

FINAL

SUBTITLE B. SOUTH JERSEY TRANSPORTATION AUTHORITY

CHAPTER 2

ATLANTIC CITY EXPRESSWAY

AUTHORITY

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

Source and Effective Date

R.2000 d.9, effective December 8, 1999.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Executive Order No. 66 (1978) Expiration Date

Chapter 2, Atlantic City Expressway, expires on December 8, 2008.

Chapter Historical Note

Chapter 2, Atlantic City Expressway, was filed and became effective prior to September 1, 1969.

Chapter 2, Atlantic City Expressway, was adopted as R.1973 d.42, effective February 5, 1973. See: 5 N.J.R. 96(b).

Subchapter 7, Purchasing Regulations, was adopted as R.1973 d.284, effective September 28, 1973. See: 5 N.J.R. 396(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, Atlantic City Expressway, was readopted as R.1994 d.462, effective August 15, 1994. See: 26 N.J.R. 1966(a), 26 N.J.R. 3742(b).

Subchapter 8, Electronic Toll Collection Monitoring System, was adopted as R.1998 d.542, effective November 16, 1998. See: 30 N.J.R. 3169(a), 30 N.J.R. 4067(a).

Subchapter 9, Highway Access Permits, was adopted as R.1999 d.357, effective October 18, 1999. See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

Subchapter 10, Stormwater Permit

Pursuant to Executive Order No. 66(1978), Chapter 2, Atlantic City Expressway, was readopted as R.2000 d.9, effective December 8, 1999. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PENALTIES AND DEFINITIONS

19:2-1.1 Penalties

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

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

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

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

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

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

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

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

Amended by R.1999 d.357, effective October 18, 1999.

See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

Added (f).

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), changed N.J.S.A. reference, and substituted a reference to the Expressway project for a reference to the project; and in (d), substituted “or” for “all” following “thereof”.

19:2-1.2 Definitions

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

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

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

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

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

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

“Authority property” or “right-of-way” means the area contained within the right-of-way lines as designated on the Authority parcel property maps filed in the respective county clerk’s office of each county in which the Expressway is located and as may be amended, altered or supplemented from time to time.

“Motorbus regular route service” means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points outside of South Jersey.

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

“Service areas” means those areas established by the Authority to provide services to the public. On the Expressway these areas include, but are not limited to, an intercept lot, the New Jersey State Police Barracks, the South Jersey Transportation Authority Administration Building, a restaurant, two gasoline service stations, a Visitor’s Center, and a farmer’s market, along with their parking and related facilities.

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

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

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

Amended by R.1999 d.357, effective October 18, 1999

See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a)

Inserted “Roadside memorial”.

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In “Authority property” or “right-of-way”, added “and as may be amended, altered or supplemented from time to time” at the end; and in “Service areas”, inserted “, but are not limited to,” following “include”, substituted “two” for “a” following “restaurant,” and inserted “a Visitor’s Center,” following “stations”.

19:2-1.3 Route Maps

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

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

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

SUBCHAPTER 2. SPEED LIMITS

19:2-2.1 Maximum speed limits

(a) Except where otherwise posted, the maximum speed limits in force on the Expressway are 65 miles per hour on the main roadways, 25 miles per hour on the entrance and exit ramps and 35 miles per hour in the connector.

(b) Maximum speed of 65 miles per hour is in effect except when such speeds are unsafe by reason of weather or highway conditions.

(c) Where signs are posted along the Expressway indicating a lesser speed within any section, no vehicles shall be operated within the section at a speed in excess of the speed posted on such signs. Traffic fines issued in construction zones shall be doubled as per state law.

(d) No vehicle shall be operated at a speed in excess of 15 miles per hour while passing through any toll plaza on the Expressway, except in those lanes designated as Express E-ZPass where the maximum speed shall be 45 miles per hour.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Added (d) and (e).

19:2-2.2 Minimum speed limits

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

SUBCHAPTER 3. OPERATION OF VEHICLES

19:2-3.1 Obedience to signs and signals

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

19:2-3.2 Uniform direction of traffic

No vehicle shall be operated, backed, pushed or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, acceleration lane, access ramp, shoulder or other roadway of the Expressway unless expressly directed otherwise by an employee of the Authority or by the Expressway police and operated in a safe manner so as not to create a hazard to other vehicles.

