





P.L. 2025, CHAPTER 28, *approved March 6, 2025*  
Assembly, No. 3904 (*First Reprint*)

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  
9 contrary, a geotechnical engineer shall be utilized by the entity that  
10 solicits bids for a transportation project, when the structure and site  
11 condition of the transportation project requires geotechnical testing.  
12 A geotechnical engineer shall provide recommendations during the  
13 design phase of the transportation project concerning the type and  
14 frequency of geotechnical testing for such transportation project.  
15 The recommendations of the geotechnical engineer shall be based  
16 upon the type of transportation project, the structure, and the site  
17 conditions of such project. During the construction phase of the  
18 transportation project, all geotechnical testing recommended by a  
19 geotechnical engineer, including the frequency of testing, shall be  
20 completed, unless otherwise exempted by the State transportation  
21 engineer, a designee of the State transportation engineer, or a  
22 person in an equivalent position 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  
28 monitoring shall continue, thereafter, if the site conditions of the  
29 transportation project warrant more frequent groundwater testing  
30 and monitoring, as determined by a geotechnical engineer,  
31 geologist, or the entity that solicits bids for the transportation  
32 project. The groundwater testing and monitoring data shall not  
33 exceed <sup>1</sup>**three** five<sup>1</sup> years from the start of the construction phase  
34 of the project.

35 c. If a geotechnical engineer or the entity that solicits bids for  
36 the transportation project determines that deformation monitoring is  
37 required for a certain structure on a transportation project, then

**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:  
<sup>1</sup>Senate floor amendments adopted December 19, 2024.

1 deformation data shall be collected and compared against the  
2 deformation deemed acceptable by a geotechnical engineer. If the  
3 deformation exceeds the limits deemed acceptable, advanced  
4 monitoring of the deformation shall be implemented and continue  
5 for a period of time after the construction of the transportation  
6 project is complete, as determined by a geotechnical engineer or the  
7 entity that solicits bids for the transportation project.

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

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

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

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

29  
30 2. The Department of Transportation may promulgate such rules  
31 and regulations, pursuant to the “Administrative Procedure Act,”  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the  
33 provisions of P.L. , c. (C. ) (pending before the Legislature as  
34 this bill).

35  
36 3. This act shall take effect 180 days following the date of  
37 enactment.

38  
39  
40  
41  
42 Requires geotechnical testing and certain monitoring of  
43 transportation projects.

## 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.

P.L. 2025, CHAPTER 28

2

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.

**ASSEMBLY, No. 3904**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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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)**

**Assemblyman CODY D. MILLER**

**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).

21

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

24

25

26

#### STATEMENT

27

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.

**A3904 MOEN, SPEARMAN**

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.

[First Reprint]

**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)**

**Assemblyman CODY D. MILLER**

**District 4 (Atlantic, Camden and Gloucester)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

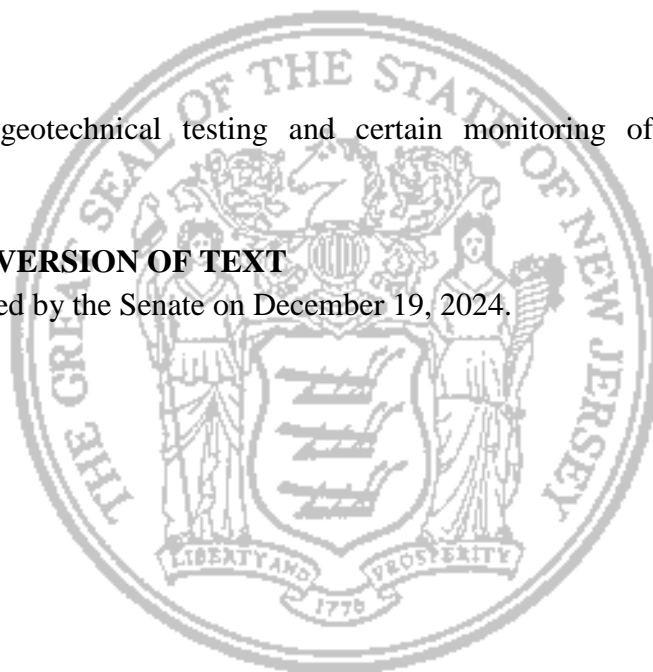
**Assemblymen Bailey, Hutchison, Wimberly, Assemblywomen Lampitt,  
Speight, Senators Moriarty, Burzichelli and Timberlake**

