portions, for which the speed limits will be as indicated below:

1. Fifty miles per hour between Milepost 8.0 to Milepost 11.5 in Middle Township, Cape May County;
2. Forty-five miles per hour between Milepost 27 to Milepost 29, approaching and traversing the Great Egg Harbor Bridge;
3. Forty-five miles per hour between Milepost 126.7 and Milepost 127.7, approaching and traversing the Driscoll Bridge; and
4. Fifty-five miles per hour between Milepost 123.5 to Milepost 163.3, except as set forth in (a)3 above.

(b) Unless otherwise posted, or when conditions make such maximum legal rate of speed unsafe, the maximum legal rate of speed at which any motor vehicle may be operated at facilities off the main roadway of the Parkway shall be 25 miles per hour.

Amended by R.1973 d.327, effective November 21, 1973.

See: 6 N.J.R. 41(a).

Amended by R.1974 d.6, effective January 9, 1974.

See: 6 N.J.R. 88(b).

Amended by R.1979 d.339, effective August 30, 1979.

See: 11 N.J.R. 415(c), 11 N.J.R. 530(a).

Amended by R.1982 d.325, effective October 4, 1982.

See: 14 N.J.R. 827(a), 14 N.J.R. 1101(a).

Added 4 and 5.

Amended by R.1993 d.33, effective January 19, 1993.

See: 24 N.J.R. 3222(a), 24 N.J.R. 4241(a), 25 N.J.R. 345(a).

Revised (a); added new (b).

Amended by R.2002 d.262, effective August 5, 2002.

See: 34 N.J.R. 1601(a), 34 N.J.R. 2799(a).

Rewrote (a).

19:8-1.3 Retarding traffic

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 thereof.

19:8-1.4 Uniform direction of traffic

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

19:8-1.5 Passing

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

(b) If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this section shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line, either on the right or left.

19:8-1.6 "U" Turns prohibited

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

(b) Excepted from the provisions of this article are as follows:

1. Police vehicles;
2. Vehicles operated by authorized Authority employees;
3. Authorized construction, maintenance, repair and towing vehicles;
4. Ambulances, fire engines and other vehicles performing official emergency functions.

(c) The foregoing exceptions shall be for the sole purpose of crossing to a roadway carrying traffic bound in the opposite direction, and no excepted vehicles shall make crossings in such manner as to create a hazard to other vehicles.

19:8-1.7 Use of medial strip and roadside areas prohibited

The medial strip between roadways, including crossovers and roadside areas beyond roadways, shall not be used by vehicles or persons on foot for any purpose, except at designated service, recreational, maintenance and police areas, or for maintenance, construction or official purposes or in emergencies.

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

19:8-1.8 Parking, standing or stopping on Parkway prohibited except in emergency

(a) No parking, standing or stopping is permitted on the Parkway, including during weather conditions that obstruct travel, except in areas designated by the Authority or in cases of emergency.

(b) In cases of emergency, as hereinafter defined, vehicles shall be permitted to park, stop and stand on the shoulders to the right of the travel lane facing the direction of travel with all wheels and projecting part of any such vehicle, including the load thereof, completely clear of the travel lanes.

(c) For the purposes of this regulation, an "emergency" is defined as the existence of inclement weather conditions that obstruct travel on the Parkway, including, but not limited to, snow, ice, flooding or high wind conditions; mechanically disabled vehicles; the driver of the vehicle is ill or fatigued; or conditions deemed an "emergency" by the Authority or the State Police; but in no case shall the parking, standing or stopping exceed a two-hour period. In any event, the Authority or the State Police may have the vehicle removed if it is determined that it is obstructing traffic or constitutes an unsafe condition.

(d) Parking in public parking facilities at service areas shall not exceed a two-hour period, except where otherwise posted for commuter parking.

(e) Vehicles violating this section may be towed away at the cost of the owner.

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

(g) Parking in public parking facilities posted for commuter parking shall be limited to the period of 4:00 A.M. to Midnight, prevailing local time, Monday through Friday, excluding holidays.

(h) Parking in any space appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c.202 (c.39:4-197.5), unless the vehicle is authorized by law to be parked therein, is prohibited.

R.1972 d.19, effective February 4, 1972.

See: 4 N.J.R. 14(a), 4 N.J.R. 55(c).

As amended, R.1977 d.270, effective July 28, 1977.

See: 9 N.J.R. 349(c), 9 N.J.R. 448(b).

As amended, R.1984 d.395, effective September 4, 1984.

See: 16 N.J.R. 1194(a), 16 N.J.R. 2380(a), 16 N.J.R. 2455(a).

(i) added.

Amended by R.1987 d.8, effective January 5, 1987.

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

(d) repealed, old (e)-(i) renumbered (d)-(h).

Amended by R.1994 d.518, effective October 17, 1994.

See: 26 N.J.R. 3251(a), 26 N.J.R. 4210(b).

19:8-1.9 Limitations on use of Parkway

(a) No vehicle shall enter upon or leave the Parkway except at access points designated by the Authority.

(b) Use of Parkway and entry thereon by the following is prohibited at all times;

1. Pedestrians except on sidewalks, footpaths and other areas specifically designated by the Authority for that purpose;
2. Vehicles drawn by animals;
3. All bicycles other than motorcycles;
4. Animals led, ridden, unattended or driven on the hoof except horses on bridle paths and leashed dogs in permitted areas;
5. Vehicles containing animals or poultry not properly confined;
6. Vehicles whose condition, equipment or tires create a probable hazard to such vehicles or others;
7. Farm implements and farm machinery, whether self-propelled or towed;
8. Vehicles with improperly secured attachments or loads;

1. Pedestrians except on sidewalks, footpaths and other areas specifically designated by the Authority for that purpose;
2. Vehicles drawn by animals;
3. All bicycles other than motorcycles;
4. Animals led, ridden, unattended or driven on the hoof except horses on bridle paths and leashed dogs in permitted areas;

5. Vehicles containing animals or poultry not properly confined;
6. Vehicles whose condition, equipment or tires create a probable hazard to such vehicles or others;
7. Farm implements and farm machinery, whether self-propelled or towed;
8. Vehicles with improperly secured attachments or loads;

9. Vehicles with deflated pneumatic tires, metal or solid tires, and vehicles with caterpillar treads;
10. Construction equipment other than trucks, except by special permit from the Authority;
11. Vehicles, or combination of vehicles, including any load thereon, exceeding the following maximum dimensions, except by special permit from the Authority:
- i. Height—13 feet, 6 inches;
 - ii. Width—8 feet, no inches;
 - iii. Length—55 feet, no inches, except that autobuses, excluding articulated autobuses, which have been approved and authorized to exceed 55 feet, no inches by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, shall be permitted use of the Parkway.

(1) Articulated autobuses which have been approved and authorized by the Board of Public Utilities, and which are not in excess of 61 feet, no inches, will be permitted use of the Parkway, subject to a one-year trial period.
12. Motor vehicles in tow or motor vehicles pushing or being pushed along the travel portion of the road, except as follows:
- i. Moving of disabled vehicles when directed by a traffic or police officer;
 - ii. Towing of vehicles in accordance with Parkway emergency service; or
 - iii. Towing of passenger motor vehicles by campers, provided that not more than one vehicle is being towed, the camper and the vehicle being towed are connected by a bar and chain hitch and the brake lights, directional signals and emergency flashers on both vehicles are synchronized and under the control of the operator of the camper.
13. Vehicles with loads extending more than four feet beyond the rear of the front of the body;
14. Vehicles carrying anything on the top, sides, front or rear with lateral projection in excess of 12 inches or vertical projection in excess of 24 inches from body of vehicle;
15. All vehicles, except cars, campers, omnibuses, attached noncommercial trailers or semitrailers and vehicles entitled to toll-free passage under N.J.A.C. 19:8-3.2 (Toll-free passage), are prohibited from the Parkway north of Interchange 105;
16. Vehicles while operated by a person under the influence of intoxicating liquors or any narcotic or habit-forming drug;
17. Taxicabs cruising for passengers.

(c) Where the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicles except cars while not in funeral cortege shall be driven in the farthest left lane except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

As amended, R.1972 d.19, effective February 4, 1972.

See: 4 N.J.R. 14(a), 4 N.J.R. 55(c).

As amended, R.1973 d.149, effective June 7, 1973.

See: 5 N.J.R. 171(d), 5 N.J.R. 295(b).

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

As amended, R.1975 d.332, effective November 1, 1975.

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

As amended, R.1976 d.340, effective November 1, 1976.

See: 8 N.J.R. 493(b), 8 N.J.R. 587(a).

As amended, R.1977 d.113, effective April 1, 1977.

See: 9 N.J.R. 151(a), 9 N.J.R. 246(a).

As amended, R.1978 d.215, effective June 30, 1978.

See: 10 N.J.R. 266(e), 10 N.J.R. 366(a).

As amended, R.1978 d.378, effective November 1, 1978.

See: 10 N.J.R. 459(b), 10 N.J.R. 568(b).

As amended, R.1979 d.469, effective November 29, 1979.

See: 11 N.J.R. 596(d), 12 N.J.R. 57(c).

As amended, R.1982 d.116, effective June 7, 1982.

See: 14 N.J.R. 333(a), 14 N.J.R. 581(b).

(b)11iii; deleted "Length 55 feet, no inches" and replaced with new text through (b)11iii(1).

Case Notes

Spare tire assembly was not proximate cause of injuries sustained by van passenger while crossing highway late at night to retrieve spare. *Yun v. Ford Motor Co.*, 276 N.J.Super. 142, 647 A.2d 841 (A.D.1994), reversed 669 A.2d 1378, 143 N.J. 162.

19:8-1.10 Civil defense regulations

Applicable civil defense regulations as promulgated by the Department of Defense of the State of New Jersey shall be complied with on the Parkway.

19:8-1.11 Load limit of structures

(a) No person shall cause any structure owned or maintained by the authority to be subjected to a load in excess of load limits which may be posted at the approaches or upon such structures.

(b) In the absence of such posting, the maximum limits applicable to State roads shall control.

19:8-1.12 Transportation of hazardous material

(a) No vehicle loaded with hazardous material, as defined in Part 172 of the United States Department of Transportation (49 CFR Part 172), the Department of Environmental Protection (40 CFR Part 261) and New Jersey laws and regulations N.J.A.C. 7:E1-1.7 and N.J.A.C. 7:26-8), as amended or recodified, shall enter upon this Parkway unless such vehicle, its load and the transportation of such load in such vehicle shall in every respect comply with the require-

ments of the United States Department of Transportation regulations 49 CFR Parts 171 to 180 and Part 397 and the laws and regulations of New Jersey (N.J.A.C. 7:26), as amended or recodified, governing the preparation for transportation, construction and use of containers, packing, weighing, marking, labeling, certification, quantity, limitations, loading, and the placarding and marking of the vehicle.

