

# SOUTH JERSEY TRANSPORTATION AUTHORITY



## ATLANTIC CITY EXPRESSWAY

### RULES AND REGULATIONS

N.J.A.C. 19:2 (2025)

Effective Date December 1, 2025

Expires on November 3, 2028

*N.J.A.C. 19:2*

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TITLE 19. OTHER AGENCIES  
SOUTH JERSEY TRANSPORTATION AUTHORITY  
CHAPTER 2. ATLANTIC CITY EXPRESSWAY

N.J.A.C. 19:2 (2025)

Title 19, Chapter 2 -- Chapter Notes

**NOTES:**

CHAPTER AUTHORITY:

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

CHAPTER SOURCE AND EFFECTIVE DATE:

R.2025 d.144, effective Dec. 1, 2025

See: 57 N.J.R. 2684(c)

CHAPTER EXPIRATION DATE:

Chapter 2, Atlantic City Expressway, expires on November 3, 2028.

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).

Pursuant to Executive Order No. 66(1978), Chapter 2, Atlantic City Expressway, was readopted as R.2000 d.9, effective December 8, 1999. See: 31 N.J.R. 3056(a), 32 N.J.R. 65(a).

Chapter 2, Atlantic City Expressway, was readopted as R.2005 d.198, effective May 26, 2005. See: 37 N.J.R. 423(a), 37 N.J.R. 2225(a). In accordance with N.J.S.A. 52:14B-5.1c, Chapter 2, Atlantic City Expressway, expired on November 22, 2010. See: 42 N.J.R. 1008(a).

Chapter 2, Atlantic City Expressway, was adopted as new rules by R.2014 d.088, effective May 19, 2014. See: Source and Effective Date. See, also, section annotations.

Chapter 2, Atlantic City Expressway, was readopted with amendments by R. 2025 d.144 effective December 1, 2025. See: 57 N.J.R. 2684(c).

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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 regulation contained in this chapter, the requirements of Title 39 of the Revised Statutes applicable to persons using, driving or operating vehicles on the public highways of this State and to vehicles so used, driven or operated shall be applicable to persons using, driving or operating vehicles on any Expressway project and to vehicles so used, driven or operated.

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

### 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:

"Abandoned vehicle" means any vehicle whose occupants leave the vehicle unattended on the Roadway for any reason for any period of time.

"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). Roadways 187, 87, and a portion of Route 30 are not considered part of the Atlantic City Expressway but are owned and maintained by the Authority and subject to the Authority's rules and regulations.

"Atlantic City Expressway Connector" or "Connector" means the portion of the roadway containing a tunnel connecting the Atlantic City Expressway to the City of Brigantine.

“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.](#)).

“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.

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

“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.

“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 be limited to, bridges, parking facilities, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll booths, service areas, stations and facilities, communications facilities, administration, storage and other buildings, and other structures related to the use of the express highway, super highway or 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 the 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.

"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. 7:1E-1.7 and 7:26-8; and 40 CFR Part 261 and 49 CFR Part 172.

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

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

“Omnibus” means the term “omnibus” as defined in [N.J.S.A. 39:1-1](#).

“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.

"Roadway" means, collectively, the Atlantic City Expressway and the Atlantic City Expressway Connector.

“Service areas” means those areas established by the Authority to provide services to the public. On the Roadway these areas include, but are not limited to, the Frank S. Farley Service Plaza, located in the median at milepost 21.3 and the gasoline fueling station, and any future services located within the median between milepost 2.8 and 4.2; along with their respective parking and related facilities.

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

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

**[19:2-1.3 \(Reserved\)](#)**

## **SUBCHAPTER 2. SPEED LIMITS**

### **19:2-2.1 Maximum speed limits**

(a) Except where otherwise posted, the maximum speed limits in force on the Roadway are 55 mile per hours from milepost 0.0 and 8.0; 65 miles per hour from milepost 8.0 to 42.19; 25 miles per hour the entrance and exit ramps; and 35 miles per hour in the connector.

(b) The maximum speeds listed at (a) above are in effect except when such speeds are unsafe by reason of weather or highway conditions.

(c) Where signs are posted along the Roadway prescribing a different speed than is posted or erected by the Authority or at the approval of the Authority, no vehicle within the area, zone, or section where such signs are posted or erected shall be operated in excess of the speed prescribed by said signs.

(d) Reduction of speed up to 10 miles per hour from the posted maximum speed limit is in effect, when posted, in construction zones. Traffic fines issued in construction zones shall be doubled pursuant to N.J.S.A. 39:4-203.5

(e) 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 EZ-Pass where the maximum speed shall be 45 miles per hour.

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

### **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 authorized employee of the Authority or by the New Jersey State Police.

### **19:2-3.2 Uniform direction of traffic**

(a) 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, or shoulder of the Roadway unless expressly directed otherwise by an authorized employee of the Authority or by the New Jersey State Police and operated in a safe manner so as not to create a hazard to other vehicles.

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

(c) Nothing in this Section shall prevent the Authority or the New Jersey State Police from changing the direction of traffic on the Roadway in the event of an emergency evacuation from the South Jersey region declared by the State of New Jersey or other natural disasters, including but not limited to, hurricanes and tornadoes.

### **19:2-3.3 Use Of Passing Lane**

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

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

### **19:2-3.4 U-turns**

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

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

Except as expressly authorized by the New Jersey State Police, or an authorized Authority employee, no vehicle 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.