**SYNOPSIS**

Requires geotechnical testing and certain monitoring of transportation projects.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 19, 2024.



(Sponsorship Updated As Of: 1/30/2025)

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  
9 contrary, a geotechnical engineer shall be utilized by the entity that  
10 solicits bids for a transportation project, when the structure and site  
11 condition of the transportation project requires geotechnical testing.  
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13 design phase of the transportation project concerning the type and  
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16 upon the type of transportation project, the structure, and the site  
17 conditions of such project. During the construction phase of the  
18 transportation project, all geotechnical testing recommended by a  
19 geotechnical engineer, including the frequency of testing, shall be  
20 completed, unless otherwise exempted by the State transportation  
21 engineer, a designee of the State transportation engineer, or a  
22 person in an equivalent position 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  
28 monitoring shall continue, thereafter, if the site conditions of the  
29 transportation project warrant more frequent groundwater testing  
30 and monitoring, as determined by a geotechnical engineer,  
31 geologist, or the entity that solicits bids for the transportation  
32 project. The groundwater testing and monitoring data shall not  
33 exceed ~~three~~ five<sup>1</sup> years from the start of the construction phase  
34 of the project.

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

**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:

<sup>1</sup>Senate floor amendments adopted December 19, 2024.

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

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

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

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

22  
23 2. The Department of Transportation may promulgate such rules  
24 and regulations, pursuant to the “Administrative Procedure Act,”  
25 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the  
26 provisions of P.L. , c. (C. ) (pending before the Legislature as  
27 this bill).

28  
29 3. This act shall take effect 180 days following the date of  
30 enactment.

# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3904

# STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 3904.

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

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

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

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

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3904

# STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2024

The Senate Transportation Committee reports favorably Assembly Bill No. 3904.

As reported, this bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type of transportation project, the structure, and the site conditions of such project. All recommendations will be put into effect during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

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

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

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

As reported Assembly Bill No. 3904 is identical to Senate Bill No. 2954, which was also reported by the committee on this date.

STATEMENT TO  
**ASSEMBLY, No. 3904**

with Senate Floor Amendments  
(Proposed by Senator CRUZ-PEREZ)

ADOPTED: DECEMBER 19, 2024

These floor amendments provide that groundwater testing and monitoring data is not to exceed five years, rather than three years, from the start of the construction phase of the project.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3904**  
**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

DATED: JULY 2, 2024

**SUMMARY**

**Synopsis:** Requires geotechnical testing and certain monitoring of transportation projects.

**Type of Impact:** Annual increase in State expenditures; potential annual local expenditure and revenue increases.

**Agencies Affected:** Department of Transportation, counties, and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Potential Local Expenditure Increase</b>	Indeterminate
<b>Potential Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Service (OLS) concludes that the bill will result in increased annual expenses for the Department of Transportation, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.
- These requirements would apply to transportation projects that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the required testing and monitoring.

**BILL DESCRIPTION**

This bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type, structure, and site conditions of the transportation project. All recommendations will be implemented during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State

transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

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

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

The bill requires the department to comply with all internal standards, manuals, procedures, and design documents. The department is prohibited from waiving any of the standards and procedures provided in these documents except in certain circumstances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in increased annual expenses for the department, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.

These requirements would apply to transportation projects, that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the geotechnical testing and monitoring.

