

received from the State of New Jersey, the Federal government, venture funding and private investment, and initial public offering;

7. From the applicant employer:
 - i. Executive business plan;
 - ii. One-page resume for all key personnel;
 - iii. One-page summary of the proposed project written in laymen's terms;
 - iv. A demonstration of the scientific and technological viability of the applicant employer's business product(s), service(s), and/or process(es) and the company's technical ability to implement;
 - v. Certificate to conduct business in New Jersey;
 - vi. Project description (10-page limit), including detailed work plan, timeline, methods and milestones, measurable impact of project on company goals and business plan, resources available (lab facilities, equipment) and their relevance to the project, expected next steps for fellow following completion of the first year of the fellowship, and a simple Gantt chart showing the proposed milestones and timelines, measurable accomplishments agreed upon by both the applicant fellow and applicant employer;
 - vii. A statement as to how the applicant employer plans to provide mentorship to the applicant fellow;
 - viii. A one-page explanation from the applicant employer as to how the applicant fellow will help the company to meet its commercialization goals; and
 - ix. Liability insurance policies; and
8. Any other information or documentation the Commissioner deems appropriate.

12:23-14.5 Review and evaluation of IRFP grant applications

(a) The following factors will be among those considered in the review and evaluation of applications for an IRFP grant:

1. Quality of mentorship/supervision based on the degree of planning for the applicant fellow to work with and be mentored by a leading scientist in his or her field of expertise;
2. Quality and relevance of proposed project to company goals;
3. Degree to which use of applicant fellow in proposed project establishes relationship between company and applicant fellow's degree granting university;
4. Degree to which combined applicant fellow and applicant employer program affects transfer of technology and technical expertise from university to company;
5. Commitment of applicant fellow to career in industry;
6. Personnel expertise and experience;
7. Physical resources available;
8. Soundness of business and commercialization plan; and
9. Scientific and technological viability of the applicant employer's business product(s), service(s), and/or process(es) and the company's technical ability to implement it.

(b) All applications will be reviewed and evaluated, with notice of approval or disapproval issued by the Department.

(c) No application will be funded, unless approved by the Commissioner.

(d) The Commissioner retains the authority to modify application review factors based on the changing needs of the New Jersey economy and to establish appropriate application review and approval methods consistent with those conditions.

(e) Upon approval of the application, an IRFP grant contract containing the terms and conditions of the grant will be executed between the applicant employer and the Department.

TRANSPORTATION

(a)

DIVISION OF CAPITAL PROGRAM MANAGEMENT DIVISION OF RIGHT OF WAY AND ACCESS MANAGEMENT

Relocation Assistance

Proposed Readoption with Amendments: N.J.A.C. 16:6

Proposed Repeals and New Rules: N.J.A.C. 16:6-1.3, 2.1, 3.1, and 3.2

Proposed New Rule: N.J.A.C. 16:6-3.3

Proposed Repeals: N.J.A.C. 16:6-1.2, 1.4, 1.5, 1.6, 2.2 through 2.15, and 3.4

Authorized By: Richard T. Hammer, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, and 27:7-72 through 27:7-88; 23 U.S.C. §§ 101 et seq., and 46 U.S.C. §§ 4601 et seq.; and 49 CFR Part 24.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-026.

Submit comments by April 22, 2017, to:

Paul F. Sprewell
Administrative Practice Officer
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Fax: (609) 530-4638
Submit electronically at njdotRules@dot.state.nj.us.

This rule may be viewed or downloaded from the Department's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 16:6 was scheduled to expire January 7, 2017. As the Department of Transportation (Department) has filed this notice with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to July 6, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department of Transportation has reviewed the rules and determined that they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Department is proposing to readopt the rules with amendments, repeals, and new rules. Amendments are necessary to reorganize the text, clarify procedures, and delete unnecessary language.

Because the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of these rules is to establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities. The chapter complies with the provisions of the Uniform Transportation Replacement Housing and Relocation Act, as amended, and P.L. 1989, c. 50, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, at 42 U.S.C. §§ 4601 et seq. The uniform regulations, policies, and operating procedures governing relocation assistance can be found in the Code of Federal Regulations at 49 CFR Part 24.

Readoption of the chapter will continue a program within the Department to oversee and financially assist in the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities in the acquisition of right-of-way.