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

(a) Parking, standing, or stopping of vehicles is prohibited anywhere on the Roadway, 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) An “emergency,” for the purposes of this section, shall be defined and construed to exist in the following circumstances:

1. If the vehicle in question is unable to move without assistance;
2. The existence of inclement weather conditions, including, but not limited to, snow, ice, flooding, or high winds, which obstruct travel;
3. If a vehicle is mechanically disabled;
4. When the driver of the vehicle is ill or fatigued; or
5. The New Jersey State Police or the Authority determines conditions exist that are deemed an “emergency.” In no case shall parking, standing, or stopping exceed a consecutive two-hour period, unless permitted at the sole discretion of the Authority.

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

(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 and impounded. The owner of the vehicle shall be held responsible for the costs of towing, storage, and other related costs.

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

(h) Parking of casino buses and trucks and/or marshalling of vehicles or groups of people in designated areas, including the median parking area located from milepost 3.4 to 4.2 without express permission, and at the direction of the Authority, is prohibited.

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

#### **19:2–3.7 Entry to and exit from the Roadway**

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

#### **19:2–3.8 Vehicles involved in a crash**

The operator of any vehicle upon the Roadway involved in a crash resulting in injury or death to any person or damage to any property shall immediately stop the vehicle at the scene of the crash, 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 crash as prescribed in N.J.S.A. 39:4-129.

#### **19:2–3.9 Civil Defense regulations**

Applicable Civil Defense and Emergency Management 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 Roadway.

#### **19:2–3.10 Exempt vehicles**

Vehicles that are operated by the New Jersey State 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.

#### **19:2–3.11 Diplomatic vehicles**

Vehicles owned or operated by a member or employee of a diplomatic mission, must provide all notice to the Authority as required by the New Jersey Motor Vehicle Commission, if any, and must comply with all rules and regulations for diplomatic vehicles as required pursuant to New Jersey statutes, rules, and/or regulations. In the event a diplomatic vehicle fails to abide by all applicable New Jersey statutes, rules, and/or regulations, the Authority reserves the right to take all action consistent with New Jersey statutes, rules, and/or regulations.

### **SUBCHAPTER 4. RESTRICTIONS ON USE OF THE ROADWAY**

#### **19:2–4.1 Pedestrians**

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

#### **19:2–4.2 Animals**

(a) No animal shall be led, ridden, or driven on the hoof upon the Roadway at any time, unless acting under contract or permit from the Authority. (See N.J.A.C. 19:2–4.5, Permits.)

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

#### **19:2–4.3 Restricted Vehicles**

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

1. Vehicles drawn or pushed by animals;
2. Bicycles, including motor scooters or bicycles 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 the State of New Jersey, except under the direction of the New Jersey State Police;
7. Vehicles with improperly secured attachments or loads;
8. Vehicles or combinations of vehicles, including any loads thereon, which exceed the maximum vehicle dimensions and weight as defined by N.J.S.A. 39:3-84.
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 to be considered unsafe for operation on the Roadway in the judgment of the Authority employees or New Jersey State 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) Alternate fueled vehicles powered by liquefied petroleum gas (LPG), liquefied natural gas (LNG), or compressed natural gas (CNG) shall be permitted to use the Brigantine Connector Tunnel only when the vehicle has:

1. A dedicated alternate fuel system installed by the manufacturer of the vehicle, or a fuel system that has been properly converted to an alternate fuel system;
2. A vehicle alternate fuel system that conforms to applicable Federal regulations including, but not limited to, 40 CFR 85, 86, and 600, and to applicable industry standards, including the following National Fire Protection Association (NFPA) standards, incorporated herein by reference, as amended and supplemented, available at [www.nfpa.org](http://www.nfpa.org):
  - i. NFPA 52 Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems (2023 Edition);
  - ii. NFPA 58 Standard for the Storage and Handling of Liquefied Petroleum Gases (LPG) (2024 Edition); and
  - iii. NFPA 59A Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG) (2023 Edition);
3. A fuel capacity that does not exceed 100 gasoline gallon equivalents (GGEs) of fuel; and
4. All markings and symbols displayed are required by law or regulation to identify the alternate-fuel system.

(c) Nothing in this section shall prohibit the use of electric vehicles, which meet approval of the State of New Jersey and/or Federal government requirements, on the Roadway.

- (d) 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.

#### **19:2–4.4 Transportation of dangerous articles**

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

(b) The transportation or shipment on the Roadway of radioactive materials or devices, and transportation of Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined at 49 CFR 173 Part 173, shall be subject to the prior written approval of the Authority. All notifications for such approval shall be made, in writing, addressed to the Director of Operations and shall provide, to the satisfaction of the Authority, that the shipment shall comply in all respects with the provisions at 49 CFR 171 through 178 and 397). The fee for processing the notification for such approval shall be \$50.00. All approvals granted shall be subject to annual renewal.

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

(d) No person shall transport in excess of five gallons any gasoline or other flammable liquids in containers in private vehicles. Commercial vehicles carrying flammable liquids shall be appropriately placarded in accordance with 49 CFR 172.500. In addition, all packages transported and carrying liquids regulated within this subsection shall be labeled in accordance with 49 CFR 172.400.