(b) The transportation or shipment of radioactive material or devices, and the transportation of Class A, B, and C explosives, as defined in 49 CFR Part 173, as amended or recodified, shall be subject to the prior written approval of the New Jersey Highway Authority. All applications for such approval shall be made in writing addressed to the operations department of the Authority and shall provide to the satisfaction of the Authority that the shipment will comply in all respects with the provisions of Parts 171 to 180 and 397 inclusive of the regulations (49 CFR 171-180 and 397) as amended or recodified.

(c) The Authority reserves the right, however, to refuse to grant such approval as required in (b) above and prohibit entry to the Parkway of any hazardous material, despite compliance with the aforementioned regulations, if in its opinion, the transportation or shipment will be likely to unreasonably endanger life or property.

(d) Any vehicle whose load is or is believed to represent a danger of discharging any material, by a representative of the Authority or State Police, shall be subject to an inspection prior to or at any time after entering onto the Parkway.

Amended by R.1989 d.484, effective September 18, 1989.

See: 21 N.J.R. 1974(a), 21 N.J.R. 3021(a).

New (d) added.

Amended by R.1994 d.519, effective October 17, 1994.

See: 26 N.J.R. 3249(a), 26 N.J.R. 4211(a).

19:8-1.13 Traffic control

The operator of any vehicle entering, operating on or exiting the Parkway shall obey the instruction of any official traffic control device applicable thereto including signs, traffic lights, or mechanical or electrical signals, unless otherwise directed by a traffic or police officer.

R.1975 d.222, eff. July 31, 1975.

See: 7 N.J.R. 350(c), 7 N.J.R. 447(b).

19:8-1.14 Energy crisis limitations

(a) Definitions include the following:

“Motor fuel” means a mixture of volatile hydrocarbons, normally used for operation of an internal combustion engine, including gasoline and diesel.

“Purchase” means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession.

“Sale” means transfer or exchange of ownership or possession, whether for consideration or by gift or other disposition.

(b) The Authority may, in its discretion, establish a limit on the sale of motor fuel, which shall be conspicuously posted at each service station, on the Parkway. Said limitation may be expressed in value or volume.

(c) No motor fuel shall be sold for use in a motor vehicle except as set forth in the following schedule:

1. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an even number on even numbered days of each calendar month.

2. Motor fuel may be purchased for motor vehicles bearing license plates the last number of which is an odd number, or containing no number, on odd numbered days of each calendar month.

3. Motor fuel may be purchased for motor vehicles bearing license plates from any other state or foreign nation in accordance with these regulations.

4. Numbers preceded by a hyphen or dash shall not be used for the purpose of determining the last number of the license plate.

5. Motor fuel may be purchased for all motor vehicles without regard to license plate on the 31st day of any calendar month.

(d) Minimum quantity rules are as follows:

1. Motor fuel may not be sold or purchased for any motor vehicle the motor fuel gauge of which indicates that the tank is more than one-half full.

2. Motor fuel may not be sold or purchased for a motor vehicle the motor fuel gauge of which is inoperative or inaccurate except to the extent necessary to permit said motor vehicle to exit the Parkway at the closest exit in the direction of travel of said motor vehicle.

(e) All sales of motor fuel shall be on a first-come first-serve basis.

(f) Exemptions include the following:

1. Operators of motor vehicles bearing license plates with “MD” identification marks in which a physician is riding on medical business shall be exempt from the provisions of (c) above and shall be permitted to purchase motor fuel on any day.

2. Operators of omnibuses and school buses shall be exempt from the provisions of (c) and (d) above and shall be permitted to purchase motor fuel on any day.

3. Operators of authorized emergency vehicles shall be exempt from the provisions of (b), (c), and (d) above and shall be permitted to purchase motor fuel on any day.

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

(g) Violations rules are as follows:

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

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

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

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

SUBCHAPTER 2. GENERAL REGULATIONS ON THE GARDEN STATE PARKWAY

19:8-2.1 Waste and rubbish

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

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

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

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

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

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

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

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

19:8-2.4 Parades, demonstrations and picnics prohibited

(a) Parades or other demonstrations are prohibited.

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

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

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

19:8-2.5 Hunting and trapping prohibited

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

19:8-2.6 Use of firearms prohibited

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

19:8-2.7 Fire prohibited

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

19:8-2.8 Soliciting of alms prohibited

Soliciting of alms or contributions on the Parkway is prohibited.

19:8-2.9 Hitchhiking and loitering prohibited

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

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

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to be created a disturbance or annoyance to the comfort and repose of any person;

3. Obstruct the free passage of pedestrians or vehicles;

4. Obstruct, molest or interfere with any person lawfully on the Parkway. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom, or in whose hearing, they are made.

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

19:8-2.10 Sales and distribution prohibited

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

19:8-2.11 Arts Center

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

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

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

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

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

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

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

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

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

R.1975 d.145, effective May 29, 1975.
See: 7 N.J.R. 241(b), 7 N.J.R. 350(d).
As amended, R.1980 d.189, effective May 1, 1980.
See: 12 N.J.R. 225(a), 12 N.J.R. 355(e).
As amended, R.1981 d.169, effective June 4, 1981.
See: 13 N.J.R. 247(e), 13 N.J.R. 378(a).
(c)2 and (d) added.
Amended by R.1992 d.178, effective April 20, 1992 (operative May 1, 1992).
See: 24 N.J.R. 557(a), 24 N.J.R. 1515(a).
Amended by R.1994 d.235, effective May 16, 1994.
See: 26 N.J.R. 1318(a), 26 N.J.R. 2146(c).
Amended by R.1998 d.210, effective May 4, 1998.
See: 30 N.J.R. 806(a), 30 N.J.R. 1635(d).

19:8-2.12 Towing and emergency services

Pursuant to P.L. 2003, c.79 (the "Consolidation Legislation"), on July 9, 2003 all of the duties, obligations and powers of the New Jersey Highway Authority were transferred to the New Jersey Turnpike Authority. In accordance with the Consolidation Legislation, uniform towing procurement regulations for the consolidated New Jersey Turnpike Authority, applicable to the New Jersey Turnpike and the Garden State Parkway, are adopted and appear at N.J.A.C. 19:9-2.13.

R.1975 d.331, effective November 1, 1975.
See: 7 N.J.R. 491(b), 7 N.J.R. 579(a).
As amended, R.1979 d.167, effective May 15, 1979.
See: 11 N.J.R. 213(a), 11 N.J.R. 309(b).
As amended, R.1981 d.115, effective May 7, 1981.
See: 13 N.J.R. 165(b), 13 N.J.R. 315(a).
(a)-(e) substantially amended. (f), previously codified as footnote 1, added.
As amended, R.1983 d.99, effective April 4, 1983.
See: 15 N.J.R. 134(a), 15 N.J.R. 554(c).
Fees increased.
Amended by R.1985 d.14, effective February 4, 1985.
See: 16 N.J.R. 3299(a), 17 N.J.R. 321(b).
Rate increases throughout section.
Amended by R.1987 d.9, effective January 5, 1987.
See: 18 N.J.R. 2120(c), 19 N.J.R. 141(c).
(e)2 added.
Amended by R.1992 d.179, effective April 20, 1992 (operative May 1, 1992).
See: 23 N.J.R. 557(b), 24 N.J.R. 1516(a).
Amended by R.1998 d.22, effective January 5, 1998.
See: 29 N.J.R. 4413(a), 30 N.J.R. 112(a).
Rewrote (a) and deleted (b) through (f).
Repeal and New Rule, R.1998 d.311, effective June 15, 1998.
See: 30 N.J.R. 1394(a), 30 N.J.R. 2270(a).
Section was "Emergency service".
Special Repeal and New Rule, R.2004 d.269, effective June 15, 2004 (to expire January 9, 2005).
See: 36 N.J.R. 3431(a).
Section was "Towing and emergency services".

Case Notes

A bid of zero dollars for a contract with the Highway Authority to provide towing services for free on a section of the Garden State Parkway was valid; the bidder made a sound business judgment that payments for repairs would allow the bidder to recoup the costs of service calls on the highway, and no challenge was made to the bidder's ability to perform, its responsibility as a bidder, or the ability of the Authority to properly insure the public interest and services in accordance with the standards set by the Authority. *Sevell v. New Jersey Highway Authority*, 329 N.J.Super. 580, 748 A.2d 649 (N.J.Super.A.D. 2000).

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

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

19:8-2.13 Discharges

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

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

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

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

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

(b) The operator, owner or lessee of any vehicle, lessee of Authority property, or owner or lessee of adjacent property from which a discharge in violation of any provision of this section or N.J.A.C. 19:8-1.12, or 2.13 occurs, regardless of the cause of the discharge, shall cooperate fully with the Authority, its employees, agents, and third parties (authorized to respond to an emergency, discharge or blockage of traffic by the Authority), the State Police and the New Jersey Department of Environmental Protection (NJDEP) and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the Parkway immediately. The vehicle operated, owned or leased by any person,

lessee of Authority property, or the owner or lessee of the adjacent property failing to cooperate or take such action as deemed necessary by the official in charge of the scene where the discharge occurred is subject to impoundment by the Authority, or its agents and their employees until such time as all penalties, towing and storage fees and costs have been satisfied.

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

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

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

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

19:8-2.15 Response to a discharge

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

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

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

i. Aboard the vehicle or on the property from which the discharge occurred;

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

iii. By a specialized response team operated by the manufacturer or distributor of the hazardous or non-hazardous material that has been discharged; or

iv. By third parties contracted to contain, clean up, and/or dispose of the discharge (hereafter "emergency response contractors") by the operator, owner or lessee of the vehicle or of the property specifically for the purpose of remediating hazardous or non-hazardous materials discharged from the operator's, owner's, or lessee's vehicle or property.