The chapter is summarized as follows:

Subchapter 1 outlines the general provisions.

Subchapter 2 establishes guidelines for the payment of moving and related expenses.

Subchapter 3 describes the organization and procedures.

The proposed amendments, new rules, and repeals are as follows:

N.J.A.C. 16:6-1.1 is proposed for amendment to update language, add displaced businesses (in addition to the existing displaced persons), and update cross-references to include Federal citations. Existing N.J.A.C. 16:6-1.2 through 1.6 are proposed for repeal to effectuate the deletion of Federal language, which is incorporated by reference (see proposed new N.J.A.C. 16:6-1.3).

Proposed new N.J.A.C. 16:6-1.2(a) is added to provide the scope of the chapter. N.J.A.C. 16:6-1.2(b) is relocated from existing N.J.A.C. 16:6-3.1 without any substantive change. N.J.A.C. 16:6-1.2(c) is relocated from existing N.J.A.C. 16:6-3.2 and is proposed for amendment to update the name of the Department Division. Proposed new N.J.A.C. 16:6-1.2(d) is added to establish that relocation services are provided in accordance with State and Federal laws against discrimination.

Proposed new N.J.A.C. 16:6-1.3 is added to establish the incorporation by reference of applicable Federal laws and regulations.

Existing N.J.A.C. 16:6-2.1 through 2.15 are proposed for repeal to effectuate the deletion of Federal language, which is incorporated by reference. Proposed new Subchapter 2 is added to provide definitions related to terms found throughout the chapter. At N.J.A.C. 16:6-2.1, the definition of "agency" incorporates some language found at existing N.J.A.C. 16:6-1.2(a).

Proposed new Subchapter 3, Administration of Relocation Assistance, provides general provisions and information regarding notice at proposed N.J.A.C. 16:6-3.2 and Workable Relocation Assistance Plans at proposed N.J.A.C. 16:6-3.3. Existing N.J.A.C. 16:6-3.3 is relocated as new Subchapter 4, as described below. Existing N.J.A.C. 16:6-3.4 is proposed for repeal, as the language is relocated to proposed new N.J.A.C. 16:6-3.1(b).

Proposed Subchapter 4, Appeals, includes the relocation of existing N.J.A.C. 16:6-3.3(a) as 4.1 and is amended to clarify that only displaced persons may file appeals and that appeals must be submitted to the agency conducting the relocation. The phrase "regardless of form" is deleted because it is unnecessary. Recodified N.J.A.C. 16:6-4.1(b) is amended to provide that appeals must be in writing and submitted to the agency conducting the relocation. The language related to contact information is deleted because it is unnecessary. The notice that is sent to displaced persons contains the applicable contact information. Existing N.J.A.C. 16:6-3.3(c) is proposed for amendment to be separated into new subsections (c) and (d) and is reorganized for clarity. Recodified N.J.A.C. 16:6-4.1(d) is amended to establish that persons may request copies of pertinent materials other than those deemed privileged, rather than to allow the public to "copy" the documents because the Department no longer allows outside copying of its documents. Language relating to copying fees has also been added. Proposed new N.J.A.C. 16:6-4.1(e) is added to establish that local public agencies (LPA) designate a staff member within their own agency to hear initial appeals. Also, an LPA may request that the Department hear an initial appeal if the agency is unable to do so. Proposed new N.J.A.C. 16:6-4.1(f) is added to establish that initial appeals of Department determinations will be heard by the Division of Right of Way and Access Management and that the Division will hear appeals of LPA determinations, if asked to do so by the LPA. Recodified N.J.A.C. 16:6-4.1(g) is proposed for amendment to change "promptly" to a limit of 60 days because the time limit for the written agency determination should not be open-ended. Proposed new N.J.A.C. 16:6-4.1(h) incorporates language found at existing N.J.A.C. 16:6-3.3(b) and is amended to correct the contact information. The final sentence is relocated and the process for appeals to the Office of Administrative Law is now found at proposed N.J.A.C. 16:6-4.1(i).

Social Impact

The rules proposed for re-adoption with amendments, repeals, and new rules are necessary for the Department to continue to provide

relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities. The rules affect only those who are displaced or relocated as a result of a transportation project by the Department. The rules have been effective in problem solving associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and have also been effective in developing solutions to minimize possible adverse impacts associated with displacement or relocation.