(e) Any operator, owner, or lessee of a vehicle on the Roadway that contains any hazardous material shall be subject to all provisions and penalties of the United States Code, the New Jersey Statutes, and the New Jersey Administrative Code.

(f) In the event of a discharge of hazardous materials on the Roadway, all remedial efforts shall be conducted in compliance with the laws of the State of New Jersey and the rules and regulations of the New Jersey Department of Environmental Protection and/or Federal statutes and regulations.

#### **19:2–4.5 Permits**

(a) Upon application, the Authority may issue, from time to time, special permits authorizing the use of the Roadway by vehicles to which such use is restricted pursuant to N.J.A.C. 19:2-4.3.

(b) Every such permit shall be carried in the vehicle to which it refers, and shall be open to inspection by the Authority and the New Jersey State Police.

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

(d) Special permits issued pursuant to Title 39 of the Revised Statutes shall not be valid on the Roadway.

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

## **19:2-4.6 (Reserved)**

### **SUBCHAPTER 5. GENERAL REGULATIONS**

#### **19:2-5.1 Waste and rubbish**

(a) No person shall throw, dump, or otherwise dispose of bottles, cans, papers, garbage, rubbish, or any other waste materials of any kind or description on the Roadway, except in receptacles intended for that purpose. Receptacles provided along the Roadway are only for personal trash, no household or bulk items are permitted.

(b) Vehicles carrying material likely to spill that is not otherwise boxed, crated, bagged, or packaged must be firmly secured on all sides with a tarpaulin completely covering the material, and capable of preventing the escape of said material.

(c) No material, whether solid, liquid, or gaseous, shall be discharged on the Roadway, whether intentionally or unintentionally. This prohibition shall apply to any material being carried as cargo, whether or not for hire, and to any material that is a part of the vehicle or necessary for the operation of the vehicle or necessary for the operation of the vehicle or any apparatus affixed thereon, but shall not apply to ordinary vehicular emissions anticipated by the original design of the vehicle or the apparatus affixed thereto.

#### **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 unless acting under contract or permit from the Authority. (See N.J.A.C. 19:2-4.5, Permits.)

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

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

(a) No person shall erect, place, or display any advertising matter, posters, placards, signs, or items of any kind on the Roadway, 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 at 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 Roadway or Authority property and candidates shall be charged a \$500.00 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 permitted.

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

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

(b) Picnics, games, entertainment, sports, or other gatherings are prohibited, except in designated areas of the service areas, unless otherwise authorized, in writing, by the Authority.

#### **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 Roadway, except by persons authorized by the Authority or by law.

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

#### **19:2–5.6 Hunting, Trapping and Fishing**

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

#### **19:2–5.7 Sales and distribution**

No persons shall enter or remain on the Roadway 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.

#### **19:2–5.8 Soliciting Of Alms**

Soliciting of alms or contributions on the Roadway or Authority property is prohibited.

#### **19:2–5.9 Hitch-hiking and loitering**

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

(b) Loitering in or about toll plazas, service areas, maintenance areas, or any other portion of the Roadway 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's Director of Operations 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 is 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.

### 19:2–5.11 Filming, photography or videotaping on the roadway prohibited except by permit

(a) No person shall be permitted to park, stop, stand, or travel at a slow speed in violation of N.J.S.A. 27:23-27, for the purpose of taking photographs, videos, or motion pictures (collectively, “film”) for commercial purposes on the Roadway to ensure the health, safety, and welfare of motorists, the general public, and the Authority, except as provided at (b), (c), or (d) below.

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

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

1. A written application to the Authority, at least two weeks prior to the date of the filming, stating the date, time, and location of the filming, names and addresses of the applicants, the number of individuals and vehicles to be present at the filming, the purpose of such filming, and any other information the Authority may deem necessary in order for it to make a determination that such filming can be conducted without a risk to the safety, traffic security or movement of the Roadway;
2. A certificate of general liability insurance with limits of liability that the Authority deems to be acceptable given the nature and scope of the filming and endorsed to include the Authority, its officers, agents, and employees, as an additional insured;
3. A copy of the motor vehicle insurance policy for each vehicle to be used in the filming; and
4. An indemnification and hold harmless agreement signed by all persons responsible for the filming, in a form the Authority provides

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

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

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

1. The Authority has determined that such filming would not create an unreasonable risk to safety, traffic security, or movement of the Roadway; and
2. The applicant agrees to abide by certain time, place, and manner restrictions on the filming that the Authority or the New Jersey State Police may impose to ensure the safety, traffic security, or movement of the Roadway.

## 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 as set forth and in the manner prescribed by the Authority at each toll, which may be by currency, coin, or electronic toll collection for the passage of all vehicles on the Roadway in amounts and at the locations designated by the Authority, except at locations designated as E-Z Pass only.

(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 Roadway, 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 Roadway, 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 scrips in the area of an automatic toll collection machine on the Roadway, including entrance and exit ramps, in such a manner as to cause such currency, coins, tokens, or scrips to be uncollected by, or unreturned to, the Authority.

(e) Disputes concerning payment of tolls on the Roadway shall be directed to the Authority's Tolls Director within 15 days of the payment of the toll. The traveler paying the toll shall submit, in writing, the reasons for the dispute. The Authority shall provide a written decision to the traveler within 30 days following the traveler's written submission disputing the payment of the toll.