*Section:*            *Authorities, Utilities, Transportation and Communications*

*Analyst:*          *Michael D. Walker*  
                          *Assistant Fiscal Analyst*

*Approved:*        *Thomas Koenig*  
                          *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3904

### STATE OF NEW JERSEY 221st LEGISLATURE

DATED: FEBRUARY 3, 2025

#### SUMMARY

- Synopsis:** Requires geotechnical testing and certain monitoring of transportation projects.
- Type of Impact:** Annual increase in State expenditures; potential annual local expenditure and revenue increases.
- Agencies Affected:** Department of Transportation, counties, and municipalities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Potential Local Expenditure Increase</b>	Indeterminate
<b>Potential Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Service (OLS) concludes that the bill will result in increased annual expenses for the Department of Transportation, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.
- These requirements would apply to transportation projects that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the required testing and monitoring.

## **BILL DESCRIPTION**

This bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type, structure, and site conditions of the transportation project. All recommendations will be implemented during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

Prior to the start of construction of a transportation project that requires groundwater testing and monitoring, the bill requires the completion of groundwater testing and monitoring at the project site. Thereafter, if warranted by the site conditions, the bill also requires ongoing groundwater testing and monitoring, as determined by a geotechnical engineer, geologist, or the entity that solicits bids for a transportation project. Data from the groundwater testing and monitoring is not to exceed five years from the start of construction.

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

The bill requires the department to comply with all internal standards, manuals, procedures, and design documents. The department is prohibited from waiving any of the standards and procedures provided in these documents except in certain circumstances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in increased annual expenses for the department, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.

These requirements would apply to transportation projects, that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the geotechnical testing and monitoring.

FE to A3904 [1R]

3

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Michael D. Walker  
Associate Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 2954**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED MARCH 11, 2024

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**  
**District 5 (Camden and Gloucester)**  
**Senator JAMES BEACH**  
**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Moriarty, Burzichelli and Timberlake**

**SYNOPSIS**

Requires geotechnical testing and certain monitoring of transportation projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/21/2024)**

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).

21

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

24

25

26

STATEMENT

27

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.

**S2954 CRUZ-PEREZ**

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.

[First Reprint]

**SENATE, No. 2954**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED MARCH 11, 2024

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Moriarty, Burzichelli and Timberlake**

**SYNOPSIS**

Requires geotechnical testing and certain monitoring of transportation projects.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 19, 2024.



**(Sponsorship Updated As Of: 10/21/2024)**

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  
9 contrary, a geotechnical engineer shall be utilized by the entity that  
10 solicits bids for a transportation project, when the structure and site  
11 condition of the transportation project requires geotechnical testing.  
12 A geotechnical engineer shall provide recommendations during the  
13 design phase of the transportation project concerning the type and  
14 frequency of geotechnical testing for such transportation project.  
15 The recommendations of the geotechnical engineer shall be based  
16 upon the type of transportation project, the structure, and the site  
17 conditions of such project. During the construction phase of the  
18 transportation project, all geotechnical testing recommended by a  
19 geotechnical engineer, including the frequency of testing, shall be  
20 completed, unless otherwise exempted by the State transportation  
21 engineer, a designee of the State transportation engineer, or a  
22 person in an equivalent position 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  
28 monitoring shall continue, thereafter, if the site conditions of the  
29 transportation project warrant more frequent groundwater testing  
30 and monitoring, as determined by a geotechnical engineer,  
31 geologist, or the entity that solicits bids for the transportation  
32 project. The groundwater testing and monitoring data shall not  
33 exceed ~~three~~<sup>1</sup> five<sup>1</sup> years from the start of the construction phase  
34 of the project.

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

**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:

<sup>1</sup>Senate floor amendments adopted December 19, 2024.

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

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

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

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

22  
23 2. The Department of Transportation may promulgate such rules  
24 and regulations, pursuant to the “Administrative Procedure Act,”  
25 P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to effectuate the  
26 provisions of P.L. , c. (C. ) (pending before the Legislature as  
27 this bill).

