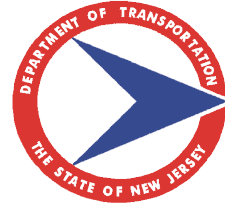*New Jersey Department of Transportation*
1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600

Baseline Document Change Announcement

Lane Occupancy Charges

BDC05S-05

June 27, 2005

SUBJECT: **Revision to Subsection 108.19 of the *2001 Standard Specifications* in both English and Metric units regarding Lane Occupancy Charges**

Subsection 108.19, Lane Occupancy Charges, has been revised to eliminate the 15-minute grace period and increase the ceiling of such charges from $5,000 to $10,000. Additionally, every 3 such occurrences and every 60 minutes of such delays will result into a deduction of one day each from the time allowed to substantially complete the work.

These changes are expected to minimize delays caused by the contractors in opening lanes at the end of the specified lane closure times.

A default rate of $10 per minute per lane is utilized unless otherwise set forth in the Special Provisions.

The following revision has been incorporated in both the English unit *Standard Input SI2001E1* and Metric unit *Standard Input SI2001M1* as of June 27, 2005.

This BDC supersedes BDC04S-18 regarding the above subject dated December 17, 2004.

SECTION 108 – PROSECUTION AND PROGRESS

108.19 Lane Occupancy Charges.
THE SECOND PARAGRAPH IS CHANGED TO:

Except as specifically excluded in the Special Provisions, a Lane Occupancy Charge will be collected by deducting the appropriate charge, calculated according to this Subsection, from the monthly estimate, whenever a lane or lanes are not promptly made available to the traveling public during the lane closure limits for the following reasons: equipment breakdowns; non-extreme weather related causes; late start of work; shortage of labor, materials, fuel, machinery or equipment or by reason of the Contractor's negligence or fault or that of its workers, employees, subcontractors or suppliers. This charge will be collected for that period of time each lane is unavailable to the traveling public beyond the lane closure limits. This charge will be calculated by multiplying the length of time of the delayed opening, in minutes, by the rate of $10 per minute per lane, unless otherwise set forth in the Special Provisions.

THE THIRD PARAGRAPH IS CHANGED TO:

  The total amount of the Lane Occupancy Charge collected from a Contractor shall not exceed $10,000.00 per day.

THE FOURTH PARAGRAPH IS CHANGED TO:

  The Resident Engineer will keep record of each occurrence as well as the cumulative amount of time that a lane is kept closed beyond the lane closure limits. After each occurrence the Contractor will be notified. For every three such occurrences, one day will be deducted from the Substantial Completion date or days. For every 60 minutes of lane closures recorded beyond the lane closure limits, one additional day will be deducted from the Substantial Completion date or days. The Substantial Completion date or days will be re-established. The Contractor will be notified of such action, and the Contractor shall not make any claim against the Department as a result of such action. The Resident Engineer also reserves the right to suspend all Work until the next allowable lane closure time period, where the Contractor exceeds the lane closure limits. Before deduction of any charge from a monthly estimate for occupancy of a lane beyond the allowable lane closure hours, the Department will provide the Contractor with a statement of the charges to be collected and the supporting calculations.

Implementation Code   R (ROUTINE)

Changes must be implemented in all applicable Department projects scheduled for Final Design Submission at least one month after the date of the BDC announcement. This will allow designers to make necessary plan, specifications, and estimate/proposal changes without requiring the need for an addenda or postponement of advertisement or receipt of bids.

Recommended By:

Original Signed

Lynn D. Rich
Director,
Quality Management Services

Approved By:

Original Signed

F. Howard Zahn
Assistant Commissioner,
Capital Program Management

LDR:YBK
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