### 19:2–6.2 Toll-Free Passage

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

1. 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;
2. Vehicles carrying persons to or from destinations on the Roadway where such persons are required by law to perform specified functions on the Roadway;
3. 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;
4. Ambulance, first aid or emergency aid vehicles, vehicular firefighting apparatus, law enforcement or other similar vehicles (Emergency Services Vehicles) operated for the benefit of the public by the State or such Emergency Services Vehicles that are operated 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 at (a)2, 3, and 4 above must make written application to the Executive Director prior to enjoying toll-free passage. All applications will be reviewed by the Executive Director to ensure the operation of the vehicles qualify for toll-free passage.

## **SUBCHAPTER 7. PURCHASING REGULATIONS**

### **19:2-7.1 Definitions:**

As used in this subchapter, the following words and terms shall have the following meanings unless a different meaning clearly is identified from the context:

“Debarment” means to be prohibited for a finite period of time from bidding or otherwise submitting a proposal regarding all Authority contracts on the basis of the list of offenses, inadequacies, or omissions described in this subchapter.

“Disqualification” means to be prohibited from bidding or otherwise submitting a proposal regarding a particular Authority contract.

“Person” means any natural person, corporation, partnership, company, firm, association, or other entity. Person also includes any partners of the partnership, and any principals of the corporation, company, firm, association, or other entity.

“Suspension” means to be prohibited for a finite period of time from bidding or otherwise submitting a proposal regarding all Authority contracts pending, the completion of an investigation or legal proceeding relating to certain offenses, inadequacies, or omissions described in this subchapter.

### **19:2-7.2 General Provisions**

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

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

1. For the furnishing or performing 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;
10. To contract for liability or indemnification insurance to meet the needs of the Authority; or

11. The lease of office space, office machinery, specialized equipment, buildings, or real property as may be required for the conduct of Authority business.

(c) For purposes of the rules set forth in this subchapter, the phrase “sealed bids” shall mean for such bids permitted by the Authority to be submitted via traditional paper copy, bids that are sealed in envelopes and otherwise satisfying any other requirements imposed by the Authority for traditional paper bids. For purposes of bids submitted electronically, the phrase “sealed bids” shall mean bids that are retained or otherwise maintained in a separate section of software or other electronic device or program of any description or nature utilized and approved by the Authority and not accessed or opened by the Authority until the stated bid opening time as determined by the Authority.

### **19:2-7.3 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 procedures outlined in the Authority's Purchasing Manual 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 related Department Director 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 solicited by the Authority must be submitted in accordance with applicable instructions on or before the time fixed for the public opening.
2. All bids must be properly signed and executed for paper bids and certified for electronic bids.
3. Any correction of an entry made on a quotation form submitted as a traditional paper copy should be initialed by a duly authorized representative of the bidder.
4. Bidders may withdraw, or withdraw and resubmit, bids at any time up to 15 minutes prior to the public opening as long as the resubmitted bid fulfills all requirements applicable to the initial bid. Traditional paper 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 90 calendar days of the public opening. If an award is not made within 90 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 the Authority must be submitted in accordance with the Authority's Standard Specifications or the specific provisions of each bid or proposal specifications or contract documents before the time fixed for the public opening. Any bids received by mail after the bidding has been closed shall be returned unopened.
2. 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.

3. 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.
4. Simultaneously with the public reading of the bids, the bids shall be recorded in writing or electronically. A copy of the summary shall be forwarded to the related Department Director and the Executive Director will make an award recommendation to the Board of Commissioners for their action thereon.

(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 10 percent of the bid, but may not exceed \$20,000. In the event that the Authority deems necessary a higher bid guarantee, such amount shall be mutually agreed upon by the Director of Finance and the Director of Engineering. The form and amount thereof shall be set forth or specified in the bid specifications.
2. For Federal Aviation Administration (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 submitted in the form of a check, 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 an emergency exists include:

1. When the Commissioners deem that the health, welfare, safety, or protection of the public or 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.

#### **19:2-7.4 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 less than the bid threshold, but 15 percent or more of that amount, the Authority shall award the contract after soliciting at least two competitive quotations, if practicable. The award shall be made to the vendor whose response is most advantageous, price and other factors considered.

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

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

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

(e) 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 at N.J.A.C. 19:2-7.2

#### **19:2-7.5 Limited Purchase Orders/Purchase Cards**

(a) Purchases of goods and services of a value not exceeding \$2,500 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 not exceeding \$2,500 must be authorized in writing by the Executive Director or his or her authorized designee under procedures promulgated by the Director of Finance.

(c) In the event of an exigency or emergency declared by the Executive Director or his or her designee, the purchase cards may be used to procure goods and services as needed to protect the health, welfare, and safety of the public. Such values will be authorized by the Executive Director or his or her designee.

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

#### **19:2-7.6 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 Department 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.

#### **19:2-7.7 Purchases Under New Jersey State Contracts Or In Combination With The State Or Other Agency Contracts**

(a) When it is deemed advisable and in the best interest of the Authority, the manager of purchasing or his or her 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 or other State or multi-state authorities or agencies of 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.

(b) When it is determined to be proper and in the best interests of the Authority, the Authority may contract with and purchase by public bid procedure, services, equipment, goods, materials, and supplies, in combination with the requirements of the State of New Jersey or other State or multi-state authorities or agencies.

