

# ASSEMBLY, No. 3811

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 2, 2022

**Sponsored by:**

**Assemblyman WILLIAM F. MOEN, JR.**

**District 5 (Camden and Gloucester)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblymen Thomson and Spearman**

**SYNOPSIS**

Requires geotechnical testing and certain monitoring of transportation projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/22/2022)**

1 AN ACT concerning certain testing and monitoring of transportation  
2 capital projects and supplementing Title 27 of the Revised  
3 Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. a. Notwithstanding any law, rule, or regulation to the  
9 contrary, for any transportation project funded in whole or in part  
10 by State resources, including those of the Transportation Trust Fund  
11 Authority, a geotechnical engineer shall provide expert  
12 recommendations during the final design phase of the transportation  
13 project concerning the type and frequency of geotechnical testing,  
14 including subsequent monitoring as needed, that shall be required  
15 for such transportation project. The recommendations of the  
16 geotechnical engineer shall be based upon the type of transportation  
17 project and the site conditions of such project. The recommended  
18 type and frequency of testing made by a geotechnical engineer  
19 pursuant to this subsection shall be included as a requirement in the  
20 construction contracts for the transportation project. During the  
21 construction phase of the transportation project, all geotechnical  
22 testing recommended by the geotechnical engineer, including the  
23 frequency of testing, shall be completed.

24 b. Primary construction of a transportation project that is funded  
25 in whole or in part by State resources, including those of the  
26 Transportation Trust Fund Authority, which requires groundwater  
27 testing at the project site, shall not commence unless the  
28 groundwater test occurred within 180 days of the start of primary  
29 construction. Groundwater monitoring shall continue, thereafter, if  
30 the site conditions of the transportation project warrant more  
31 frequent groundwater testing, as determined by the geotechnical  
32 engineer.

33 c. During primary construction of each transportation project  
34 funded in whole or in part by State resources, including those of the  
35 Transportation Trust Fund Authority, and for a period of time after  
36 construction is complete, as determined by the Commissioner of  
37 Transportation, data concerning the shifting and settling of the  
38 transportation project shall be collected and any shifting and  
39 settling of the transportation project shall be monitored. The data  
40 collected shall be compared against the levels of shifting and  
41 settling deemed acceptable by the design documents of the  
42 transportation project. If the shifting and settling exceeds the limits  
43 deemed acceptable by the design documents, advanced monitoring  
44 of the shifting and settling of the transportation project shall be  
45 completed, as determined by the Commissioner of Transportation.

46 d. The Department of Transportation shall comply with all  
47 internal standards, manuals, procedures, and design documents and  
48 shall not waive any of the standards and procedures provided in

1 these documents, including the standards and procedures that relate  
2 to subsurface data.

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4 2. This act shall take effect 180 days following the date of  
5 enactment.

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STATEMENT

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10 This bill requires a geotechnical engineer to provide expert  
11 recommendations concerning the type and frequency of  
12 geotechnical tests needed for transportation projects funded in  
13 whole or in part by State resources. The recommended testing and  
14 frequency of testing is to be included in the construction contracts  
15 of the project and are to be completed during the construction phase  
16 of the project.

17 The bill requires a groundwater test to have occurred within 180  
18 days of the date primary construction begins for any transportation  
19 project that requires groundwater testing at the project site.  
20 Thereafter, the bill also requires ongoing groundwater monitoring if  
21 the site conditions warrant more frequent testing, as determined by  
22 the geotechnical engineer.

23 Under the bill, data is to be collected concerning the shifting and  
24 settling of the transportation project. The shifting and settling is to  
25 be monitored and compared against the levels of shifting and  
26 settling deemed acceptable by the project's design documents. If  
27 the shifting and settling is greater than that deemed acceptable by  
28 the design documents, advanced monitoring is to be completed, as  
29 determined by the Commissioner of Transportation.

30 The bill requires the Department of Transportation to comply  
31 with all internal standards, manuals, procedures, and design  
32 documents and the department is prohibited from waiving any of  
33 the standards and procedures provided in these documents.