

[Second Reprint]

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)

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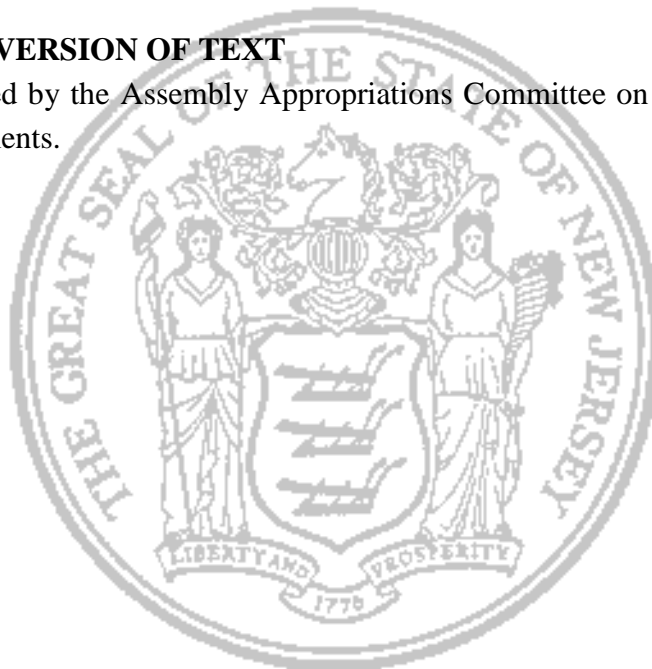
Assemblymen Thomson, Spearman and Assemblywoman Lampitt

SYNOPSIS

Requires geotechnical testing and certain monitoring of transportation projects.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 22, 2023, with amendments.



(Sponsorship Updated As Of: 6/26/2023)

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 contrary,
9 for any ²major² transportation project ²**[funded in whole or in part by**
10 State resources, including those of the Transportation Trust Fund
11 Authority]², a geotechnical engineer shall provide expert
12 recommendations during the final design phase of the ²major²
13 transportation project concerning the type and frequency of
14 geotechnical testing, including subsequent monitoring as needed, that
15 shall be required for such ²major² transportation project. The
16 recommendations of the geotechnical engineer shall be based upon the
17 type of ²major² transportation project and the site conditions of such
18 project. The recommended type and frequency of testing made by a
19 geotechnical engineer pursuant to this subsection shall be included as a
20 requirement in the construction contracts for the ²major² transportation
21 project. During the construction phase of the ²major² transportation
22 project, all geotechnical testing recommended by the geotechnical
23 engineer, including the frequency of testing, shall be completed. ²A
24 geotechnical engineer shall be retained by the entity that solicits bids
25 for a major transportation project.²

26 b. Primary construction of a ²major² transportation project ²**[that**
27 is funded in whole or in part by State resources, including those of the
28 Transportation Trust Fund Authority]², which requires groundwater
29 testing at the project site, shall not commence unless the groundwater
30 test occurred within 180 days of the start of primary construction.
31 Groundwater monitoring shall continue, thereafter, if the site
32 conditions of the ²major² transportation project warrant more frequent
33 groundwater testing, as determined by the geotechnical engineer.

34 c. During primary construction of each ²major² transportation
35 project ²**[funded in whole or in part by State resources, including**
36 those of the Transportation Trust Fund Authority,**]² and for a period of**
37 time after construction is complete, as determined by the
38 Commissioner of Transportation, data concerning the shifting and
39 settling of the ²major² transportation project shall be collected and any
40 shifting and settling of the ²major² transportation project shall be
41 monitored. The data collected shall be compared against the levels of
42 shifting and settling deemed acceptable by the design documents of the
43 ²major² transportation project. If the shifting and settling exceeds the
44 limits deemed acceptable by the design documents, advanced

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted September 22, 2022.

²Assembly AAP committee amendments adopted June 22, 2023.

1 monitoring of the shifting and settling of the ²major² transportation
2 project shall be completed, as determined by the Commissioner of
3 Transportation.

4 d. The Department of Transportation shall comply with all internal
5 standards, manuals, procedures, and design documents and shall not
6 waive any of the standards and procedures provided in these
7 documents, including the standards and procedures that relate to
8 subsurface data.

9 ¹e. Nothing in this section shall be construed to circumvent or
10 supersede existing professional practice laws.¹

11 ²f. As used in this section, “major transportation project” means a
12 transportation project that is funded in whole or in part by State
13 resources, including those of the Transportation Trust Fund Authority,
14 and that has an estimated project completion date not less than three
15 years after the date on which the final design phase of the project
16 commenced.²

17
18 2. This act shall take effect 180 days following the date of
19 enactment.