

13:20-44.17 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any private inspection facility if he or she determines that the applicant or licensee:

- 1.-2. (No change.)
- 3. Has been found to have tampered with emission control apparatus in violation of N.J.A.C. 7:27-14.3 or [7:27-]15.7;
- 4.-15. (No change.)

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.3 Definitions

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

“**Tampering**” means the intentional disabling, bypassing, modification, or other means of defeating the intended purpose of an Emission Control System as defined at N.J.A.C. 13:20-43.1, or installed device, as specified at N.J.A.C. 7:27-14.3 and 15.7.

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Chief Administrator for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the [Motor Vehicle Emission Repair Facility Registration] Inspection Services Unit of the Motor Vehicle Commission. **The application is posted on the Commission’s website, <http://www.nj.gov/mvc/business/erfacility.htm>.** The address of the [Motor Vehicle Emission Repair Facility Registration] Inspection Services Unit is:

Motor Vehicle Commission
 [Business License] Inspection Services Unit
 [Motor Vehicle Emission Repair Facility
 Registration Unit]
 225 East State Street
 PO Box [170] 680
 Trenton, New Jersey [08666-0170] 08666-0680

(b) Each applicant for a motor vehicle emission repair facility registration shall file with the Chief Administrator, in such form and detail as may be required by him or her, an application setting forth the following:

- 1.-3. (No change.)
- 4. Whether the applicant has ever been found to be in violation of the Federal Clean Air Act or the Consumer Fraud Act (N.J.S.A. 56:8-1 et seq.) or any regulations adopted thereunder or N.J.A.C. 7:27-14.3 or [7:27-]15.7 pertaining to tampering with emission control apparatus;
- 5.-6. (No change.)
- (c)-(f) (No change.)

13:20-45.14 Additional violations

(a) (No change.)
 (b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Chief Administrator may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

- 1. (No change.)
- 2. Has been found to have violated N.J.A.C. 7:27-14.3 or [7:27-]15.7 pertaining to tampering with emission control apparatus;
- 3.-14. (No change.)

13:20-45.15 Repair technician; certification

(a) (No change.)
 (b) No [emission-related] **emissions-related** or OBD-related repairs to “gasoline-fueled,” [or] “bi-fueled,” or “diesel-fueled” motor vehicles as defined [in] at N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or

under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection, “employed by” shall be construed to include any business relationship between the certified repair technician and the facility, including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

- (c) (No change.)
- (d) An approved repair technician program of instruction shall include:
 - 1. (No change.)
 - 2. The application of emission control theory and diagnostic data to the diagnosis and repair of failures on OBD [and idle] tests [and the fuel cap leak test];
 - 3. Utilization of diagnostic information on systematic or repeated failures observed in the OBD and [idle tests and the fuel cap leak test] **smoke opacity tests;** and
 - 4. General training in the various subsystems related to **gasoline engine and diesel-fueled emission controls.**
- (e) (No change.)

(a)

THE COMMISSIONER

Administration, Organization, Records Management and Information Requests

Proposed Readoption with Amendments: N.J.A.C. 16:1A

Proposed Repeal and New Rule: N.J.A.C. 16:1A-1.1

Authorized By: Francis O’Connor, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-6, and 52:14B-1 et seq., particularly 52:14B-3 and 4.

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

Proposal Number: PRN 2024-111.

Submit written comments by December 6, 2024, to:

Natalie Mintchwamer
 Administrative Practice Officer
 New Jersey Department of Transportation
 PO Box 600
 Trenton, NJ 08625-0600
 Fax: (609) 530-4638
 Submit electronically at NJDOTRules@dot.nj.gov

The rules proposed for readoption with amendments may be viewed or downloaded from the Department of Transportation’s website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 16:1A was scheduled to expire on August 30, 2024. As the Department of Transportation submitted this notice of proposal to the Office of Administrative Law prior to that date the expiration date was extended 180 days to February 26, 2025, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The Department of Transportation (Department) has reviewed the rules proposed for readoption with amendments and determined that they remain necessary, reasonable, and proper for the purposes for which they were originally promulgated. Proposed amendments are necessary in order to update the Department’s mission statement, contact information, websites, title names, and work unit locations as they relate to the Department’s organizational chart and clarifying language and citations for copies of traffic control devices and maintenance records. The Department is proposing to readopt this chapter with the amendments, as set forth below.