(c) When it is determined to be proper and in the best interest of the Authority, the Authority may determine, by public bid procedure, the best price for the purchase of services, equipment, goods, materials, and supplies. If that price is lower than the price that the State of New Jersey or other State or multi-state authorities or agencies of the State of New Jersey have obtained through public bidding, the Authority may separately award such contract. If it is determined that the price by public bid procedure is not lower than that obtained through a public bid process by the State of New Jersey or other State or multi-state authorities or agencies, the Authority may contract with the vendors holding contracts with these entities.

#### **19:2-7.8 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 South Jersey Transportation Authority 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.

#### **19:2-7.9 Towing Services**

(a) Pursuant to N.J.A.C. 19:2-7.2, 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.

#### **19:2–7.10 Procedure to resolve protested solicitations and awards**

(a) Any actual or prospective bidder, proposer, or contractor who is aggrieved in connection with the solicitation or award of a contract or its prequalification status or classification may protest to the Authority. The protest shall be submitted, in writing, within five days after such an aggrieved person knows, or should have known, of the facts giving rise thereto. Failure to file a timely protest shall bar any further action. The written protest shall set forth in detail, the facts upon which the protestant bases its protest.

(b) Upon the filing of a timely protest, the Executive Director, or his or her designee, shall have the authority, but not the obligation, to conduct a hearing, to settle and resolve a protest of an aggrieved bidder, proposer, or contractor concerning the solicitation or award of a contract or its prequalification status or classification, with the Executive Director retaining authority for the final decision of the Authority. Any such hearing may be conducted on written submissions, or through an in-person informal conference, as determined in the discretion of the Executive Director, or his or her designee, as deemed necessary based upon the nature of the protest.

(c) If the protest is not resolved by mutual agreement, the Executive Director, or his or her designee, shall promptly issue a written decision. The decision shall state the determination made and reasons for the action taken. The decision shall be mailed or furnished promptly to the protestant and any other interested party.

(d) A decision pursuant to (c) above shall be final and conclusive, unless any person adversely affected by the decision commences an action in court.

(e) In the event of a timely protest pursuant to (a) above, the Authority shall not proceed further with the solicitation, or with the award of the contract until the decision is rendered pursuant to (c) above, or until the Executive Director, or his or her designee, after consultation with the Director of Procurement or Chief Engineer, makes a written determination that the continued solicitation or award of the contract without delay is necessary to protect the interest of the Authority or the public.

#### **19:2–7.11 Causes for debarment**

(a) In the interest of the public, the Authority may debar a person for any of the following reasons:

1. Commission of a criminal offense as an indictment to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;
2. Violations of the Federal Organized Crime Control Act of 1970, Pub. L. 91-452, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack

of business integrity or honesty;

3. Violation of Federal or State antitrust statutes, or the Federal Anti-Kickback Acts (18 U.S.C. § 874 and 40 U.S.C. § 276b and c);
  4. Violations of any of the law governing the conduct of elections of the Federal government, State of New Jersey, or of its political subdivision;
  5. Violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., or of the act banning discrimination in public works employment, N.J.S.A. 10:2-1 et seq., or of the act prohibiting discrimination by industries engaged in defense work in the employment of persons therein, N.J.S.A. 10:1-10 et seq.;
  6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, child labor, or other labor standards;
  7. Violation of any laws governing the conduct of occupations or professions or regulated industries;
  8. Violation of any environmental laws;
  9. Violation of any other laws, the violation of which may demonstrate a lack of moral integrity, or actions, which, in the reasonable opinion of the Authority, which would shed doubt on the moral integrity of the person;
  10. Willful failure to perform in accordance with contract specifications or within contractual time limits;
  11. A record of failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred;
  12. Violation of a contractual or statutory provision regulating contingent fees;
  13. Any other cause affecting the responsibility as a contract of such serious and compelling nature as may be determined by the Authority to warrant debarment, including such conduct as may be prescribed by law or contracts enumerated in this section, even if such conduct has not been or may not be prosecuted as violations of such laws or contracts; or
  14. Debarment by an agency, authority, or commission of the State of New Jersey or of the United States or a final determination by any such agency, authority, or commission that such person has committed an act demonstrating a lack of moral integrity.
- (b) In the public interest, the Authority may debar a vendor for violation of any of the following prohibitions or vendor activities or for breach of any of the following affirmative obligations:
1. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined at N.J.S.A. 52:13D-13.b and e, to any officer or employee of the Authority or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined at N.J.S.A. 52:13D-13.i, of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13.g.

2. The solicitation of any fee, commission, compensation, gift, gratuity, or other thing of value by a State officer or employee, special State officer or employee, or Authority officer or employee from any vendor shall be reported, in writing, forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
3. Unless a waiver has been granted in accordance with (b)4 below, no vendor may, directly or indirectly, undertake any private business, commercial, or entrepreneurial relationship with, whether or not pursuant to employment, contract, or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee, special State officer or employee, or Authority officer or employee having any duties or responsibilities in connection with the purchase, acquisition, or sale of any property or services by or to any State agency, or any instrumentality thereof, or with any person, firm, or entity with which he or she is employed or associated or in which he or she has an interest within the meaning at N.J.S.A. 52:13D-13.g.
4. Any relationship subject to the provisions at (b)3 above shall be reported, in writing, forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee, special State officer or employee, or Authority officer or employee, upon a finding that the present or proposed relationship does not present the potential, actual, or appearance of a conflict of interest.
5. No vendor shall influence, attempt to influence, or cause to be influenced, any State officer or employee, special State officer or employee, or Authority officer or employee in his or her official capacity of any manner that might tend to impair the objectivity or independence of judgment of said officer or employee.
6. No vendor shall cause or influence, or attempt to cause or influence, any State officer, special State officer or employee, or Authority officer or employee to use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for the vendor or any other person.