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

3. The Authority shall make available to any operator, owner or lessee of a vehicle or property so requesting a list of emergency response contractors as compiled by the NJDEP. The operator, owner or lessee of a vehicle or property shall arrange and pay for emergency response services to be performed by such contractors. Approval of such contractors pursuant to (b)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 of a vehicle or property from which a discharge occurred refuses to arrange for an emergency response contractor, or whenever dangerous circumstances or the risk posed by the discharge to the general public, the environment or the Authority's agents or employees is too great to await the arrival of the emergency response contractor(s) arranged by the operator, owner or lessee in the opinion of the Department of Operations or its designee, the Department or its 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 NJDEP or its agents, including any county environmental health department, or by private organizations engaged by the Authority. The cost of services pursuant to this paragraph shall be based on the schedule of rates normally charged for emergency response or long-term remedial services, and shall be borne by the operator, owner or lessee of the vehicle or property from which a discharge occurred.

i. If, at the time the emergency response contractor arrives at the scene of the discharge, the operator, owner or lessee of the vehicle or property from which a discharge occurred 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 treble the amount of damages for any unsatisfied costs by filing a civil action in a court of appropriate jurisdiction over such action.

ii. If the emergency response contractor refuses to contract with the operator, owner or lessee of the vehicle or property from which a discharge occurred because of a bona fide concern about the operator's, owner's or lessee's ability or willingness to pay for such services, the Department or the Department's designee may authorize such services to be performed at the Authority's expense, and the Authority may thereafter recover treble the costs thereof from the operator, owner or lessee from which a discharge occurred by filing a civil action in a court of appropriate 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 Authority property for the purposes of investigating or remediating contamination caused by the discharge or release of any material will be granted only after compliance with (b)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 Authority property 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.

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

19:8-2.16 Limitations on activities in the Telegraph Hill Nature Area

(a) Public use and activity in the Nature Area shall be limited to nature and ecological studies and education, running and walking on designated trails, picnicking in designated areas and such additional uses as may be designated by the Authority which may promote and complement its statutory mission and that of the Arts Center.

(b) Public use and activity in the Vietnam Veterans Memorial and its environs shall be limited to quiet and respectful observation, by individuals, of the memorial to those New Jersey servicemen and women who were killed or reported missing in action in the Vietnam Conflict.

(c) Public use and activity at the Vietnam Era Education Center and its environs shall be limited to the educational uses and activities provided by the operator(s) of the Center.

(d) In addition to the limitations set forth in this subchapter, all the rules which apply generally to the Parkway shall be applicable to the Telegraph Hill Nature Area, the Arts Center, the Vietnam Veterans Memorial and the Vietnam Era Education Center.

New Rule, R.1995 d.631, effective December 4, 1995.
See: 27 N.J.R. 3769(a), 27 N.J.R. 4908(b).
Amended by R.1998 d.210, effective May 4, 1998.

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

In (a) and (d), deleted "Garden State" preceding "Arts Center".

SUBCHAPTER 3. TOLLS ON THE GARDEN STATE PARKWAY

19:8-3.1 Tolls

(a) It is hereby declared to be unlawful for any person to refuse to pay or to evade the payment of tolls.

(b) Tolls shall be paid by currency, coin or authorized Authority token or scrip, or by means of an electronic toll collection system for the passage of all vehicles on the Parkway in amounts and at the locations designated in the following schedule.

Toll Location	Barrier or Ramp	Heavy Truck***										
		Car	Car with 1-axle Trailer, 2-axle, 6-Tire Camper, or 3-axle Camper	Car with 2-axle Trailer or 4-axle Camper	Car with 3-axle Trailer	Omnibus**	2-axle, 4-Tire Truck, 3 1/2 tons or more	2-axle, 6-tire Truck	3-axle Truck	4-axle Truck	5-axle Truck	6-axle Truck
Hillsdale	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Paramus	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Bergen	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Saddle Brook	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Clifton	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Passaic	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Watchung	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Essex	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Bloomfield	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
East Orange	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Irvington	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Union Ramp	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Union	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Raritan N & S	B	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Matawan	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Keyport-Hazlet	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Holmdel	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Red Bank	R	.25	.35	.50	.60	2.00	-	-	-	-	-	-
Eatontown	R	.35*	.50	.70	.90	2.00	-	-	-	-	-	-
Asbury Park	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Belmar-Wall	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakewood-Brick	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lakehurst	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 89	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 84	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Toms River	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 77	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Lacey	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Interchange 69	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Barnegat	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 67	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
New Gretna	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 44+	B	.25*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Atlantic+	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Int. 40 and/or 41+	R	.25	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Somers Point	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Great Egg	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 20	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 17	R	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Interchange 6	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50
Cape May	B	.35*	.50	.70	.90	2.00	.70	.70	1.05	1.40	1.75	2.10
Wildwood	R	.25	.35	.50	.60	2.00	.50	.50	.75	1.00	1.25	1.50

* Car tokens available for use by cars in "Token/Exact Change" and "Cash/Receipt" lanes only will continue to be accepted; however, the Authority will no longer issue such tokens as of January 1, 2002.

** \$.50 bus token available for regularly scheduled buses and \$1.00 bus token available for all other buses for use in designated lanes. Outstanding tokens will continue to be accepted; however, the Authority will no longer issue such tokens as of January 1, 2002. At all toll locations, omnibuses paying tolls by means of an electronic toll collection system shall be charged \$.50 for regularly scheduled buses and \$1.00 for all other buses.

*** Heavy trucks (3 1/2 tons or more, 6 tires, or 3-or-more-axles) prohibited north of Interchange 105.

+ To be designated.

(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 Parkway, including entrance and exit ramps, in such a manner as to prevent, interfere with or obstruct the receipt of coins deposited therein by the patrons of the Parkway, 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 Parkway unless the person has the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls.

(e) Any person who operates, and any owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway and does not have the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls 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.

(f) Any person who operates, or owner who permits to be operated, a vehicle in an "EXACT CHANGE" toll lane of the Parkway at an entrance or exit ramp when no toll collector is on duty and not having the required change or authorized Authority token to pay the applicable toll in accordance with the above Schedule of Tolls shall pay said toll by mail addressed to New Jersey Highway Authority, Garden State Parkway, PO Box 53, Woodbridge, New Jersey, 07095 or in person to a toll collector at any other location on the Parkway.

As amended, R.1974 d.8, effective January 14, 1974.

See: 6 N.J.R. 88(a).

As amended, R.1974 d.158, effective June 20, 1974.

See: 6 N.J.R. 281(b).

As amended, R.1974 d.290, effective October 24, 1974.

See: 6 N.J.R. 496(c).

As amended, R.1975 d.332, effective November 1, 1975.

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

As amended, R.1976 d.127, effective April 23, 1976.

See: 8 N.J.R. 315(b).

As amended, R.1977 d.419, effective November 27, 1977.

See: 9 N.J.R. 497(b), 9 N.J.R. 603(d).

As amended, R.1978 d.379, effective October 26, 1978.

See: 10 N.J.R. 459(a), 10 N.J.R. 569(a).

As amended, R.1979 d.469, effective November 29, 1979.

See: 11 N.J.R. 596(d), 12 N.J.R. 57(c).

As amended, R.1981 d.170, effective June 4, 1981.

See: 13 N.J.R. 248(a), 13 N.J.R. 378(b).

(d), (e), (f): added "or authorized Authority token".

Amended by R.1985 d.15, effective February 4, 1985.

See: 16 N.J.R. 3300(a), 17 N.J.R. 321(c).

(b) amended.

Amended by R.1988 d.160, effective April 18, 1988 (operative May 1, 1988).

See: 20 N.J.R. 49(a), 20 N.J.R. 913(c).

Amended table.

Amended by R.1989 d.182, effective April 3, 1989 (operative April 16, 1989).

See: 21 N.J.R. 127(a), 21 N.J.R. 914(b).

Table amended to reflect increase in tolls.

Amended by R.1999 d.17, effective January 19, 1999.

See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

In (b), inserted " , or by means of an electronic toll collection system" following "or scrip".

Amended by R.2001 d.28, effective January 16, 2001.

See: 32 N.J.R. 3388(a), 33 N.J.R. 285(b).

In (b), amended table.

Amended by R.2001 d.442, effective November 19, 2001.

See: 33 N.J.R. 3250(b), 33 N.J.R. 3908(a).

Amended toll schedule to provide for E-Z Pass discounts for cars and buses, to provide for EZ-Pass off-peak hour discounts and to provide for the discontinuance of car and bus tokens as of January 1, 2002.

Amended by R.2002 d.385, effective November 18, 2002.

See: 34 N.J.R. 2959(b), 34 N.J.R. 3970(a).

In (b), amended schedule to remove discounts for cars paying tolls by means of an electronic toll collection system.

19:8-3.2 Toll-free passage

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

1. The Governor of the State of New Jersey, former Governors of the State of New Jersey, Commissioners and executive staff members of the Authority and former Commissioners of the Authority;

2. Consultants, employees of the Authority and members of the State Police assigned to the Authority in the actual course of performance of such duties, or while traveling to or from the place of performance of such duties, and all marked and unmarked patrol vehicles assigned to the Division of State Police while traveling on official business and, upon request, any law enforcement vehicle of any municipality or county on the Parkway corridor requesting such toll free passage for official business, and, upon request and in the discretion of the Authority, any law enforcement vehicle of any municipality or county not on the Parkway corridor requesting toll free passage for official business, so long as sufficient justification is provided to the Authority;

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

4. Members of the fire department of any local municipality or political subdivision in the course of performance of duties on the Parkway;

5. The emergency passage of ambulances or rescue vehicles when driven by authorized members of any public or nonprofit ambulance or rescue squad service;

6. Authorized vehicles when engaged in the performance of construction, service or maintenance contracts when such vehicles are operated by personnel authorized by the Authority to perform duties under the terms of contracts with the Authority.

Administrative Correction to (a)1: Inserted missing text.
See: 22 N.J.R. 2187(a).
Amended by R.2002 d.218, effective July 15, 2002.
See: 34 N.J.R. 1246(b), 34 N.J.R. 2466(b).
Rewrote (a)2.
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
Rewrote (a)2.

SUBCHAPTER 4. PENALTIES

19:8-4.1 Penalties

(a) Any violation of any regulation adopted by the Authority under the provisions of N.J.S.A. 27:12B-18 is punishable by a fine not exceeding \$200.00 or by imprisonment not exceeding 30 days or by both fine and imprisonment.

(b) In addition, every registration certificate and every license certificate to drive a motor vehicle may be suspended or revoked and any person may be prohibited from obtaining a driver's license or registration certificate.

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

Statutory References

N.J.S.A. 27:12B-18.