28  
29 3. This act shall take effect 180 days following the date of  
30 enactment.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE, No. 2954

# STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2024

The Senate Transportation Committee reports favorably Senate Bill No. 2954.

As reported, this bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type of transportation project, the structure, and the site conditions of such project. All recommendations will be put into effect during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

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

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

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

As reported Senate Bill No. 2954 is identical to Assembly Bill No. 3904, which was also reported by the committee on this date.

STATEMENT TO  
**SENATE, No. 2954**

with Senate Floor Amendments  
(Proposed by Senator CRUZ-PEREZ)

ADOPTED: DECEMBER 19, 2024

These floor amendments provide that groundwater testing and monitoring data is not to exceed five years, rather than three years, from the start of the construction phase of the project.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2954**  
**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

DATED: NOVEMBER 27, 2024

**SUMMARY**

**Synopsis:** Requires geotechnical testing and certain monitoring of transportation projects.

**Type of Impact:** Annual increase in State expenditures; potential annual local expenditure and revenue increases.

**Agencies Affected:** Department of Transportation, counties, and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Potential Local Expenditure Increase</b>	Indeterminate
<b>Potential Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Service (OLS) concludes that the bill will result in increased annual expenses for the Department of Transportation, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.
- These requirements would apply to transportation projects that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the required testing and monitoring.

**BILL DESCRIPTION**

This bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type, structure, and site conditions of the transportation project. All

recommendations will be implemented during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

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

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

The bill requires the department to comply with all internal standards, manuals, procedures, and design documents. The department is prohibited from waiving any of the standards and procedures provided in these documents except in certain circumstances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in increased annual expenses for the department, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.

These requirements would apply to transportation projects, that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the geotechnical testing and monitoring.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Michael D. Walker  
Associate Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2954 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: FEBRUARY 3, 2025

### SUMMARY

- Synopsis:** Requires geotechnical testing and certain monitoring of transportation projects.
- Type of Impact:** Annual increase in State expenditures; potential annual local expenditure and revenue increases.
- Agencies Affected:** Department of Transportation, counties, and municipalities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Annual</u></b>
<b>State Expenditure Increase</b>	Indeterminate
<b>Potential Local Expenditure Increase</b>	Indeterminate
<b>Potential Local Revenue Increase</b>	Indeterminate

- The Office of Legislative Service (OLS) concludes that the bill will result in increased annual expenses for the Department of Transportation, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.
- These requirements would apply to transportation projects that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the required testing and monitoring.

### BILL DESCRIPTION

This bill requires a geotechnical engineer to provide recommendations concerning the type and frequency of geotechnical tests needed for transportation projects. These recommendations will be based on the type, structure, and site conditions of the transportation project. All

recommendations will be implemented during the construction phase of the transportation project, unless directed otherwise by the State transportation engineer, a designee of the State transportation engineer, or a person in an equivalent position to the State transportation engineer. The geotechnical engineer is to be retained by the entity that solicits bids for a transportation project.

Prior to the start of construction of a transportation project that requires groundwater testing and monitoring, the bill requires the completion of groundwater testing and monitoring at the project site. Thereafter, if warranted by the site conditions, the bill also requires ongoing groundwater testing and monitoring, as determined by a geotechnical engineer, geologist, or the entity that solicits bids for a transportation project. Data from the groundwater testing and monitoring is not to exceed five years from the start of construction.

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

The bill requires the department to comply with all internal standards, manuals, procedures, and design documents. The department is prohibited from waiving any of the standards and procedures provided in these documents except in certain circumstances.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the bill will result in increased annual expenses for the department, as well as certain counties and municipalities that sponsor transportation projects, in order to conduct the required ongoing geotechnical testing and monitoring for those transportation projects.

These requirements would apply to transportation projects, that are funded in whole or in part by State resources, including those of the Transportation Trust Fund Authority, and which project's structure and site condition require geotechnical testing, groundwater testing and monitoring, or deformation monitoring. Accordingly, the OLS notes that local government sponsors of transportation projects may receive State transportation funding through the Annual Transportation Capital Program for the geotechnical testing and monitoring.