#### **19:2–7.12 Conditions affecting debarment**

- (a) The following conditions shall apply concerning debarment:
  1. Debarment shall be made only upon approval of the Board, except as otherwise provided by law.
  2. The existence of any of the causes set forth in N.J.A.C. 19:2-7.11 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Board, unless otherwise required by law, and shall be rendered in the best interests of the Authority.
  3. All mitigating factors shall be considered in deterring the seriousness of the offense, failure, or inadequacy of performance and in deciding whether debarment is warranted.
  4. The existence of a cause set forth in N.J.A.C. 19:2-7.11(a)1 through 8 shall be established upon the rendering of a final judgment or conviction, including, but not limited to, a guilty plea or plea of *nolo contendere* by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.
  5. The existence of a cause set forth in N.J.A.C. 19:2-7.11(a)9, 10, 11, and 12 shall be established by evidence that the Authority determines to be clear and convincing in nature.
  6. Debarment for the cause set forth at N.J.A.C. 19:2-7.11(a)13 shall be proper; provided that one of the causes set forth at N.J.A.C. 19:2-7.11(a)1 through 12 or (b), or an equivalent cause within

the jurisdiction of the original debaring agency or governmental entity, was the basis for debarment by the original debaring agency or governmental entity. Such debarment may be based entirely on the record of facts obtained by the original debaring agency, or upon a combination of such facts and additional facts deduced by the Authority.

### **19:2–7.13 Procedures, periods of debarment, and scope of debarment**

(a) When the Authority seeks to debar a person or his or her affiliates, the Authority shall furnish such party with a written notice stating:

1. That debarment is being considered;
2. The reasons for the proposed debarment; and
3. That such party will be afforded an opportunity for a hearing before the Authority if he or she requests within 14 days from the date of personal delivery or 17 days from the date of mailing such notice by the Authority. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) Notwithstanding the requirements set forth at (a) above, where another department or agency of the State of New Jersey has imposed debarment upon a party, the Authority may also impose a similar debarment without affording an opportunity for a hearing; provided that the Authority furnishes notice of the proposed similar debarment to the party, and affords that party an opportunity to present information on his or her behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

(c) Debarment shall be for a reasonable, finite period of time, which shall not exceed an initial period of five years. If the Authority determines, in its discretion, that after the expiration of the initial period of debarment an additional period of debarment is warranted, such additional debarment period shall be permitted; provided that notice thereof is furnished and the party is afforded an opportunity to contest the proposed further debarment in accordance with the procedures set forth in (a) above. Such additional period of debarment shall be for a reasonable, finite period of time, which shall not exceed five years.

(d) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the Authority upon the submission of a good faith application under oath, supported by documentary evidence setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management, or control, or the elimination of the cause(s) for which the debarment was imposed.

(e) A debarment may include all known affiliates of a person; provided that each decision to include an affiliate is made on a case-by-case basis after providing that affiliate with an opportunity to contest such proposed debarment in accordance with the procedure set forth at (a) above.

### **19:2–7.14 Causes for suspension**

In the public interest, the Authority may suspend a person for any causes specified in N.J.A.C. 19:2-7.11 or upon reasonable suspicion that such cause exists.

### **19:2–7.15 Conditions for suspension**

(a) The following conditions concerning suspension are to be adhered to:

1. Suspension shall be imposed only upon approval of the Board of Commissioners of the Authority;

2. The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Authority and shall be rendered in the best interest of the Authority;
3. Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists. In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence that is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts;
4. Reasonable suspicion of the existence of cause described in N.J.A.C. 19:2-7.1(a)(1) through 8 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur; and
5. A suspension invoked by another agency or authority or commission of the State of New Jersey or of the United States for any of the causes described in N.J.A.C. 19:2-7.11 may be the basis for the imposition of a concurrent suspension by the Authority.

#### **19:2-7.16 Procedures, period of suspension, and scope of suspension**

(a) The Authority may suspend a person, or his or her affiliates, provided that within 10 days after the effective date of the suspension, the Authority provides such party with a written notice stating:

1. That a suspension has been imposed and its effective date;
2. The reasons for the suspension;
3. That suspension is for a temporary period, pending the completion of an investigation and such legal proceedings; and
4. That if such legal proceedings are not commenced or the suspension is not removed within 60 days of the date of such notice from the Authority, the party will be given a statement of the reasons for the continuation of the suspension and an opportunity for a hearing before the Authority conducted in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and 54:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) A suspension pursuant to (a) above shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless a debarment action has been commenced. Whenever prosecution or a debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

(c) A suspension may include all known affiliates of a person; provided that each decision to include an affiliate is made on a case-by-case basis after giving due regard to all relevant facts and circumstances and after providing such affiliate(s) an opportunity for a hearing before the Authority.