SUBCHAPTER 5. PURCHASING AND PROCUREMENT

19:8-5.1 Purpose and objective

Pursuant to P.L. 2003, c.79 (the "Consolidation Legislation"), on July 9, 2003 all of the duties, obligations and powers of the New Jersey Highway Authority were transferred to the New Jersey Turnpike Authority. In accordance with the Consolidation Legislation, uniform procurement regulations (with the exception of towing procurement regulations) are adopted for the newly consolidated New Jersey Turnpike Authority and appear at N.J.A.C. 19:9-2.1 through 2.5, 2.8 and 19:8-5.10. All remaining regulations of the former New Jersey Highway Authority continue in effect as rules and regulations of the newly consolidated New Jersey Turnpike Authority.

Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Repeal and Special New Rule, R.2003 d.407, effective September 23, 2003 (to expire January 9, 2005).
See: 35 N.J.R. 4915(a).
Section was "Purpose and objective".

19:8-5.2 (Reserved)

Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Added (a)1i through iv; and rewrote (a)2 and 3.
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
In (a)1, substituted "\$25,000" for "\$12,300" in ii and iii.
Repealed by R.2003 d.407, effective September 23, 2003.
See: 35 N.J.R. 4915(a).
Section was "Departmental responsibility".

19:8-5.3 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Award amounts changed.
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Substituted "\$12,300" for "\$7,500" and deleted footnote.
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
In (a), (g) and (i), substituted "\$25,000" for "\$12,300".
Repealed by R.2003 d.407, effective September 23, 2003.
See: 35 N.J.R. 4915(a).
Section was "Purchases involving \$25,000 and over (excluding professional services)".

19:8-5.4 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Purchase amounts changed.
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Substituted "\$12,300" for "\$7,500".
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
Substituted "\$25,300 for \$12,300" throughout.
Repealed by R.2003 d.407, effective September 23, 2003.
See: 35 N.J.R. 4915(a).
Section was "Purchase under \$25,000".

19:8-5.5 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Personal property acquired changed from "\$2,500" to "7,500".
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Substituted "\$12,300" for "\$7,500".
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
Substituted "\$25,000" for "\$12,300".
Repealed by R.2003 d.407, effective September 23, 2003.
See: 35 N.J.R. 4915(a).
Section was "Repeat purchases".

19:8-5.6 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Section substantially amended.
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
Deleted (d); and recodified (e) as (d).
Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
In (c), substituted "\$25,000" for "\$12,300".

Repealed by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Section was "Emergency purchases".

19:8-5.7 Emergency engineering and construction procurements

(a) Whenever an emergency occurs of a nature requiring the immediate acquisition of engineering or construction services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this section shall not apply. In such cases, upon determining that a true emergency exists on the basis of the reported facts, the Chief Engineer or his or her designee shall by telephone solicitation of known sources obtain whatever is necessary to meet the emergency on the most advantageous terms possible in the circumstances.

(b) Immediately following the emergency procurement, documentation shall be prepared and processed in a manner similar to other procurements under the jurisdiction of the Engineering Department, that is, in accordance with this chapter.

(c) Relative to any emergency procurement under the jurisdiction of the Engineering Department, the Chief Engineer shall direct to the Executive Director a confirming memorandum certifying the existence and cause of the emergency and advancing the reasons the immediate procurement was necessary, with a copy to the Comptroller. Such memorandum shall bear the approval of the Chairman, or his or her designee. If the expenditure is \$25,000 or over, the procurement shall be submitted by the Chief Engineer to the Commissioners for ratification at the next regularly scheduled Authority meeting.

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Purchases changed from "\$35.00" to "\$75.00."

Repeal and New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Section was "Purchases on limited purchase orders".

19:8-5.8 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Expenditures changed from "\$15,000" to "\$25,000."

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (c), deleted ", except that the Director of Central Purchasing may execute all price agreements involving estimated expenditures of less than \$12,300".

Repealed by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Section was "Purchases pursuant to price agreements".

19:8-5.9 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New (k); old (k) recodified to (l).

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Rewrote (b); and deleted (l).

Repealed by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Section was "Receipt and opening of bids".

19:8-5.10 Tie bids

(a) In the event that bid prices submitted by two or more low responsible bidders are identical, the Director of Central Purchasing may award the contract at issue on the basis of one or more of the following factors:

1. Delivery advantage, considering time; distance; convenience and facilities of the bidders;

2. If practical, provide for contract award by splitting the award, with the concurrence of the tie bidders;

3. If several items have already been awarded by actual low bids, the tie-bid items may be awarded in a manner that will grant equitable balance to the overall bid award;

4. The fact that one of the low responsible tie bidders is a New Jersey based vendor, where the others are not;

5. When none of the above distinguishable characteristics are available, or pertinent, the tie low bids shall be broken by either the toss of a coin or a drawing held in the presence of a member of the Internal Audit Division. If practical, the interested bidders may be invited to the Office of Central Purchasing to participate in the coin tossing or drawing. Such tiebreaking shall be noted on the Bid Summary.

(b) This regulation is part of the uniform interim procurement regulations for the newly consolidated New Jersey Turnpike Authority and is, therefore, applicable to procurements for the Garden State Parkway and the New Jersey Turnpike (see N.J.A.C. 19:8-5.1).

R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

New Rule.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Special amendment, R.2003 d.407, effective September 23, 2003 (to expire January 9, 2005).

See: 35 N.J.R. 4915(a).

Added (b).

19:8-5.11 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Recodified from 5.10. Expenditure changed from "\$15,000" to "\$25,000" and "\$2,500" to "\$7,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a), deleted former 2, recodified former 3 as 2, and substituted "\$25,000" for "\$12,300".

Repealed by R.2003 d.407, effective September 23, 2003.

See: 35 N.J.R. 4915(a).

Section was "Rejection of bids".

19:8-5.12 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Recodified from 5.11.
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Amended by R.2003 d.277, effective July 7, 2003.
 See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
 In (a), substituted "\$25,000" for "\$12,300" throughout.
 Repealed by R.2003 d.407, effective September 23, 2003.
 See: 35 N.J.R. 4915(a).
 Section was "Bid guarantees".

19:8-5.13 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Recodified and amended from 5.12.
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Repealed by R.2003 d.407, effective September 23, 2003.
 See: 35 N.J.R. 4915(a).
 Section was "Terms and conditions applicable to submission of bids".

19:8-5.14 (Reserved)

R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 New rule.
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Deleted references to personal property or services.
 Repealed by R.2003 d.407, effective September 23, 2003.
 See: 35 N.J.R. 4915(a).
 Section was "Bid errors".

19:8-5.15 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Recodified and substantially amended from 5.13.
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Deleted (a) and (d).
 Amended by R.2003 d.277, effective July 7, 2003.
 See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
 In (b), substituted "\$25,000" for "\$12,300".
 Repealed by R.2003 d.407, effective September 23, 2003.
 Section was "Purchase orders and contracts".
 See: 35 N.J.R. 4915(a).

19:8-5.16 (Reserved)

R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Recodified from 5.14.
 Repealed by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Section was "Late deliveries and late performance of services".

19:8-5.17 (Reserved)

As amended, R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Recodified from 5.15. Added language, "or his designee".
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Repealed by R.2003 d.407, effective September 23, 2003.
 See: 35 N.J.R. 4915(a).
 Section was "Purchases under New Jersey State contracts".

19:8-5.18 (Reserved)

R.1984 d.544, eff. December 17, 1984.
 See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 New rule.
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).
 Substituted "\$12,300" for "\$7,500".
 Amended by R.2003 d.277, effective July 7, 2003.
 See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).
 Substituted "\$25,000" for "\$12,300".
 Repealed by R.2003 d.407, effective September 23, 2003.
 See: 35 N.J.R. 4915(a).
 Section was "Public advertising threshold requirement".

19:8-5.19 Purchases from State Distribution Center

Whereas items stocked in the State Distribution Center are priced on the basis of competitive bids, and purchases would be made from a State agency, when it has been determined to be in the best interests of the Authority by the Director of Central Purchasing, orders may be placed directly with the State Distribution Center without specific Authority action. All purchase orders and contracts for such items shall be processed in accordance with the procedures for all other purchases.

New Rule, R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

SUBCHAPTER 6. SALE OF SURPLUS PERSONAL PROPERTY**19:8-6.1 Purpose and objective**

(a) The purpose of these regulations is to establish and prescribe uniform general rules and procedures for the sale of surplus personal property after it has formally been declared surplus and a determination has been made by the Director of Central Purchasing for its sale. No such sale shall be made unless accomplished in accordance with the regulations contained therein.

(b) The objective of these regulations is to establish an orderly and equitable procedure for the sale of Authority surplus personal property at the highest possible price.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
 Deleted language "in accordance with resolution 1960-46".
 Amended by R.1998 d.25, effective January 5, 1998.
 See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-6.2 Bids

(a) All sales of surplus personal property, where the aggregate anticipated proceeds are \$25,000 or over, as determined by the Director of Central Purchasing, shall be made only after public advertisement for competitive bids, unless the Authority specifically provides by resolution that the requirement of public advertising be waived as to a particular transaction. Any such public advertisement for

competitive bids shall be approved in advance by the Chairman, or his or her designee. The concurrence of the General Attorney shall also be required in writing. Where the anticipated aggregate proceeds are between \$2,500 and \$25,000, public advertising is not required and the Director of Central Purchasing may solicit sealed bids from known interested parties. Where the anticipated aggregate proceeds are less than \$2,500, bids may be solicited by telephone in which event the successful bidder shall confirm same in writing.

(b) Advertisements for competitive bids shall be placed in an appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published in sufficient time to allow inspection of the items being sold prior to the date upon which the bids are to be received and opened. All advertisements must contain:

1. A brief description of the type of supplies, materials or equipment to be sold;
2. Notice of the place where quotation forms, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) In addition to advertising when required, bids shall be solicited from known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information contained in the public advertisement.

(d) Employees may bid on surplus personal property being sold. Notices containing listings of adequately described items offered for sale shall be distributed to all department and division heads who shall circulate such notices to the employees under their supervision.

(e) 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 scheduled opening of the bids. If such notice is given orally, it shall be timely confirmed in writing.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Section substantially amended.

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Substituted "\$12,300" for "\$7,500"; in (a) deleted the sixth sentence regarding the requirement for a memorandum of anticipated proceeds from surplus personal property sales; and in (d), deleted the third sentence regarding posting of personal property sale notices.

Amended by R.2003 d.277, effective July 7, 2003.

See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (a), substituted for "\$25,000" for "\$12,300" throughout.