Amended by R.2000 d.9, effective January 3, 2000.
See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Rewrote the section.

19:2-3.3 Use of passing lane

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

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

19:2-3.4 U-turns

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.
See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted "expressly" following "Except as", and deleted "or" following "operated on,".

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

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

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

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

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

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

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

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

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

(i) No person shall exit a vehicle at any toll ramp or plaza.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (c), substituted a reference to this section for a reference to this regulation; in (f), substituted a reference to this section for a reference to this article; and rewrote (i).

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

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

19:2-3.8 Vehicles involved in accident

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

New Rule, R.1994 d.462, effective September 6, 1994.

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

19:2-3.9 Civil Defense regulations

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

Recodified from 19:2-3.8 and amended by R.1994 d.462, effective September 6, 1994.

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

19:2-3.10 Exempt vehicles

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

Recodified from 19:2-3.9 by R.1994 d, 462, effective September 6, 1994.

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

SUBCHAPTER 4. RESTRICTIONS ON USE OF THE EXPRESSWAY

19:2-4.1 Pedestrians

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted "specifically" following "areas".

19:2-4.2 Animals

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted “domesticated” following “other”.

19:2-4.3 Restricted vehicles

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

1. Vehicles drawn or pushed by animals;

2. Bicycles, every motor scooter or every bicycle with a motor attached of 150 cubic centimeters or less piston displacement;

3. Vehicles with livestock not properly confined;

4. Farm implements or machinery, either self-propelled, pushed or towed;

5. Vehicles with deflated pneumatic tires, metal or solid tires, or caterpillar treads;

6. Vehicles being towed or pushed, unless both the towing and towed vehicles and the connecting and control devices between them meet the requirements of the laws of New Jersey except under the direction of the Expressway police;

7. Vehicles with improperly secured attachments or loads;

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

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

9. Vehicles with loads extending more than 48 inches beyond the front or the rear of the body, or with lateral projections in excess of 12 inches, or vertical projections in excess of 24 inches. This paragraph shall apply to passenger vehicles only;

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

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

(b) In addition to the above restrictions, the Authority may temporarily prohibit other specific vehicles, including, but not limited to, house trailers, at any time when, in the opinion of the Authority, adverse weather conditions would make the operation of these vehicles unsafe.

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

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

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

See: 26 N.J.R. 1996(a), 26 N.J.R. 3742(b).

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), inserted references to vehicles being pushed throughout, and inserted “in excess” following “projections” in 9; and in (b), inserted “, but not limited to,” following “including”.

Statutory References

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

19:2-4.4 Transportation of dangerous articles

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

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

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

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (b), inserted a reference to laws, and changed N.J.S.A. reference.

19:2-4.5 Permits

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

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

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

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

(e) Any person making an application for a Highway Access Permit, pursuant to N.J.A.C. 19:2-9, shall not be required to also apply for a permit under this section.

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N. J.R. 3056(a), 32 N.J.R. 65(a).

Added (e).

19:2-4.6 Call boxes

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

SUBCHAPTER 5. GENERAL REGULATIONS

19:2-5.1 Waste and rubbish

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

19:2-5.2 Damage to property

(a) No person shall cut, mutilate or remove any trees, shrubs, flowers, plants, topsoil, sod or other greenery located upon the Authority property, or attempt to do so without the express written consent of the Authority.

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted a reference to other greenery.

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

(a) No person shall erect, place, or display any advertising matter, posters, placards signs or items of any kind on the Expressway, or Authority property except as otherwise authorized by the Authority. Items erected, placed, or displayed without a permit issued pursuant to N.J.A.C. 19:2-9.5, shall be subject to removal by the Authority and the imposition of fines as provided in N.J.A.C. 19:2-1.1(f).

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

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

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

(e) Advertising on commercial vehicles is allowed.

Amended by R. 1999 d.357, effective October 18, 1999.

See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

Rewrote this section.

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

(a) Parades or other demonstrations are prohibited on Authority property without the express written consent of the Authority.

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

19:2-5.5 Use of firearms and fireworks

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), deleted "or other" following "firearms,".

19:2-5.6 Hunting, trapping and fishing

Hunting, trapping, fishing, harassing or otherwise disturbing wildlife is prohibited on or from Authority property.

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted a reference to harassing.

19:2-5.7 Sales and distribution

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted “expressly” following “except as”.