#### **19:2-7.17 Extent of debarment or suspension**

- (a) The exclusion from contracting by virtue of debarment or suspension shall extend to all contracting and subcontracting within the control or jurisdiction of the Authority, including, but not limited to, any contracts that utilize Authority funds. When it is determined by the Authority to be essential to the public interest, an exception from total exclusion may be made with respect to a particular contract.
- (b) After the opening of bids or receipt of proposals, the contracting officer shall review the list of persons debarred or suspended. Bids received from debarred or suspended persons in response to an

invitation for bids shall be rejected unless the Authority determines that there is a compelling reason to consider the bid.

- (c) Proposals, quotations, or offers received from any debarred or suspended person shall not be evaluated for award, nor shall discussions be conducted with a debarred or suspended person, unless the Authority determines that there is a compelling reason to do so. If the period of ineligibility expires or is terminated after bid opening but prior to the award, the contracting officer may, but is not required, to consider such proposals, quotations, or offers.

#### **19:2-7.18 Disqualification of a person as a bidder**

(a) The Authority reserves the right to disqualify or refuse to receive a proposal from a prospective bidder even though the prospective bidder is prequalified, and even though the prospective bidder has not been debarred or suspended, or reject a proposal after having received same for any of the following reasons:

1. Lack of competency or lack of adequate machinery, plant, or other equipment;
2. Uncompleted work which, in the judgment of the Authority, might hinder or prevent the prompt completion of additional work, if awarded;
3. Failure to pay, or satisfactorily settle, all bills due for labor, equipment, or material on previous contracts;
4. Failure to comply with any prequalification requirements, bid specifications or rules of the Authority;
5. Default under any previous contract;
6. Unsatisfactory performance on previous or current contracts;
7. Questionable moral integrity as determined by the Attorney General of New Jersey or the Authority;
8. Failure to reimburse the Authority for monies owed on any previously awarded contracts including, but not limited to, those where the prospective bidder is a party to a joint venture and the joint venture has failed to reimburse the Authority for monies owed;
9. Submission of false information to the Authority in connection with the proposal or any other contract; or
10. Any cause specified in N.J.A.C. 19:2-10.2 or upon reasonable suspicion that such cause exists.

#### **19:2-7.19 Lists of other agencies**

Notwithstanding the failure of the Authority to debar, suspend, or disqualify any person pursuant to this subchapter, whenever the Authority participates in any program or project financed, issued, or guaranteed by any department, agency, or instrumentality of the State of New Jersey or the United States government, it may rely on any list of persons suspended or debarred by such agency, department, or instrumentality and prevent the listed person from participating in that program or project.

#### **19:2-7.20 Discretion**

Nothing in this subchapter shall be construed to limit the authority of the Authority to refrain from contracting within the discretion allowed by law.

#### **19:2-7.21 Prequalification 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 that are not subject to N.J.A.C. 19:7. The Authority may choose to apply this section to contracts below the public bidding threshold as set forth at N.J.S.A. 27:25A-8 in 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, rule, or executive order, or if an emergency has been declared by the Executive Director. 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 in this subchapter 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.

"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 over \$2,000,000.

"Consultant Review Committee" means the committee assigned to review a contract for professional architectural, engineering, and land surveying services, which shall include the Director and other such members designated by the Director and approved by the Executive Director.

"Director" means either the Chief Engineer or Director of Operations, depending on whether the contract emanates from the Engineering Department or Operations Department.

"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, joint venture 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, but not limited to, planning, design, 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 the 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.

"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 \$2,000,000 or less. Simple projects include, but are not limited to, bridge inspection projects, supervision of construction projects, and highway and bridge design projects with an estimated fee of \$2,000,000 or less.

(b) 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 each type of work for which the firm desires prequalification. All PSPQs shall include 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 when such change occurs. A firm shall have a current PSPQ on file with the Authority on the date of the EOI submittal 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 solicitation and/or advertisement shall be as follows:

1. A Request for EOIs shall be advertised in an appropriate newspaper or journal, having a large circulation in the State and/or advertised on the Authority's website, or through other electronic means. Such advertisements shall be published not less than seven calendar days preceding the date upon which the EOIs are to be received. The Request for EOIs 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 Request for EOIs, the number of firms that the Authority intends to engage shall be identified in the Request for 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 the Request for EOIs for the general consultant contract. Firms that meet such criteria shall be sent the Request for EOIs.

(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 that are incomplete. The Authority shall notify all firms, in writing, whose EOIs are determined to be incomplete. For all projects, if fewer than three EOIs are deemed complete, the EOI solicitation may be rewritten and/or re-solicited, or the procurement may continue with fewer than three firms, as determined by the Executive Director, in consultation with the Director;

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;

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 (RFPs) for the project. If only three or four EOIs have been deemed complete by the Authority, these firms shall receive the RFP and the Consultant 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 Consultant Review Committee for review as set forth at (e)4 below;

4. The EOIs shall be ranked by the Consultant 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 Request for EOIs. In ranking the EOIs, the Consultant Review Committee may consider criteria included in the Request for EOIs, including, but not limited to:

- i. Experience of the firm on similar projects;
- ii. Experience of the project manager or resident engineer on similar projects;
- iii. Key personnel's qualifications and relevant experience;

- iv. Understanding of the project and the Authority's needs;
- v. Approach to the project;
- vi. Commitment and ability to perform the proposed work and outstanding work with the Authority;
- vii. Commitment to quality management;
- viii. Attainment of Small Business Enterprise goals; and
- ix. Any other factors specified in the Authority's EOI solicitation;

5. For simple projects, once the Consultant 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 Director, 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 at (g) below. If a particular simple project warrants, the Director may elect to issue an RFP and the selection process 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; and

7. When the Authority is seeking to engage more than one firm through a single solicitation of EOIs, following the Consultant 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 Consultant 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 reissue the Request for EOIs, in whole or in part. The Consultant Review Committee shall negotiate with firms in the same manner as described at (g) below.