19:8-6.3 Invitation to bid and receipt and opening of bids

(a) Bids shall be requested on the Invitation for Bid Form and submitted on signed quotation form before the time fixed for public opening. Any bids received after the bidding has been closed shall be returned unopened.

(b) All bids shall be submitted in sealed envelopes in accordance with applicable instructions.

(c) The bidder's name, due date and time shall be shown on the face of each sealed envelope submitted.

(d) The Division of Central Purchasing shall maintain locked boxes for the purpose of receiving bids.

(e) The Chairman, or his or her designee, shall designate, in writing, responsible parties who are not members of the Division of Central Purchasing to retain custody of the keys to the Division of Central Purchasing's locked boxes. In turn, the party so designated shall make suitable provision during period of absence for opening of bids and for proper custody of the keys.

(f) When sealed envelopes containing bids are received in the office of the Division of Central Purchasing, they shall be dated, time-stamped, recorded and deposited in the appropriate locked boxes. Such bid envelope shall be signed by the person who stamped and deposited the envelope in the bid box.

(g) On the appropriate date and at the appropriate time and place, the Division of Central Purchasing shall open and publicly read the bids. Following the opening and reading of the bids, each page of the quotation form on which pricing appears shall be signed and dated by the party opening and reading same.

(h) For valid reason in the interest of the Authority, the Director of Central Purchasing may, at any time prior to the scheduled public opening, postpone the receipt and opening of bids. Appropriate and timely notice of such postponements shall be given to all prospective bidders, if possible.

(i) Simultaneously with the public reading of the bids, a member of the Division of Central Purchasing shall prepare a summary of all bids timely submitted on a Bid Summary Form. A member of the Internal Audit Division shall also be present to witness the preparation. The original bid summary form shall be signed by the preparer, the bid opener and the witness who has verified the accuracy of the recorded read information. A photocopy of the original bid summary shall be given to the Internal Audit Division witness at the conclusion of the bid opening. The required final copies of the bid summary form shall be signed and certified to by the Director of Central Purchasing.

(j) 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.

(k) The sale of surplus personal property to the highest acceptable bidder shall not be confirmed without the prior written approval of the Chairman, or his designee. A photocopy of this approval shall be given to the General Audit Section of the Finance Department.

As amended, R.1984 d.544, eff. December 17, 1984.
See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).
Substantially amended.
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-6.4 Failure to receive bids or more than one bid

In the event that no bids are received or only one bid is received on items offered for sale, the Director of Central Purchasing shall determine whether the offered property shall be awarded, reoffered for sale, traded in or scrapped.

Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted requirement of written approval of the chairman or his designee.

19:8-6.5 Withdrawal of items from offer to sell after bid opening and prior to award

(a) When in the best interest of the Authority, one or more items may be withdrawn from the offer to sell. In such cases, a memorandum shall be sent to the Chairman, or his or her designee, authorizing the withdrawal. Such requests shall be approved by the Director of the Division of Central Purchasing with copies directed to Internal Audit and Finance.

(b) Under such circumstances, the Director of Central Purchasing shall determine whether such items shall be reoffered for sale, traded in, scrapped or retained for use with the written approval of the Chairman, or his or her designee.

Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-6.6 Bid deposits

(a) Gross bids amounting to \$2,500 or more shall be accompanied by a bid deposit amounting to not less than 10 percent of the total bid price. However, at the discretion of the Director of Central Purchasing, deposits may be required for gross bids amounting to less than \$2,500. When required, such deposit shall be submitted in the form of a certified check payable to the Authority; however, cashier's checks, or executed money orders may also be accepted. Failure to comply with this provision shall result in rejection of the bid unless specifically waived in writing by the Chairman, or his or her designee. Bids of less than \$100.00 shall require no bid deposit.

(b) All bid deposits of unsuccessful bidders shall be returned promptly. The deposits furnished by successful bidders shall be retained and applied toward payment of the total bid price.

(c) The balance of the bid price is due within 10 calendar days after the award. If such balance is in the amount of \$100.00 or more, payment shall be by certified check, cashier's check or executed money order, unless specifically waived in writing by the Chairman, or his or her designee. Failure to pay such balance or to pick up the awarded property within the 10-day period shall entitle the Authority to retain the bid deposit as liquidated damages and not as a penalty. Under such circumstances, with the approval of the Chairman, or his or her designee, the Director of Central Purchasing may make the award to the next highest bidder. This action is to be accomplished by a memorandum of the Director of Central Purchasing bearing approval of the Chairman, or his or her designee, with copies to the General Attorney and the Comptroller.

As amended, R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

Bid changed from "\$1,000" to "\$2,500".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

In (a), exempted bids of less than \$100.00 from the bid deposit requirement.

19:8-6.7 General terms and conditions

(a) Any correction of an entry made on the Invitation to Bid Form or Quotation Form shall be initialed by the party signing the bid.

(b) Bidders may withdraw or withdraw and resubmit bids at any time prior to the public opening. Bids may be withdrawn only on written request received prior to the

public opening and signed by the bidder or a duly authorized representative of the bidder upon presentation of appropriate identification. Bids so withdrawn shall be returned to the bidders unopened.

(c) With respect to bids submitted, the Authority retains the right to reject any or all bids and to waive informalities and minor irregularities. Such action is to be accomplished by memorandum of the Director of Central Purchasing bearing the approval of the Chairman, or his or her designee, with copies thereof to the General Attorney and the Comptroller.

(d) The property upon which bids are invited is for sale only "as is" and "where is" and the Authority makes no representation, express or implied, as to the condition of said property.

(e) (Reserved)

(f) Where there is a minimum price for an item or items offered for sale below which bids will not be accepted by the Authority, all prospective bidders shall be so advised by proper notation on the related quotation form.

(g) Qualified bids or any portion thereof may be summarily rejected in writing by the Chairman, or his or her designee, with copies thereof directed to the General Attorney and the Comptroller where such qualification adversely affects the Authority's best interest.

Amended by R.1984 d.544, effective December 17, 1984.

See: 16 N.J.R. 2761(a), 16 N.J.R. 3481(b).

(e): Deleted language "at the bid opening".

Amended by R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

Deleted (e).

19:8-6.8 Tie bids

The procedure for handling tie bids shall be the same as that for bids for the purchase of goods and services except that all determinations will be made on the basis of highest responsive bid price. (See N.J.A.C. 19:8-5.10)

New Rule, R.1998 d.25, effective January 5, 1998.

See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

SUBCHAPTER 7. INSPECTION AND OBTAINING OF AUTHORITY RECORDS

19:8-7.1 General provisions

(a) All Authority records which are required by law or regulations to be made, maintained or kept on file shall be available to every citizen of New Jersey during regular business hours for the purpose of inspection or hand copying.

(b) Except as otherwise specified herein, copies of such records may be obtained by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following fee schedule:

1. Documents up to 8½ by 13 inches, per page \$1.00;
2. Documents larger than 8½ by 13 inches, per page \$2.00;
3. Drawings, maps and plan sheets, per sheet \$2.00;
4. Microfilm, per page or sheet \$3.00;
5. Photographs up to 8 by 10 inches, black and white glossy, per picture \$10.00;
6. Photographs up to 8 by 10 inches, color glossy, per picture \$15.00;
7. Slides, 35 millimeter, per slide \$10.00;

(c) No payment may be required 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; and organizations exchanging information with the Authority on a reciprocal basis.

(d) Records in connection with a claim against the Authority, its agents, servants or employees, will be furnished only in accordance with New Jersey court rules.

Amended by R.1987 d.391, effective October 5, 1987.
See: 19 N.J.R. 1428(a), 19 N.J.R. 1825(a).
Administrative correction.
See: 27 N.J.R. 548(a).
Amended by R.1998 d.25, effective January 5, 1998.
See: 29 N.J.R. 4660(b), 30 N.J.R. 107(a).

19:8-7.2 Bid documents

Copies of bid documents for contractors and vendors bidding on work, services or materials shall be obtained at fees established by the Executive Director and published in the advertisement for the receipt of bids.

19:8-7.3 New Jersey State Police reports

(a) Copies of New Jersey State Police accident reports of Troop E on the Garden State Parkway may be obtained by written request addressed to the following:

Commanding Officer, Troop E
New Jersey State Police
PO Box 20
Woodbridge, New Jersey 07095

1. Requests must be made by mail. Reports will not be furnished to anyone applying in person.

(b) All requests must be accompanied by a check or money order payable to the New Jersey Highway Authority in accordance with the following schedule:

1. All accident reports regardless of the number of pages, \$10.00.

(c) No payment is required when the request is made by a law enforcement agency of the United States, the State of New Jersey or any political subdivision thereof.

(d) Criminal reports, statements, photographs, and other evidential reports, if any, attached to accident reports will be furnished only in accordance with New Jersey Court Rules.

(e) In the event that the commanding officer, Troop E, in his discretion, determines that the interests of law enforcement and public safety require that the requested report not be furnished, the applicant will be so informed and the fee accompanying the request will be returned and the report will be furnished only in accordance with New Jersey Court Rules.

As amended, R.1980, d.131, effective March 31, 1980.

See: 12 N.J.R. 294(a).

As amended, R.1981 d.387, effective November 2, 1981.

See: 13 N.J.R. 531(a), 13 N.J.R. 780(a).

(b)1: \$5.00 fee substituted for "First page to tenth page \$0.50 per page." (b)2 and 3 deleted.

Amended by R.1987 d.393, effective October 5, 1987.

See: 19 N.J.R. 1429(a), 19 N.J.R. 1825(b).

Administrative correction.

See: 27 N.J.R. 548(a).

19:8-7.4 Subscription services

(a) Any person may subscribe to the authority's annual, regular and special notices of meetings by written request accompanied by a check or money order made payable to the New Jersey Highway Authority in accordance with the following subscription rate:

1. Notices of authority meetings, including annual, regular and special notices, per year—\$24.00.

(b) No payment is required when the request is made by the Governor of the State of New Jersey or television and radio stations and newspapers serving New Jersey.

(c) All subscriptions shall be on a calendar year basis only and rates for subscriptions commencing during a calendar year will be prorated accordingly.

SUBCHAPTER 8. SPECIAL PERMITS FOR OVERSIZE VEHICLES

19:8-8.1 Scope

(a) Special permits for oversize vehicles issued by the Authority are valid on the Parkway only.

(b) These regulations are in addition to the requirements of Title 39, Motor Vehicles and Traffic Regulations, and the regulations of the New Jersey Division of Motor Vehicles, including, but not limited to, the New Jersey Division of Motor Vehicles' regulations governing permits for over-dimensional or overweight vehicles.