19:2-5.8 Soliciting of alms

Soliciting of alms or contributions on the Expressway or at the service plazas is prohibited.

19:2-5.9 Hitch-hiking and loitering

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

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

19:2-5.10 Roadside Memorial

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

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

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

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

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

New Rule, R.1999 d.357, effective October 18, 1999.

See: 31 N.J.R. 2147(a), 31 N.J.R. 3104(a).

SUBCHAPTER 6. TOLLS

19:2-6.1 Payment of Tolls

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

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

(c) No person shall 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 Expressway, 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 Expressway, or in such manner as to cause such coins to be uncollected or unlawfully returned, or by any 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) No person shall collect, gather or pick up any currency, coins, tokens or scripts in the area of an automatic toll collection machine on the Expressway, including entrance and exit ramps, in such a manner as to cause such currency, coins, tokens or scripts to be uncollected by, or unreturned to the Authority.

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Rewrote the section.

19:2-6.2 Toll-free Passage

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

1. The Commissioners and executive staff members of the Authority;
2. Employees of the Authority and 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;
3. Vehicles carrying persons to or from destinations on the Expressway where such persons are required by law to perform specified functions on the Expressway;

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

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

(b) All operators of vehicles that are identified in section 19:3,4 & 5 are required to make written application to the Executive Director for toll free passage. All applications will be reviewed and approved on the individual merits of each application.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), deleted a reference to concessionaires in 2, and added "of this State" at the end of 4.

SUBCHAPTER 7. PURCHASING REGULATIONS

19:2-7.1 General Provisions

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

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

For the furnishing or performing of services of a professional or technical nature;

2. When the aggregate amount of such purchase or contract does not exceed the threshold amount as determined by the Governor pursuant to N.J.S.A. 52:34-7;

3. To acquire subject matter described in N.J.S.A. 52:34-9;

4. To award a contract under circumstances described in N.J.S.A. 52:34-10;
5. For the supplying of any product or rendering of any service by a public utility;
6. When the Authority deems it appropriate to have the work performed by its own employees;
7. When the Authority has advertised for bids on two occasions and received no bids or no responsive bids on both occasions;
8. When a piece of equipment or part thereof requires diagnostic repairs;
9. For the printing of bonds and related documents for the sale thereof; or
10. To contract for liability or indemnification insurance to meet the needs of the Authority.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (b), added “pursuant to N.J.S.A. 52:34-7” at the end of 2, and inserted “or part thereof” following “equipment” in 8.

19:2-7.2 Purchases In Excess Of The Threshold As Set By The Governor

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

1. All purchases of personal property or services where the aggregate cost involved exceeds the threshold amount as determined by the Governor pursuant to N.J.S.A. 52:34-7, which threshold amount shall be adjusted by the Governor as provided in (a)2 below, shall be made only after public advertisement for competitive bids, except where exempted by law. In cases where public advertising is not required, the Authority shall follow the rules and regulations of the State Treasurer to ensure that said purchase, contract or agreement promotes full and free competition whenever competition is practicable.

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

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

i. A brief description of the supplies, materials, equipment or services to be furnished or performed;

ii. Notice of the place where quotation forms, specifications, terms and conditions may be obtained;

iii. The place, date and time when the sealed bids shall be publicly opened.

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

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

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

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

i. Availability of funds;

ii. Budgetary constraints; and/or

iii. Credibility and reliability of bidder.

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

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

1. All bids are to be submitted in sealed envelopes on quotation forms provided in accordance with applicable instructions on or before the time fixed for the public opening.

2. All bids must be properly signed and executed.

3. Any correction of an entry made on the quotation form should be initialed by the party signing the bid.

4. Bidders may withdraw, or withdraw and resubmit, bids at any time prior to the public opening and signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.

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

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

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

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

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

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

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

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

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

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

(d) Rules concerning bid guarantees include:

1. Except when specifically waived by the Authority, all bids submitted relative to acquisitions wherein the total bid price aggregate exceeds the adjusted threshold, shall be accompanied by a bid guaranty in an amount not less than ten percent of the bid. However, no bidder shall be required to make a deposit in excess of \$20,000.

2. For FAA funded contracts, the Authority will abide by the FAA General Provisions regarding bid guarantee.

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

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

5. All bid guarantees except the three lowest submitted bids shall be returned to bidders as soon as possible after the award of a contract.