Economic Impact

The rules proposed for re-adoption with amendments, repeals, and new rules will continue the positive economic impact mandated primarily by the provisions of Federal law. By providing financial assistance, they address and minimize any adverse economic impact associated with the displacement or relocation of individuals, families, businesses, farms, and nonprofit organizations caused by rehabilitation and demolition activities by the Department.

The Department, State, and individuals affected would incur direct and indirect costs involved in the arrangement and coordination of the formal appeal process in contested cases. Additionally, persons so affected may elect to be represented by legal counsel or another representative at their expense.

Pursuant to Federal regulation at 49 CFR 24.208, persons seeking relocation assistance or payments whose lawful residency status in the United States is in question must provide certification that they are present in the United States legally. Self-certification is allowed, but the Department may also seek verification from the U.S. Citizenship and Immigration Service (USCIS). If the certification is not provided or the USCIS determines that the person is residing illegally, the person shall not be eligible to receive assistance or payments. Exceptions may be made in cases where the person can prove that denial of these benefits will result in exceptional and extremely unusual hardship to the person's spouse, parent, or child who is a citizen or an alien lawfully admitted for permanent residency in the United States. These persons may incur costs related to providing proof of legal status or hardship.

Federal Standards Statement

The rules are based in part upon a State statutory mandate to conform to the requirements established by Federal law and regulation. The rules meet, but do not exceed, the regulations issued by the United States Department of Transportation at 42 U.S.C. §§ 4601 et seq., and 49 CFR Part 24.

Jobs Impact

The rules proposed for re-adoption with amendments, repeals, and new rules will not result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for re-adoption with amendments, repeals, and new rules have no impact on the agriculture industry. The rules are not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Analysis

The rules proposed for re-adoption with amendments, repeals, and new rules do not place any reporting or recordkeeping requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for re-adoption with amendments, repeals, and new rules impose compliance requirements on small businesses and farms eligible for relocation assistance benefits by requiring them to submit claims in accordance with the provisions of Subchapter 2. They may require the services of appraisers, attorneys, claims adjusters, and other professionals with expertise in the valuation of assets to prepare and submit claims. The cost of submitting claims includes administrative expenses attendant to document preparation and filing. The overall cost will vary with the circumstances of each claim and will depend, in part, on whether a small business needs professional services in preparing a particular claim. The Department has provided for no differentiation based upon business size because it has determined there is a limit on what may be reimbursable and because the uniform submission of information in support of claims is necessary to ensure financial assurance and integrity in the payment of benefits.

Housing Affordability Impact Analysis

The rules proposed for re-adoption with amendments, repeals, and new rules establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by Department rehabilitation and demolition activities. The Department believes that it is extremely unlikely that the rules would bring about a change in the average costs associated with housing or have any effect on the affordability of housing.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption with amendments, repeals, and new rules establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by Department rehabilitation and demolition activities. The Department believes that it is extremely unlikely that the rules would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan or have any impact on smart growth development.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:6.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 16:6-1.2 through 1.6, 2, and 3.4.

Full text of the proposed amendments and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

16:6-1.1 Purpose

The purpose of this chapter is to [provide a uniform program of relocation payments and assistance] **establish rules concerning the State's oversight, through the Department of Transportation, of the standards for relocation services to displaced persons and businesses,** in compliance with the provisions of the Uniform Transportation Replacement Housing and Relocation Act, N.J.S.A. 27:7-72 et seq., as amended[, including] by P.L. 1989, [c.50] c. 50, 42 U.S.C. §§ 4601 et seq., **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.**

[SUBCHAPTER 3. ORGANIZATION AND PROCEDURES]

16:6-[3.1]1.2 [Exercise of powers] Scope

(a) **This chapter applies to the State of New Jersey, the New Jersey Department of Transportation (Department), and any public or private entity, including counties, municipalities, authorities, and other agencies, utilizing State or Federal funds under a transportation aid program administered by the Department, in accordance with N.J.S.A. 27:7-84(d).**

(b) The Department of Transportation may exercise, on behalf of any county, municipality, or other entity, as the case may be, the powers granted to these agencies under P.L. 1989, [c.50] c. 50 (N.J.S.A. 27:7-72 et seq., as amended), and under this chapter.