(f) Requests 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 Consultant Review Committee shall evaluate the technical proposals submitted to the Authority. The Consultant Review Committee shall rank the technical proposals on the basis of numerical scores using the rating criteria 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; and

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

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

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

2. Once the selections are approved, the selected firms' fee proposals will be reviewed by the Consultant Review Committee. The Executive Director may add one or more persons to the Consultant Review Committee to assist in the negotiation process. Using all fee proposals and the engineer's estimate as a guideline, the Consultant Review Committee shall negotiate a fair and reasonable fee with the highest technically 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 Consultant Review Committee is unable to negotiate a fair and reasonable fee with the highest technically ranked firm, it shall formally terminate negotiations and undertake negotiations with the second highest technically ranked firm. Failing accord with the second highest technically ranked firm, the Consultant Review Committee shall formally terminate negotiations and undertake negotiations with the third highest technically ranked firm. If the Consultant Review Committee is unable to negotiate successfully with any of the three highest technically 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 in this section until an agreement is reached. The Executive Director, upon consultation with the Director, may direct the Consultant Review Committee to re-solicit the contract. Once a final fee is agreed upon, the Consultant Review Committee shall make its recommendation to the Director;

3. The Consultant Review Committee in consultation with the Director shall prepare a written report outlining its recommendations and activities in reviewing, negotiating, and selecting the recommended firm. The Director shall submit the Consultant Review Committee's report to the Executive Director;

4. If the Executive Director concurs with the recommendation, the Executive Director shall recommend to the Board, in writing, that the firm be issued an Order for Professional Service; and

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

- i. Instruct the Consultant Review Committee to submit further support for its recommendation;
- ii. Direct the Consultant Review Committee to re-negotiate the fee; or
- iii. Instruct the Director to re-solicit the contract.

## **SUBCHAPTER 8. 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.

**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, c.59. Upon receipt of the Advisory and Payment Request, the owner of the violating vehicle shall pay to the Authority or its agent, the proper toll and an administrative fee of \$50.00 per violation. If the owner fails to pay the required toll and fee within 60 days of the date on which the Advisory and Payment Request was sent, the owner shall be subject to penalties as prescribed in N.J.A.C. 19:2-8.3. The Authority or its agent may cause additional Advisory and Payment Requests to be issued in regard to an unresolved violation.

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

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

(e) If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. If an owner receives an Advisory and Payment Request pursuant to this section for any time period during which the vehicle was stolen, but not as yet reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section that the vehicle was reported stolen within two hours after the discovery of the theft by the owner. For purposes of asserting

that the vehicle was stolen, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent first class mail to the Authority or its agent at the address specified on the Advisory and Payment Request.

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

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

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

#### 19:2-8.3 Penalties

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

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

#### 19:2-8.4 Electronic Toll Collection Monitoring System; Non-Toll Operations

The Authority may facilitate the use of the electronic toll collection monitoring system as a payment option for non-toll operations, such as in parking facilities. The Authority will charge an administrative fee of \$0.05 for the facilitation of this service.

### SUBCHAPTER 9. HIGHWAY ACCESS AND OCCUPANCY 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 submission of an access or occupancy permit application, the Authority shall:
1. Review the plan and offer guidance regarding the application and review process for the particular project;
  2. Determine the form of property right necessary to effectuate the long-term entries of the Authority;
  3. Review detailed plans and other work-related documents and provide comments and guidance;
  4. Perform any field inspections the Authority deems necessary for a particular project;
  5. 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;
  6. Periodically inspect ongoing work to assure compliance with the permit granted; and
  7. 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 non-refundable 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; and
- iii. Slow downs-\$75.00 per set-up.

(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.
- 2. Specialized fees do not include services or equipment provided by the Authority.

(c) Escrow may be collected, as determined by the Director of Engineering, on a case-by-case basis prior to the issuance of an access or occupancy permit. Escrow fees will be calculated and based on an applicant's proposed project schedule as follows:

- 1. New Jersey State Police presence for lane / shoulder closures may be collected and charged on a per-hour basis to include a New Jersey State Police trooper and vehicle.
- 2. Inspection fees may be collected if, in the opinion of the Director of Engineering, it is necessary to utilize the services of an Authority-approved consultant to perform resident engineer and/or inspection services to ensure the Authority's best interests are maintained during the course of work being performed pursuant to an access or occupancy permit.

#### **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. 19:2-9.3(a).

#### **19:2-9.5 Unauthorized installations**

Anyone performing work upon the Roadway or Authority property without the access or occupancy permit required pursuant to N.J.A.C. 19:2-9.3 shall stop work immediately when so ordered by Authority staff. The Authority shall inspect all work performed on the Roadway 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 Roadway or Authority property shall pay a \$5,000 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. 19:2-9.3 shall also apply. All fees shall be nonrefundable.

#### **19:2-9.6 Waiver**

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

#### **19:2-9.7 (Repealed)**

**END OF DOCUMENT**