Amended by R.1989 d.483, effective September 18, 1989.
See: 21 N.J.R. 1974(b), 21 N.J.R. 3021(c).

In (a), deleted reference to toll portions of Parkway.

19:8-8.2 Permit requirement

A permit is required for each one-way trip of an oversize vehicle.

19:8-8.3 Period of validity

(a) A permit is valid for a one-way trip for the period specified in the permit only.

(b) In the event the one-way trip cannot be completed within the valid life of the permit due to hazardous road conditions or vehicle breakdown, an extension may be granted, provided that the request is made before the permit expires.

(c) A permit shall not be valid on Saturdays, Sundays and holidays during the period May 15 through September 15.

(d) A permit shall not be valid during the period from dusk to dawn.

19:8-8.4 Fee

(a) The fee for each permit shall be \$10.00.

(b) No fee may be required when the request is made by the United States, the State of New Jersey, or any agency or political subdivision thereof, and individuals or firms doing work or performing services for the Authority.

Amended by R.1987 d.392, effective October 5, 1987.
See: 19 N.J.R. 1429(b), 19 N.J.R. 1826(a).

Fee for permit raised from \$5.00 to \$10.00.

19:8-8.5 Issuance

(a) Permits shall be requested weekdays, except holidays, during regular business hours.

(b) Applications may be made as follows:

1. By mail addressed to Operations Department, New Jersey Highway Authority, Garden State Parkway, Woodbridge, N.J. 07095.

2. In person at the Authority's Administration Building in Woodbridge.

3. By telephone to the Operations Department at (Area Code 201) 442-8600, however, telephone requests shall not be honored less than two hours before the requested entry time and payment of the fee must be received within 10 days of such request.

19:8-8.6 Limitations on permit

(a) The maximum gross weight, i.e., combined weight of vehicles and load, shall be 80,000 pounds.

(b) The maximum dimensions shall be:

1. Height:

i. Where the route traverses any overhead structure, such as a toll plaza, bridge, overpass or sign bridge, the maximum height of any vehicle and load shall be 13 feet six inches.

ii. Where the route does not traverse any overhead structure, the maximum height approved by the State of New Jersey in the companion New Jersey Division of Motor Vehicles' permit will apply.

iii. Clearance of all cables and wires, whether public utilities or otherwise, shall be the responsibility of applicant/permittee.

2. Width:

i. The maximum width shall be 10 feet, and the vehicle must use the outside lanes of all toll facilities or such lane as may be directed.

3. Length:

i. The maximum length shall not exceed the maximum length set forth by the companion New Jersey Division of Motor Vehicles' permit.

(c) Route: The Authority reserves the right to designate the routes of travel, speed limits, exact day and time of operation or to impose any other restrictions which may be necessary to minimize traffic delays or safety hazards.

19:8-8.7 Application

(a) The applicant shall furnish the following information and such other information as may be required:

1. Name of applicant;
2. Address of applicant;
3. Telephone number of applicant;
4. Name of applicant's authorized agent;
5. Date of trip;
6. Entry:
 - i. Ramp number or location;

ii. Time.

7. Exit:

- i. Ramp number or location;
- ii. Time.

8. Description of vehicle:

- i. Make, model and year of vehicle (truck or trailer);
- ii. License plate number (truck and trailer);
- iii. State of registration (truck and trailer);
- iv. Total gross weight;
- v. Description of load;
- vi. Dimensions;
- vii. New Jersey Division of Motor Vehicles permit number.

19:8-8.8 Insurance

(a) By accepting a permit, the applicant/permittee certifies that the vehicle is insured in the following minimum limits:

1. \$1,000,000 single limit for bodily injury and property damage.
2. In lieu of the above, \$500,000 each person; \$1,000,000 each accident bodily injury and \$100,000 property damage.

19:8-8.9 Permit to be carried in vehicle

A permit issued pursuant to these regulations and companion New Jersey Division of Motor Vehicles' permit should be carried in the vehicle and shall be exhibited to Authority personnel or New Jersey State Police upon request.

19:8-8.10 Permit nontransferable

A permit shall be issued for a specific vehicle and is not transferable to any other vehicle.

19:8-8.11 Permit privilege; suspension or revocation

In the event of violation of these regulations by applicant; permittee, its agents, servants or employees, the Authority reserves the right to revoke any existing permits and to refuse to issue permits in the future.

SUBCHAPTER 9. PERMITS FOR OUTDOOR ADVERTISING

19:8-9.1 General provisions

(a) Any roadside signs permitted by P.L. 1981, c.463, shall be by permit from the New Jersey Highway Authority

(Authority) as provided in these regulations and pursuant to the conditions set forth in such permits, which conditions will be consistent with the following:

1. No off-premise, outdoor advertising signs may be used along the route of the Garden State Parkway which will unduly slow traffic;
2. No outdoor advertising signs may interfere or be likely to interfere with the ability of the operator of a motor vehicle to have a clear and unobstructed view of the roadway ahead or of approaching, merging or intersecting traffic, or of official signs, signals or traffic control devices;
3. No outdoor advertising signs may attempt or appear to attempt to direct the movement of traffic or interfere with, imitate or resemble any official traffic sign, signal or device, or utilize lighting equipment or reflectorized materials which emit or reflect a red, amber or green color;
4. Illumination of outdoor advertising signs must be effectively shielded so as to prevent light from being directed at any portion of the main-traveled portion of the roadway or, if not so shielded, be of such low intensity or brilliance as not to cause glare or impair the vision of operators of motor vehicles on such roadway or otherwise impair the operation of motor vehicle;
5. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights or any animated or moving parts are prohibited, except those giving public service information such as time, date, temperature, weather or similar information;
6. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State of New Jersey;
7. No outdoor advertising signs may be of such a type, size or character as will endanger or injure public safety, health or morals or be injurious to property in the vicinity thereof;
8. No outdoor advertising signs will be permitted which advertise activities that are illegal under Federal or State laws or rules in effect at the location of those activities;
9. All outdoor advertising signs must be maintained in safe condition with due regard for conditions of climate, weather and terrain;
10. No outdoor advertising sign will be permitted that is not clean or in good condition; and
11. No outdoor advertising sign will be permitted which would injuriously affect any public interest. In determining whether the issuance of a permit would adversely affect any public interest, the Executive Director of the Authority shall consider public sentiment as expressed by the governing authorities and agencies of the United States, State of New Jersey or the affected county or municipality.

Petition for Rulemaking.

See: 25 N.J.R. 5367(a), 25 N.J.R. 5706(c).

19:8-9.2 Procedures application for permit

(a) The Executive Director of the Authority is authorized to issue permits consistent with P.L. 1981, c.463 as modified by the provisions of N.J.A.C. 19:8-9.1 above.

(b) Applicants are required to submit applications for permit for outdoor advertising on forms approved for such use by the Authority. Said forms may be obtained by request, in writing, from the Executive Director, New Jersey Highway Authority, Garden State Parkway, Woodbridge, New Jersey 07095.

(c) Applicants are required to establish that road signs for which applications are sought satisfy the requirements of P.L. 1981, c.463.

(d) There will be a fee of \$50.00 submitted with each application, which fee is not refundable, which will be used to defray costs of processing applications.

(e) Permits are subject to conformity with general conditions as enunciated in N.J.A.C. 19:8-9.1 above.

19:8-9.3 Suspension or revocation of permit

(a) A permit issued pursuant to the provisions of N.J.A.C. 19:8-9, may be suspended or revoked for cause for any of the following reasons:

1. Whenever the sign for which the permit is issued impairs the safe and efficient operation of the Garden State Parkway;
2. Whenever any statement made in the application for a permit is knowingly false or misleading;
3. Whenever any provision of law or rules contained in this subchapter are violated; or
4. Whenever a stipulation made in granting of the permit is violated.

(b) When it shall appear to the Operations Manager of the Authority that any permittee has committed a violation or offense as stated in (a) above, the permittee will be given a written notice stating the violation or offense and within 30 days the permittee must:

1. Correct the violation if same is subject to correction or compliance; or
2. Remove all signs, spaces and advertisements; or
3. File a protest, in writing, under oath, signed by the permittee or its duly authorized agent stating the reason(s) for the protest. In addition, the permittee may request a hearing, which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or an informal conference, pursuant to N.J.A.C. 19:8-9.4.

(c) If the permittee has filed a protest but has not requested a hearing, the Operations Manager shall carefully consider all available, relevant information and then issue an order confirming, modifying or vacating the original finding or determination.

(d) Whenever a permit has been revoked, the former holder shall be required to surrender same to the Operations Department, New Jersey Highway Authority, Garden State Parkway, Woodbridge, New Jersey 07095.

Amended by R.1988 d.292, effective July 5, 1988.
See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).
Added text to (b)3.

19:8-9.4 Informal conference

An informal hearing before the Executive Director of the Authority is in the nature of a conference, with or without representation on behalf of the permittee.

Amended by R.1988 d.292, effective July 5, 1988.
See: 20 N.J.R. 890(a), 20 N.J.R. 1571(c).

Deleted (b) and (c) and changed section heading from Nature of hearing.

19:8-9.5 Notice of violation

(a) Any advertising sign used or to be used for outdoor advertising pursuant to the provisions of P.L. 1981, c.463 and not authorized by a valid permit issued by the Authority is unlawful.

(b) The owner or the person making use of such sign shall be given written notice citing the violation of the provisions under this subchapter and, within 30 days, the owner or person making use of such sign must:

1. Correct the violation if possible; or
2. Remove all signs, spaces and advertisement.

19:8-9.6 Removal provisions

(a) If within 30 days after mailing a notice of suspension or revocation of permit (see N.J.A.C. 19:8-9.3) or a notice of violation (N.J.A.C. 19:8-9.5) the violation or offense cited has not been corrected to the satisfaction of the Operations Manager of the Authority, the Executive Director of the Authority may order the immediate removal of the sign used by the display of outdoor advertising and may recover from the owner or person using such sign double the costs of removal or the sum of \$50.00, whichever is greater, in addition to any other penalties provided by law.

(b) Whenever the power of removal is exercised, the Executive Director of the Authority may, without further notice to the owner of the unlawful sign, deputize any person or persons to enter onto private property, without liability, to effect said removal.

19:8-9.7 Penalties

(a) In addition to the penalties stated in N.J.A.C. 19:8-9.6 regarding the removal of unlawful advertisements, any violation of any regulation adopted by the Authority under the provisions of P.L. 1981, c.463 is punishable by a fine not exceeding \$200.00.