[16:6-3.2 Delegation of powers]

(c) The Division of Right of Way **and Access Management** will be responsible for administering this chapter and [the attendant] **all applicable** Federal and State laws[, on behalf of the Commissioner of Transportation] **and regulations.**

(d) **Relocation services are to be provided in a fair manner and without discrimination in accordance with applicable Federal laws and with the New Jersey Law Against Discrimination (N.J.S.A. 10:5-12).**

16:6-1.3 Incorporation by reference

Pursuant to N.J.S.A. 27:7-72 et seq., the Department adopts and incorporates by reference 42 U.S.C. §§ 4601 et seq., **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and 49 CFR Part 24, Uniform Relocation**

Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The Federal regulations can be found at <http://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=bd45f92844d4bea927907062777ae2500&mc=true&tpl=/ecfrbrowse/Title49/49subtitleA.tpl>.

SUBCHAPTER 2. DEFINITIONS

16:6-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Agency” means the entity, public or private, including the State of New Jersey, Department of Transportation, counties, municipalities, and other public or private entities, utilizing State or Federal funds under an aid program administered by the State of New Jersey, Department of Transportation.

“Commissioner” means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally permissible.

“Displaced person” means any individual, partnership, corporation, or association who moves from real property or removes personal property from real property as a result of an acquisition of part or all of a lot or tract of land or a building thereon.

“Federal Highway Administration” or “FHWA” means the agency in the United States Department of Transportation delegated the responsibility for oversight of relocation benefits for Federal agencies and for State agencies that receive Federal funds for a project.

“Last resort housing” means the provision of additional relocation payments in excess of the Federal relocation maximums for certain residential payment categories. These payments are only made where necessary to assure an appropriate and equitable relocation service. Appropriate written justification must be submitted to the Department.

“Local public agency” or “LPA” means the term used by FHWA to refer to any municipality, county, authority, other departments, or any other sub-recipient of Federal aid from the FHWA through the Department of Transportation.

“Workable Relocation Assistance Plan” or “WRAP” means a plan that identifies the relocation needs for persons or other entities being displaced and the proposed relocation services required to address those needs for a specific project.

SUBCHAPTER 3. ADMINISTRATION OF RELOCATION ASSISTANCE

16:6-3.1 General provisions

(a) Information relating to the Department's right-of-way acquisition and relocation policies is located at the following: <http://www.state.nj.us/transportation/eng/#Manuals>.

(b) The administration of relocation assistance shall be provided consistent with applicable Federal law and regulations, except where State statute provides for a higher relocation benefit. Under 23 CFR 710.203(b)(2)(ii), FHWA must approve additional funds to reimburse a State statutory relocation requirement that exceeds Federal limits.

(c) FHWA will not reimburse a State regulatory relocation requirement that exceeds the Federal relocation limits.

(d) If FHWA does not approve reimbursement of the higher State statutory requirement, the agency will need to contribute the additional portion from agency funds. In addition, where FHWA has set a maximum grant amount, the higher State requirement does not automatically increase the grant amount for Federal funds.

(e) If amounts above the Federal standards are authorized, the overage will require the utilization of State funds or LPA funds. Authorization to exceed Federal standards including, but not limited to, last resort housing, must be properly documented and the payments must be justified as reasonable, necessary, and reflecting a public good.

16:6-3.2 Notices to displaced persons

Pursuant to 49 CFR 24.203, displaced persons are required to be given notice of minimum time frames before being required to relocate. A longer period can be used by the agency at its discretion. If required by State statute, relocation notices providing a longer period than those prescribed by Federal relocation requirements shall be used in place of the minimum Federal notice periods.

16:6-3.3 Workable Relocation Assistance Plan (WRAP)

(a) All projects shall be reviewed to minimize the adverse impacts of displacement. The agency shall prepare a Workable Relocation Assistance Plan (WRAP) indicating the proposed relocations (if any) and, when relocations are required, lists the persons and/or entities to be relocated, the relocatee needs, and the agency plan to address those relocation services required.

(b) Prior to acquiring the property for a project, the local public agency shall submit the WRAP to the Division of Right of Way and Access Management for its review. The WRAP shall address the relocation needs of any persons displaced by the project.

SUBCHAPTER 4. APPEALS**16:6-[3.3]4.1 Appeal of agency determination**

(a) Any [aggrieved] **displaced** person may file a written appeal[, regardless of form,] with the agency **conducting the relocation** in any case in which the person believes that the agency has failed to properly consider the person's application for assistance under this chapter. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a relocation payment.

