

CHAPTER 28

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

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

C.27:1B-22.7 Certain testing, monitoring for transportation projects.

1. a. Notwithstanding any law, rule, or regulation to the contrary, a geotechnical engineer shall be utilized by the entity that solicits bids for a transportation project, when the structure and site condition of the transportation project requires geotechnical testing. A geotechnical engineer shall provide recommendations during the design phase of the transportation project concerning the type and frequency of geotechnical testing for such transportation project. The recommendations of the geotechnical engineer shall be based upon the type of transportation project, the structure, and the site conditions of such project. During the construction phase of the transportation project, all geotechnical testing recommended by a geotechnical engineer, including the frequency of testing, shall be completed, unless otherwise exempted by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer.

b. Notwithstanding any law, rule, or regulation to the contrary, the construction of a transportation project, which requires groundwater testing and monitoring at the project site, may not commence unless groundwater testing and monitoring has occurred prior to the start of construction. Groundwater testing and monitoring shall continue, thereafter, if the site conditions of the transportation project warrant more frequent groundwater testing and monitoring, as determined by a geotechnical engineer, geologist, or the entity that solicits bids for the transportation project. The groundwater testing and monitoring data shall not exceed five years from the start of the construction phase of the project.

c. If a geotechnical engineer or the entity that solicits bids for the transportation project determines that deformation monitoring is required for a certain structure on a transportation project, then deformation data shall be collected and compared against the deformation deemed acceptable by a geotechnical engineer. If the deformation exceeds the limits deemed acceptable, advanced monitoring of the deformation shall be implemented and continue for a period of time after the construction of the transportation project is complete, as determined by a geotechnical engineer or the entity that solicits bids for the transportation project.

d. The Department of Transportation shall comply with all internal standards, manuals, procedures, and design documents and shall not waive any of the standards and procedures provided in these documents, including the standards and procedures that relate to subsurface data, unless otherwise approved by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer.

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

f. This act shall not apply to transportation projects that surpassed the concept development phase, the selection of a preferred alternative, or an equivalent milestone since the enactment of P.L.2025, c.28 (C.27:1B-22.7).

g. As used in this section, “transportation project” means a transportation project that is funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, which project’s structure and the site condition of the project require geotechnical testing, groundwater testing and monitoring, or deformation monitoring.

2. The Department of Transportation may promulgate such rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the provisions of P.L.2025, c.28 (C.27:1B-22.7).

3. This act shall take effect 180 days following the date of enactment.

Approved March 6, 2025.