(b) Each day of violation is deemed to be a separate offense.

SUBCHAPTER 10. PRE-EMPLOYMENT SCREENING

19:8-10.1 Pre-employment screening

(a) Applicants for employment with the New Jersey Highway Authority shall be of good moral character and shall not have been convicted of any crime, the nature of which would indicate that employment would not be in the best interests of Authority patrons and the general public.

(b) The New Jersey Highway Authority shall submit requests for any Criminal History Record Information (CHRI) from the New Jersey State Police regarding any applicant for employment with the New Jersey Highway Authority.

(c) The Director of Personnel or his or her designee shall consider any Criminal History Record Information in connection with other background information when making recommendations for employment. A record of a conviction of a crime in and of itself shall not be sufficient to deny employment.

SUBCHAPTER 11. ORGANIZATIONAL RULES

19:8-11.1 Authority purpose

The New Jersey Highway Authority is an instrumentality exercising public and governmental essential functions in the construction, operation and maintenance of the Garden State Parkway, the Garden State Arts Center and ancillary functions thereto.

19:8-11.2 Organization of the New Jersey Highway Authority

(a) The New Jersey Highway Authority consists of eight Commissioners appointed by the Governor for five-year terms, with the advice and consent of the Senate, each of whom shall serve until a successor is appointed and has qualified. The Governor designates one of the members of the Authority as Chairman and another member as Vice-Chairman who serve at the pleasure of the Governor and

until their respective successors have been designated. The Chairman is the Chief Executive Officer of the Authority, presides at all meetings of the Authority and has the general supervision, direction and control of the affairs of the Authority and appoints Commissioners to such Committees as the Authority may from time to time establish. The Vice-Chairman, in the absence of or incapacity of the Chairman or in the event of a vacancy in that office, assumes and performs the duties and powers of the Chairman.

(b) Additional officers of the Authority include a Secretary and a Treasurer who may but need not be members (Commissioners) and an Executive Director who shall not be a member (Commissioner).

(c) The functions of the Authority are subdivided into six major Departments managed by Department Heads who report directly to the Executive Director.

(d) The Departments are further broken down into sub-units designated Divisions, as follows:

1. Executive:
 - i. General and Administrative;
 - ii. General Attorney;
 - iii. Public Affairs;
 - iv. Internal Audit; and
 - v. State Police.
2. Administrative and Financial Planning:
 - i. General and Administrative;
 - ii. Human Resources;
 - iii. Central Purchasing;
 - iv. Technology and Information Systems; and
 - v. Printing Services.
3. Finance:
 - i. General and Administrative;
 - ii. Accounting; and
 - iii. Financial Audit and Revenue Control.
4. Engineering.
5. Maintenance:
 - i. General and Administrative;
 - ii. Roadway; and
 - iii. Building.
6. Operations:
 - i. Tolls;
 - ii. Garden State Arts Center; and
 - iii. General Services.

Amended by R.1993 d.161, effective February 25, 1993.
See: 25 N.J.R. 1518(c).
Revised (d)1.-6.

19:8-11.3 Public information requests

Members of the public may obtain general information from the New Jersey Highway Authority by contacting the Executive Director, New Jersey Highway Authority, Garden State Parkway, Woodbridge, N.J. 07095.

SUBCHAPTER 12. PETITIONS FOR RULES

19:8-12.1 Scope

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

19:8-12.2 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. Name of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request and the petitioner's interest in the request; and
4. References to the Executive Director of the Authority to take the requested action.

(b) Petitions shall be sent to the following address:

Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, N.J. 07095

(c) 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 department action pursuant to N.J.S.A. 52:14B-4(f).

19:8-12.3 Procedure after receipt of petition

(a) Upon receipt of a petition in compliance with N.J.A.C. 19:8-12.2, the Authority will 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 30 days of receiving the petition, the Authority will mail to the petitioner, and file with the Office of Administrative Law for publication in the Register, a notice of action on the petition which will include:

1. The name of the petitioner;
2. The Register citation for notice of petition, if that notice appeared in a previous 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;
2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or
3. Referring the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations will be mailed to petitioner and submitted to the OAL for publication in the Register.

SUBCHAPTER 13. FEE POLICY FOR CONSTRUCTION AND UTILITY INSTALLATION PERMITS

19:8-13.1 Purpose and objective; services provided

(a) The purpose of these rules is to establish and prescribe uniform general rules and procedures to be followed by the New Jersey Highway Authority staff in reviewing permits for applicants desiring to perform work on New Jersey Highway Authority property.

(b) The objective of these rules is to enable the New Jersey Highway Authority to accomplish its review, inspection and administration of permits equitably and expeditiously.

(c) To accomplish the purpose and objective of the policy, the following services for permit applicants desiring to perform work on New Jersey Highway Authority property will be provided.

1. Review of the conceptual work plan and offer guidance as to the type of application required and procedure to be followed;
2. Review of detailed plans and other work related documents and provide comments that best serve the

Authority's interest. If required, field investigations are performed;

3. Review and approval of contractor's insurance certificate, performance bond and maintenance bond;
4. Provide direction with lane closures and overall traffic control;
5. Periodical inspection of the ongoing work to assure compliance with the approval permit; and
6. Initiation and maintenance of all permit documentation and, upon completion of work, administration of permit close-out documentation.

Amended by R.1996 d.574; effective December 16, 1996.
See: 28 N.J.R. 4388(a), 28 N.J.R. 5193(a).

19:8-13.2 Fee schedule

(a) Resolution 1953-129 adopted on October 29, 1953, and amended on April 8, 1954, authorizes the Chief Engineer to fix and determine the Authority's necessary inspection and other costs in conjunction with the issuance of utility crossing permits in addition to requests from utility companies, outside agencies and developers who submit requests to perform work on Authority property that require issuance of a construction permit which requires similar staff efforts as described in N.J.A.C. 19:8-13.1(c).

(b) The following fee schedule is established to offset the costs of review, administration, inspection and other necessary tasks performed by Authority staff for all Construction and Utility Installation Permits. The final decision concerning the basis and amount of fees shall be solely the responsibility of the Authority's Chief Engineer. The fee schedule will be established as follows:

1. Application Fee: A \$250.00 fee to be submitted along with the completed permit application and associated documents. Such fee shall be non-refundable whether the Authority's final decision is to issue or deny the requested permit.
2. Permit Fee: A non-refundable fee consisting of five percent of the total cost of construction to be performed on Authority property or \$500.00, whichever is greater, plus any additional specialized fee as described in (b)3 below. As a permit requirement, the applicant shall submit an Engineer's Estimate of the work to be performed on Authority property. Such estimate shall be based on current prevailing construction rates for all work items. The Chief Engineer reserves the right to reject any estimate that is determined to be non-conformance with standard construction rates or not in the best interest of the Authority. Such permit fee shall be paid prior to issuance of the permit.
3. Specialized fees:

i. Work performed by the contractor involving lane/shoulder closures or slow downs shall require the following non-refundable administrative fees:

- (1) Shoulder closure \$275.00 per location per day;
- (2) Lane closure \$550.00 per lane per location per day; and
- (3) Slow downs \$825.00 per set up.

ii. Fees for all other items of specialized work shall be determined by the Chief Engineer on a case-by-case basis. Such determination shall be based upon the amount of staff time and services utilized. Documentation of these costs shall be provided upon request. Such specialized fees, even though determined separately, will be considered and collected as part of the permit fee.

Amended by R.2003 d.277, effective July 7, 2003.
See: 34 N.J.R. 1048(a), 35 N.J.R. 2890(a).

In (b)3i, substituted "\$ 275.00" for "\$ 250.00" in 1, "\$ 550.00" for "\$ 500.00" in 2, and "\$ 825.00" for "\$ 750.00" in 3.

19:8-13.3 Unauthorized installations

Anyone performing work within Authority property without the required permit will be ordered to stop work immediately. The Authority will inspect all work performed on Authority 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 Authority property will be charged a \$1,000 fee for performing unauthorized work and will be required to submit an application for the appropriate permit to remove, restore, remediate and/or continue construction work as approved by the Chief Engineer. All associated fees as outlined in N.J.A.C. 19:8-13.2 will also apply. All fees are non-refundable.

19:8-13.4 Waiver

The Chief Engineer may waive the fees, or some portion thereof, upon written request for a waiver from the applicant submitted at the time of application, based upon the Chief Engineer's determination that the fee is not warranted. Said determination shall be based upon the nature of the entity making the request, that is, a Federal, State or local government agency, and the nature of the project for which the permit is requested.

SUBCHAPTER 14. ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

Authority

N.J.S.A. 27:12B-5(j), 27:12B-18 and 27:12B-24.

Source and Effective Date

R.1999 d.17, effective January 19, 1999.
See: 30 N.J.R. 3389(a), 30 N.J.R. 4147(a), 31 N.J.R. 141(a).

19:8-14.1 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 enters a toll collection plaza and takes every reasonable action to pay the required toll but 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(s) 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 a violation of toll collection system monitoring rules. The term shall also include any other technology that identifies a vehicle by photographic, electronic or other method.

"Toll collection monitoring system rules" means this subchapter, the rules authorized and adopted pursuant to N.J.S.A. 27:12B-18.3 that prohibit a vehicle from making use of any Highway Authority project except upon the payment of such tolls as may from time to time be prescribed by the Authority and that further make 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 this section.

"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.

19:8-14.2 Toll collection monitoring system violation; advisory and payment request

(a) It shall be a violation of the toll collection monitoring system rules for an owner, operator, lessor or lessee to fail to pay the toll for passage of a vehicle on the Garden State Parkway, unless an exemption exists for the payment of the required toll. Except as provided in N.J.S.A. 27:12B-18.4(b) and (e) and (f) below, 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. 27:12B-18 for the same incident.

(b) Within 30 days of the date that a toll violation occurs, 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.49. 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. 19:8-14.3. 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 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 advice that persons failing to pay the indicated toll and administrative fee or failing to successfully contest the liability will render the owner subject to the penalties described in N.J.A.C. 19:8-14.3.

(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 these regulations 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. Where the lessor complies with these 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 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 as a subscriber to the Authority's electronic toll collection system which contract may include the immediate 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.

19:8-14.3 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.

(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. 19:8-4.1 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. 27:12B-18 shall not be liable for the civil penalty provided in (a) above for the same incident.