(b) The **written appeal** must be [initiated] **submitted to the agency conducting the relocation** within 90 days after the **displaced** person receives written notification of the agency's determination on the **displaced** person's claim. [The written appeal should be addressed to the Director of Right of Way. If the matter is not resolved to the person's satisfaction, the person may request an in-person review by writing to the New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600, Attention: Director of Right of Way, who is the Commissioner's authorized designee to hear appeals.]

(c) **In deciding an appeal, the agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.**

[(c)] (d) A person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the person's own expense. The person shall be permitted to inspect and [copy] **request copies** of all materials pertinent to the appeal, except materials [which] **that** are classified as [confidential] **privileged** by the agency. The agency may impose reasonable conditions on the person's right to inspect, consistent with applicable laws. [In deciding an appeal, the agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.] **Copying fees shall be in accordance with N.J.S.A. 47:1A-5 and copies will be provided upon full payment of the copying fees, by check or money order made payable to "New Jersey Department of Transportation."**

(e) **The LPA shall designate a person within its agency to hear any initial appeals of its relocation assistance determinations. In the event that the LPA is unable to provide a person with sufficient expertise, the LPA may request that the Department hear the initial appeal.**

(f) **The Division of Right of Way and Access Management (Division) shall conduct all initial appeals of Department relocation determinations. The Division shall also conduct initial appeals on behalf of an LPA when an LPA is unable to do so.**

[(d)] (g) [Promptly] **Within 60 days** after receipt of all information submitted by a person in support of an appeal, the agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy.

(h) **If the matter is not resolved to the person's satisfaction at the initial appeal conducted by the Department or the LPA, the displaced person may request an in-person review by writing to:**

**Director of Right of Way & Access Management
New Jersey Department of Transportation
PO Box 600
Trenton, New Jersey 08625-0600**

(i) If the [full] relief requested is not granted **during the final appeal to the Department**, the [agency] **Division** shall advise the person of his or her opportunity to request a contested case before the Office of Administrative Law, conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., **and 52:14F-1 et seq.**, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(a)

NEW JERSEY TRANSIT CORPORATION**Proof of Payment****Proposed New Rules: N.J.A.C. 16:87**

Authorized By: New Jersey Transit Corporation, Dennis Martin,
Interim Executive Director.

Authority: N.J.S.A. 27:25-5.e and n and 27:25-15.1, specifically 15.1(a).

Calendar Reference: See Summary below for explanation of exception to calendar requirements.

Proposal Number: PRN 2017-031.

Submit comments by April 22, 2017, to:

Joyce J. Zuczek
New Jersey Transit Corporation
One Penn Plaza East
Newark, NJ 07105-2246
E-mail: commentsproofofpayment@njtransit.com

The agency proposal follows:

Summary

In October 1998, the New Jersey Transit Corporation (NJ TRANSIT) adopted rules on proof of payment. NJ TRANSIT, pursuant to N.J.S.A. 27:25-5.n is authorized to set and collect fares for the services it or its contractors provide to the riding public. Since October 4, 1999, the system has been in place and NJ TRANSIT Fare Enforcement Officers have been issuing citations since December 20, 1999. This chapter expired on December 11, 2016. NJ TRANSIT has reviewed these rules and has determined that they are necessary, reasonable, adequate, efficient, understandable, and responsive to the purpose for which it was originally promulgated, with the exception of a minor amendment and therefore, proposes the expired rules as new rules.

A summary review of each of the subchapters of N.J.A.C. 16:87 follows:

Subchapter 1 contains the purpose of the chapter and sets forth definitions of terms used in this chapter.

Subchapter 2 contains the process of payment of fare and violations.

Subchapter 3 contains the description of penalties, which includes civil penalties, and suspension of driving privileges.

Subchapter 4 contains a description of venue.

The proposed amendment to the expired rules proposed herein as new rules are as follows:

N.J.A.C. 16:87-2.1 has been amended to reflect a grammatical change.

As NJ TRANSIT has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The expired rules proposed herein as new rules with an amendment provide an effective, efficient way for NJ TRANSIT to ensure that all of its users are paying the correct fare for the transportation provided. This system treats users appropriately and provides incentives (fines, court costs, contempt, arrest, loss of driver's license) to purchase the