(e) Rules concerning security for faithful performance include:

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

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

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

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

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

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), substituted "involved exceeds the threshold amount as determined by the Governor pursuant to N.J.S.A. 52:34-7" for "is \$11,100 or more" following "cost" in the first sentence of 1, and substituted "shall" for "may" following "advertisements" in the second sentence of 3; and in (f)1, deleted "requires" following "convenience".

19:2-7.3 Purchases Under The Adjusted Threshold

(a) In the case of purchases of personal property or services where the aggregate cost, contract price or amount involved is equal to or exceeds \$3,500, but is less than the bid threshold, written bids shall be solicited from qualified vendors.

(b) Where the acquisition is for less than \$3,500, informal bids should be solicited from qualified vendors.

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

(d) When the requisitioning unit specifies either the source of supply or a name brand, the related Director shall file with the Director of Finance a memorandum stating the basis and reasons for the selection.

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

(f) The procedures set forth in this section shall not be used as a means to evade or avoid the requirements for public advertising set forth in N.J.A.C. 19:2-7.2.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Substituted references to \$2,500 for references to \$1,000 throughout; and in (a), substituted “of” for “or” following “purchases”, and inserted a reference to contract price.

19:2-7.4 Limited Purchase Orders/Purchase Cards

(a) Purchases of goods and services of a value not exceeding \$1,000.00 may be made on limited purchase orders directly by employees so authorized in writing by the Executive Director or his or her authorized designee under procedures promulgated by the Director of Finance.

(b) Use of purchase cards for goods and services with values exceeding \$1,000.00 must be authorized in writing by the Executive Director or his or her authorized designee under procedures promulgated by the Director of Finance.

(c) The limited purchase order or purchase card to be used to expedite the procurement of small or minor items and shall not be used to evade or avoid the other sections of this subchapter.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a), substituted a reference to \$500.00 for a reference to \$100.00, and inserted a reference to authorized designees of the Executive Director; and in (b), substituted a reference to sections of this subchapter for a reference to sections of these regulations.

19:2-7.5 Purchase Orders and Contracts

(a) All purchase orders shall be signed by the Director of Finance or his or her authorized designee and approved by the Director or his or her designee of the requisitioning unit.

(b) All purchase orders shall be approved by the Executive Director or his or her authorized designee.

(c) The purchase orders may be revised, reduced, increased, canceled or otherwise amended by purchase order supplements. Purchase order supplements may be issued to reduce a purchase order to any extent but may not increase an order by more than 20 percent of the original purchase order's value unless expressly approved in writing by the Executive Director or his or her designee.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

In (a) and (b), inserted references to authorized designees; and in (c), substituted a reference to 20 percent of the original purchase order's value for a reference to \$100.00.

19:2-7.6 Purchases Under New Jersey State Contracts

When it is deemed advisable and in the best interest of the Authority, the manager of purchasing or his or authorized designee may recommend that services, equipment, goods, materials and supplies be purchased directly, without advertising, from vendors who hold contracts with the State of New Jersey for the furnishing of such items to the State. In such cases the execution of the contract or order shall be made by the Director of Finance, or his or her authorized designee, with the approval of the Executive Director, or his or her authorized designee.

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Inserted a reference to authorized designees of the manager of purchasing in the first sentence, and added a second sentence.

19:2-7.6 Emergency Purchases

(a) Whenever an exigency or emergency declared by the Executive director or his or her designee exists of a nature requiring the immediate acquisition of personal property or services, the rules and procedures otherwise applicable, which are inconsistent with this section, shall not apply.

(b) In such cases under (a) above, the SJTA shall, by such solicitation as it considers advisable, obtain whatever is necessary to meet the exigency or emergency on the most advantageous terms possible under the circumstances.

19:2-7.8 (Reserved)

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

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

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

19:2-7.9 Towing Services

(a) Pursuant to N.J.A.C. 19:2-7.1, all contracts between the Authority and towing service providers, which are required by law to be publicly advertised, shall be made or awarded directly by the Authority after public advertisement for bids.

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

1. Reliability;
2. Experience;
3. Response time;
4. Acceptance of credit cards and prepaid towing contracts;
5. Location and quality of storage and repair facilities;
6. Quality of equipment to safely handle sufficient volume of common vehicle types under a variety of traffic and weather conditions;
7. Security of vehicles towed or stored;
8. Appropriate safeguards to protect the personal safety of customers, including considerations related to the criminal backgrounds of employees;
9. Maintenance of adequate liability insurance;
10. Financial return to the Authority; and
11. Price of such services to the patrons of the Expressway.