*Section: Authorities, Utilities, Transportation and Communications*

*Analyst: Michael D. Walker  
Associate Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

03/6/2025

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-3825/A-4992 (Burzichelli, Testa/Bailey, McClellan, Hutchison)** - Provides project grant under “Securing Our Children’s Future Fund” for career and technical education expansion; appropriates \$7.65 million

**A-1672/S-1285 (Lampitt, Karabinchak, Hutchison/Beach, Mukherji)** - Makes disabled persons receiving disability payments pursuant to federal Railroad Retirement Act eligible to receive homestead property tax reimbursement

**A-3904/S-2954 (Moen, Spearman, Miller/Cruz-Perez, Beach)** - Requires geotechnical testing and certain monitoring of transportation projects

**A-4091/S-2874 (Speight, Sampson, Hall/Diegnan, Polistina)** - Expands services that can be provided by audiologists and hearing aid dispensers

**A-4684/S-3564 (Quijano, Park/Vitale, Turner)** - Removes certain limitations on recovery for victims of certain sexual offenses

**A-4707/S-3516 (Moen, Murphy, Pintor Marin/Scutari)** - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Camden in Camden County

**A-4757/S-3456 (Danielsen/Scutari)** - Permits amusement games licenses to be issued to certain nonprofit organizations

**A-4948/S-3819 (Lopez/Vitale)** - Allows unexpended balance of FY2024 appropriation for City of Perth Amboy – Convery Boulevard Pedestrian Bridge to be used by municipality for pedestrian safety infrastructure projects

**A-5116/S-4142 (Wimberly, Barlas/Scutari, Bucco)** - Revises design of primary election ballots and certain primary election procedures; provides for ballots to be arranged by office block; removes State committee members from primary process; requires reporting on primary elections by Division of Elections

**AJR-120/SJR-110 (Conaway/McKnight)** - Designates first full week of May of each year as “Tardive Dyskinesia Awareness Week” in NJ

Posted on: March 6, 2025

## **Moen's Bill Requiring Certain Testing & Monitoring of Transportation Projects Signed into Law**

*New law addresses failures that contributed to the 2021 wall collapse of the "Direct Connection" project in South Jersey*

(TRENTON, NJ) - Assemblyman [William F. Moen, Jr.](#) today announced that his bill [A3904](#), requiring new monitoring of transportation construction, has been signed into law by Governor Phil Murphy. The legislation specifically addresses the problems that led to [the wall collapse of the "Direct Connection" project](#) that occurred in March 2021.



"The collapse of the Direct Connection wall was a wake-up call," **said Assemblyman Moen (D-Camden, Gloucester)**. "Our standards for monitoring construction projects were not strong enough. This bill will ensure that engineers make safety recommendations and that they are followed. Fortunately, this construction failure did not lead to any injuries. However, it was costly and delayed the project. This new law will prevent other such failures around the state."

The Direct Connection project is a multiyear project to link Route 42, Interstate 295 and Interstate 676 at the interchange touching Bellmawr, Gloucester City and Mount Ephraim. Tens of thousands of vehicles travel through the construction zone each day. In 2021, a retaining wall collapsed due to multiple factors. At the time, that area of the project was not open to the public, and fortunately, there were no injuries.

An investigation concluded the factors leading to the collapse included the fact that the wrong type of sand was used to support the wall, and that the wall was built on land previously showing signs of instability. Heavy rains were also a factor.

Assemblyman Moen's bill aims to prevent such a failure from occurring again by requiring a geotechnical engineer to provide recommendations regarding the type and frequency of geotechnical tests needed for transportation projections. It will also, in some cases, require groundwater testing before construction begins, and ongoing testing if conditions are warranted.

Assemblymen [William W. Spearman](#) and [Cody D. Miller](#) also sponsored this legislation.