

ASSEMBLY, No. 3904

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

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District 4 (Atlantic, Camden and Gloucester)

Co-Sponsored by:

Assemblymen Bailey, Hutchison, Wimberly, Assemblywomen Lampitt and Speight

SYNOPSIS

Requires geotechnical testing and certain monitoring of transportation projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2024)

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 a geotechnical engineer shall be utilized by the entity that solicits bids
10 for a transportation project, when the structure and site condition of the
11 transportation project requires geotechnical testing. A geotechnical
12 engineer shall provide recommendations during the design phase of
13 the transportation project concerning the type and frequency of
14 geotechnical testing for such transportation project. The
15 recommendations of the geotechnical engineer shall be based upon the
16 type of transportation project, the structure, and the site conditions of
17 such project. During the construction phase of the transportation
18 project, all geotechnical testing recommended by a geotechnical
19 engineer, including the frequency of testing, shall be completed, unless
20 otherwise exempted by the State transportation engineer, a designee of
21 the State transportation engineer, or a person in an equivalent position
22 to the State transportation engineer.

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

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

44 d. The Department of Transportation shall comply with all
45 internal standards, manuals, procedures, and design documents and
46 shall not waive any of the standards and procedures provided in these
47 documents, including the standards and procedures that relate to
48 subsurface data, unless otherwise approved by the State transportation

1 engineer, a designee of the State transportation engineer, or a person in
2 an equivalent position to the State transportation engineer.

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

5 f. This act shall not apply to transportation projects that surpassed
6 the concept development phase, the selection of a preferred alternative,
7 or an equivalent milestone since the enactment of
8 P.L. , c. (C.) (pending before the Legislature as this bill).

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

15

16 2. The Department of Transportation may promulgate such rules
17 and regulations, pursuant to the “Administrative Procedure Act,”
18 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the
19 provisions of P.L. , c. (C.) (pending before the Legislature as
20 this bill).

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

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STATEMENT

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28 This bill requires a geotechnical engineer to provide
29 recommendations concerning the type and frequency of
30 geotechnical tests needed for transportation projects. These
31 recommendations will be based on the type of transportation
32 project, the structure, and the site conditions of such project. All
33 recommendations will be put into effect during the construction
34 phase of the transportation project, unless directed otherwise by the
35 State transportation engineer, a designee of the State transportation
36 engineer, or a person in an equivalent position to the State
37 transportation engineer. The geotechnical engineer is to be retained
38 by the entity that solicits bids for a transportation project.

39 Prior to the start of construction of a transportation project that
40 requires groundwater testing and monitoring, the bill requires the
41 completion of groundwater testing and monitoring at the project
42 site. Thereafter, if warranted by the site conditions, the bill also
43 requires ongoing groundwater testing and monitoring, determined
44 by a geotechnical engineer, geologist, or the entity that solicits bids
45 for a transportation project. Data from the groundwater testing and
46 monitoring is not to exceed three years from the start of
47 construction.

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1 In addition, if deemed necessary by a geotechnical engineer or
2 the entity that solicits bids for a transportation project, the bill
3 requires the collection and analysis of deformation data. If the
4 deformation exceeds the limits deemed acceptable by a geotechnical
5 engineer, then advanced and ongoing monitoring of the deformation
6 will commence for a period of time after construction is complete,
7 which period of time will be determined by the geotechnical
8 engineer or the entity that solicits bids for a transportation project.

9 The bill requires the Department of Transportation (department)
10 to comply with all internal standards, manuals, procedures, and
11 design documents, and the department is prohibited from waiving
12 any of the standards and procedures provided in these documents.