SUBCHAPTER 15. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES

19:8-15.1 Procedure for prequalifications and award of contracts for architectural, engineering and land surveying services

(a) This section shall apply to contracts for architectural, engineering and land surveying services in excess of \$25,000. The Authority may choose to apply this section to contracts below \$25,000 at its sole discretion. The Authority may use procurement processes other than those prescribed in this section if those processes have been approved by the Federal government or other State statute; or if an emergency has been declared by the Executive Director of the Authority. Where a procurement involves the proposed use of Federal funds, and Federal law, regulations or guidelines require a procurement procedure other than those prescribed in this section, the Authority shall follow the Federal procedures. All procedures provided for herein that are consistent with Federal requirements shall be followed.

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

"Chief Engineer" means the Chief Engineer of the New Jersey Highway Authority.

"Complex projects" means projects other than "simple projects," and includes most projects involving transportation planning or complex design, or any project having an estimated fee of over \$1,000,000.

"EOI" means an expression of interest from firms interested in performing professional architectural, engineering and land surveying services for the Authority.

"Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering or land surveying services in this State.

"Professional architectural, engineering and land surveying services" means those services, including planning, environmental and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by laws of this State or those services performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice, and which are subject to N.J.S.A. 52:34-9.1 et seq.

"Review committee" means the committee assigned to review a contract for professional architectural, engineering and land surveying services, which shall include at least three persons designated by the Chief Engineer.

"Simple projects" means projects or other engineering services where the scope can be clearly defined and is not likely to change during the course of the project where the estimated fee is \$1,000,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects and maintenance reserve projects with an estimated fee of \$1,000,000 or less.

(c) Professional services prequalification requirements shall be as follows:

1. A firm interested in a contract for professional architectural, engineering or land surveying services shall complete and file a "Professional Service Prequalification Questionnaire" ("PSPQ") with the Authority. Firms qualified for a particular type of project based on the Authority's evaluation of the PSPQs will be eligible for consideration when such projects are being contracted for by the Authority without having to present their qualifications on a project-specific basis.

2. For the procurement of general consultants, rather than a project-specific procurement, the procedures relating to prequalification of firms may be modified to address the needs and requirements of the Authority.

3. Each firm shall identify on the PSPQ form each type of work for which the firm desires prequalification. All PSPQ forms shall contain the following information:

- i. Current and past projects undertaken by the firm;

- ii. The nature of services provided on each project;
- iii. The qualifications of the professionals employed by the firm; and
- iv. Other information which the Authority may determine necessary to assess the firm's qualifications.

4. A firm shall notify the Authority in writing of any substantial change in the information on its PSPQ form when such change occurs. A firm shall have a current PSPQ on file with the Authority at the time of advertisement of the EOI in order to be considered for a project. For purposes of this section, a current PSPQ is one that has been on file with the Authority for no more than 24 months.

(d) Expression of interest (EOI) solicitation and/or advertisement shall be as follows:

1. An advertisement for EOIs shall be placed in an appropriate newspaper or journal, having a large circulation in the State or advertised on the Authority's internet web-site, <http://gspkwy.state.nj.us>, or through other electronic means. Such advertisements shall be placed not less than seven days preceding the date upon which the EOIs are to be received. The EOI solicitation shall identify the scope of services required from the prequalified firms and the evaluation process to be used for the project. When the Authority seeks to engage more than one firm through a single solicitation of EOIs, the number of firms that the Authority intends to engage shall be identified in the advertisement/solicitation of EOIs.

2. When general consultant services are needed, the Authority shall establish a list of criteria that firms must meet in order to be sent an EOI for the general consultant contract. Firms that meet such criteria shall be sent an EOI.

(e) Evaluation of EOIs shall be as follows:

1. Upon receipt of the EOIs, the Authority shall review the EOIs for completeness and shall reject those EOIs which are incomplete. The Authority shall notify all firms whose EOIs are determined to be incomplete in writing. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or resolicited, or the procurement may continue with less than three firms, as determined by the Chief Engineer.

2. For simple projects, the technical evaluation process shall consist of the evaluation of EOIs in accordance with the procedures set forth in this section. If three or more EOIs for a simple project are deemed complete, the EOIs shall be evaluated by a review committee.

3. For complex projects, the evaluation of EOIs shall serve as a method by which to create a list of firms that shall receive the requests for proposals ("RFP") for the project. If four or fewer EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Review Committee will not conduct an evaluation of the EOIs as set forth below. If more than four EOIs have been deemed complete, the EOIs shall be submitted to the Review Committee for review as set forth in (e)4 below.

4. The EOIs shall be ranked by the Review Committee on the basis of numerical scores resulting from weighted rating factors. These factors will be weighted in proportion to their relative importance on a project-by-project basis. The relative weight attributed to each rating factor for a particular project and the ranking methodology shall be set forth in the EOI solicitation. In ranking the EOIs, the Review Committee will consider criteria contained in the advertisement for the EOI, which may include:

- i. Understanding of project and the Authority needs;
- ii. Approach to the project;
- iii. Experience on similar projects;
- iv. Credentials of the consultant's project team;
- v. Commitment to quality management;
- vi. Extent of New Jersey presence, including location of project office;
- vii. Attainment of Minority Business Enterprise and Women Business Enterprise goals;
- viii. Outstanding work with the Authority; and
- ix. Any other factors specified in the Authority's EOI solicitation.

5. For simple projects, once the Review Committee has ranked the EOIs, it shall require the top three or more technically ranked firms, which number of firms shall be at the discretion of the Authority, to provide their proposed fees in a separate envelope. The firms shall not be told of their ranking position at this time. The selection process shall continue in the manner described in (g) below. If a particular simple project warrants, the Chief Engineer may elect to issue an RFP and the contract shall proceed in accordance with the process for complex projects.

6. For complex projects, after the evaluation and ranking of the EOIs, no fewer than the top three ranked firms shall receive an RFP. All firms that are not to receive the RFP shall be notified in writing.

7. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Review Committee's evaluation of the EOIs, it shall prepare a list of a sufficient number of technically qualified firms to enable the Authority to engage the number of firms identified in the request for EOIs. If the Review Committee is unable to prepare a list of technically qualified firms in a sufficient number to negotiate with and engage the number of firms identified in the request for EOIs, the Authority shall reduce the number of firms it is seeking to engage through the EOI, and/or resolicit the EOI in whole or in part. The Review Committee shall negotiate a contract with firms in the same manner as other projects.

(f) Request for Proposals (RFPs) shall be evaluated as follows:

1. Responses to the RFP shall be comprised of the technical proposal and fee proposal. The firms receiving the RFP shall be directed to submit a detailed fee proposal in a separate sealed envelope at the time of submission of the technical proposal.

2. The Review Committee shall evaluate the technical proposals submitted to the Authority. The Review Committee shall rank the technical proposals on the basis of numerical scores using the same rating criteria as it is used to evaluate the EOIs. Other rating criteria may be considered, provided that they are specified in the RFP. The relative weight attributed to each rating factor and the methodology for ranking firms shall be set forth in the RFP.

3. The Review Committee shall normally require an interview and/or presentation by the firms with the highest ranked proposals. The Chief Engineer, in his or her discretion, may waive this requirement for a particular project. Subsequent to the interview and/or presentation, the Review Committee shall revisit its technical ranking of the firms, rescore as appropriate and shall thereupon recommend the highest ranked firms to the Chief Engineer, or the Executive Director if the Chief Engineer was a member of the Review Committee.

(g) Cost negotiation and final selection shall be as follows:

1. For all projects, upon reviewing the Review Committee's recommendation, the Chief Engineer or the Executive Director shall either concur with the selections or direct the team to pursue additional evaluation measures, consistent with the EOI solicitation or RFP, which shall be specified in writing by the Chief Engineer or the Executive Director.

2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Review Committee. The Executive Director may add one or more persons to the Review Committee to assist in the negotiation process. Using the fee proposals as a guideline, the Review Committee shall negotiate a fair and reasonable fee with the highest ranked firm, taking into consideration all relevant factors, including, but not limited to, the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. If the Review Committee is unable to negotiate a fair and reasonable fee with the highest ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest ranked firm. Failing accord with the second highest ranked firm, the Review Committee shall formally terminate negotiations and undertake negotiations with the third highest ranked firm. If the Review Committee is unable to negotiate successfully with any of the three highest ranked firms, it shall select additional professional firms in order of their competence and qualifications and it shall continue negotiations in accordance with the procedure set forth herein until an agreement is reached. The Executive Director, upon consultation with the Chief Engineer, may direct the Review Committee to resolicit the contract. Once a final fee is agreed upon, the Review Committee shall make its recommendation to the Chief Engineer or the Executive Director, if the Chief Engineer is a member of the Review Committee.

3. The Review Committee shall prepare a written report, for submission to the Chief Engineer, outlining its recommendations and activities in reviewing, negotiating and selecting the recommended firm. The Chief Engineer shall review the written report and the EOIs and/or responses to the RFP. The Chief Engineer shall prepare written comments on the recommendation based on the review of these documents. The Chief Engineer shall explain any disagreement with the recommendation.

4. The Chief Engineer shall submit the Review Committee's report and the Chief Engineer's comments to the General Attorney to review. If the General Attorney has concluded the proper procedures have been followed, the Review Committee's written report and comments of the Chief Engineer shall be forwarded to the Executive Director.

5. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Commissioners of the Authority, in writing, that the firm be issued an Engineering Contract, attaching a copy of the Review Committee's report and the comments of the Chief Engineer.

6. If the Executive Director is not satisfied with the recommendation, he or she may:

- i. Instruct the Review Committee to submit further support for its recommendation;
 - ii. Direct the Review Committee to renegotiate the fee;
 - iii. Direct reexamination of the technical criteria; or
 - iv. Instruct the Review Committee to resolicit the contract.
7. The final decision regarding appointment of a firm shall rest solely with the Commissioners of the Authority, subject to the Governor's right to reject such approval by

exercise of the Governor's veto authority. The memoranda or comments prepared by the Executive Director, the Chief Engineer, the Review Committee and the Commissioner's Resolution will be considered public records for the purposes of P.L. 1963, c.73 (N.J.S.A. 47:1A-1) and retained as part of the contract documents.

New Rule, R.1999 d.412, effective December 6, 1999.

See: 31 N.J.R. 2712(a), 31 N.J.R. 4119(b).

Amended by R.2002 d.263, effective August 5, 2002.

See: 34 N.J.R. 1602(a), 34 N.J.R. 2800(a).

In "Complex projects" and "Simple projects", substituted "\$1,000,000" for "\$500,000".