

SENATE, No. 1909

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

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.



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

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

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

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

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29 3. This act shall take effect immediately.

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32 **STATEMENT**

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

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