ASSEMBLY, No. 3791

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman WILLIAM F. MOEN, JR.
District 5 (Camden and Gloucester)

SYNOPSIS

Requires DOT to compensate local government entities for contractual delay damages resulting from shutdown of transportation projects funded by Transportation Trust Fund; authorizes local government entities to use certain funds for transportation projects.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning local transportation aid, delay damages for construction contracts, and continuance or completion of certain transportation projects.

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

1. The Department of Transportation shall make payment on behalf of a local government entity, or provide full reimbursement to a local government entity, for any delay damages resulting from the issuance of Executive Order No. 210 of 2016 on any construction contract between a local government entity and a contractor funded, in whole or in part, from aid provided by the department, through grants or otherwise, pursuant to the aid programs established in section 25 of P.L.1984, c.73 (C.27:1B-25).

2. Notwithstanding the provisions of any law, rule, regulation, or executive order to the contrary, a local government entity may use its own funds in order to continue or complete a transportation project halted as a result of the issuance of Executive Order No. 210 of 2016. The Department of Transportation, and any other executive branch agency, shall not withhold, revoke, or otherwise cancel local aid provided by the department pursuant to the aid programs established in section 25 of P.L.1984, c.73 (C.27B:1-25), authorized as of the effective date of this act or authorized at some future date, due to the local government entity's decision to use its funds according to the provisions of this act.

3. This act shall take effect immediately.

STATEMENT

This bill requires the Department of Transportation (DOT) to compensate municipalities, counties, or other local government entities for delay damages on transportation projects supported through the local aid program, if those delay damages resulted from the shutdown of Transportation Trust Fund projects pursuant to Executive Order No. 210 of 2016 (executive order).

The bill also permits a local government entity to use its own funds to continue or complete a transportation project that was halted as a result of the executive order. The bill prohibits DOT or any other executive branch agency from withholding, revoking, or otherwise canceling certain local aid due to the local government entity's decision to use its funds to continue or complete the transportation project.