(c) The Authority may award a towing service contract to a person other than the lowest bidder, if it is determined that the lowest bidder is not the most responsible bidder.

New Rule, R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

SUBCHAPTER ELECTRONIC TOLL COLLECTION MONITORING SYSTEM

19:2-8.1 Definitions

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

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

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

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

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

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

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

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Deleted “Authority”, “Atlantic City Expressway” or “Expressway” and “Expressway employee” or “employee”.

19:2-8.2 Electronic Toll Collection Monitoring System Violation; Advisory and Payment Request

(a) It shall be a violation of this subchapter for an owner, operator, lessor or lessee to fail to pay the toll for passage of a vehicle on the Atlantic City Expressway, if the toll violation is recorded by a toll collection monitoring system as defined in N.J.A.C. 19:2-8.1.

(b) Within 30 days from the date that a toll violation is recorded by a toll collection monitoring system, the Authority or its agent may send an Advisory and Payment Request to the owner of the violating vehicle by regular mail as provided by P.L. 1997, c59. Upon receipt of the Advisory and Payment Request, the owner of the violating vehicle shall pay to the Authority or its agent, the proper toll and an administrative fee in the amount of \$25.00 per violation. If the owner fails to pay the required toll and fee within 60 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties as prescribed in N.J.A.C. 19:2-8.3. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to an unresolved violation.

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

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

(e) If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section

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

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

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

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

Amended by R.2000 d.9, effective January 3, 2000.

See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Rewrote (a).

19:2-8.3 Penalties

(a) A violation of this subchapter shall be punishable by a civil penalty of not less than \$50.00 or more than \$200.00 per violation.

(b) Nothing in this section shall be construed as limiting the power of the Authority to proceed against an operator of a vehicle for a violation of N.J.A.C. 19:2-6.1 or as

prohibiting or limiting the enforcement of a violation of the motor vehicle and traffic laws as set forth in Title 39 of the Revised Statutes except that an operator of a vehicle charged with a violation of N.J.S.A. 27:25A-21 shall not be liable for the civil penalty provided in (a) above for the same incident.

SUBCHAPTER 9. HIGHWAY ACCESS PERMITS

19:2-9.1 Purpose and Objective

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

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

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

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

1. Review the work plan and offer guidance regarding the application and review process for the particular project;

2. Review detailed plans and other work-related documents and provide comments and guidance;

3. Perform any field inspections the Authority deems necessary for a particular project;

4. Review and approve the applicant's insurance certificate, performance bond and maintenance bond, based on:

i. Authority exposure to liability related to the project;

ii. Cost of the project; and

iii. Scope of the project.

5. Periodically inspect ongoing work to assure compliance with the permit granted; and

6. Initiate and maintain all permit documentation, including closeout documentation.

19:2-9.2 Definitions

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

“Access permit” means a permit issued by the Authority for the construction, maintenance, and use of a driveway or public or private street or highway connecting to the Expressway, or an Expressway project.

“Occupancy permit” means a permit issued by the Authority for construction, or maintenance on, over, or under the Expressway or Authority property, or the use and occupancy of the Expressway or Authority property.

19:2-9.3 Fee Schedule

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

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

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

3. Nonrefundable specialized fees are required as follows:

i. Shoulder Closure - \$250.00 per location per day;

ii. Lane Closure - \$500.00 per lane per location per day;

iii. Slow Downs - \$75.00 per set-up; and

iv. Detours - \$25.00 per day.

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

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

19:2-9.4 Work Estimate

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

19:2-9.5 Unauthorized Installations

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

19:2-9.6 Non-construction Access Permits

(a) In the following circumstances, the fees provided in N.J.A.C. 19:2-9.2 shall not apply and shall not be required. Instead, the applicant shall pay a \$5.00 application fee and the appropriate permit fee as follows:

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

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

19:2-9.7 Waiver

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

SUBCHAPTER 10. NJDEP STORMWATER PERMIT PROGRAM

19:2-10.1 Stormwater Permit

The South Jersey Transportation Authority is required to be in compliance with Permit Number: NJ0141887, P.I., ID# 50577 of the Highway Agency Stormwater Master General Permit.