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

N.J.A.C. 16:1A sets forth the Department's organizational structure; the procedures for rulemaking; procedures for obtaining government records; and provisions relating to the Department's logo.

The chapter is summarized as follows:

Subchapter 1 provides the Department's mission statement, logo, and organizational structure.

Subchapter 2 provides the definitions for the chapter.

Subchapter 3 provides the processes related to rulemaking.

Subchapter 4 provides the processes for obtaining records.

The proposed amendments are summarized as follows:

N.J.A.C. 16:1A-1.1 is proposed for repeal and replacement to update the Department's mission statement.

N.J.A.C. 16:1A-1.2(a) is proposed for amendment to update the website. N.J.A.C. 16:1A-1.2(a)1i is proposed for amendment to add title changes. N.J.A.C. 16:1A-1.2(a)2ii(6) and (7) are added to include work units. N.J.A.C. 16:1A-1.2(a)2iii is deleted in its entirety. The existing language is now codified at proposed new N.J.A.C. 16:1A-1.2(a)2iii and existing N.J.A.C. 16:1A-1.2(a)2vi. N.J.A.C. 16:1A-1.2(a)2v(2) is proposed for amendment to update a unit title. Existing N.J.A.C. 16:1A-1.2(a)2v(3) is deleted in its entirety and language is relocated to proposed new N.J.A.C. 16:1A-1.2(a)2vi and vii. Existing N.J.A.C. 16:1A-1.2(a)2vi through viii are deleted in their entirety and the language relocated to proposed N.J.A.C. 16:1A-1.2(a)2vii and 3. N.J.A.C. 16:1A-1.2(a)3 adds the Legislature, as a liaison duty for the Chief of Staff. N.J.A.C. 16:1A-1.2(a)4 is deleted in its entirety because the title is not used.

Existing N.J.A.C. 16:1A-4.1 is proposed for amendment to correct the phone number and website.

N.J.A.C. 16:1A-4.2(b) is proposed for amendment to correct the phone number and website. Existing N.J.A.C. 16:1A-4.2(c) is proposed for amendment to correct the citation and delete reference to maintenance records. Maintenance records requests are now codified at proposed new N.J.A.C. 16:1A-4.2(d).

Existing N.J.A.C. 16:1A-4.5(a) is proposed for amendment to correct a unit name. Existing N.J.A.C. 16:1A-4.5(b) is proposed for amendment to include reference to maintenance record requests, correct a unit name, and mailing address.

N.J.A.C. 16:1A-4.7(a) through (c) are proposed for amendment to correct a unit name.

N.J.A.C. 16:1A-4.8(a) is proposed for amendment to update a website and subsection (b) is proposed for amendment to correct the phone number and website.

Social Impact

The rules proposed for re-adoption with amendments have a beneficial social impact. The rules proposed for re-adoption with amendments provide the public with the organizational structure of the Department; the procedures for rulemaking; procedures for requesting government records; and provisions relating to the Department's logo. The proposed amendments provide updated contact information and websites.

Economic Impact

The rules proposed for re-adoption with amendments do not change existing fees or charges on the public. Information related to copies for traffic control device records and traffic control maintenance records has been clarified and citations updated.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65, is not required because the rules proposed for re-adoption with amendments are within the authority of State statute only and are not subject to Federal requirements or standards.

Jobs Impact

The rules proposed for re-adoption with amendments have not resulted, and will not result, in the generation or loss of jobs. The rules proposed for re-adoption with amendments are intended to describe the organizational structure and provide the procedures for obtaining government records; the procedures for rulemaking; and provisions relating to the Department's logo.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

The rules proposed for re-adoption with amendments provide the public with the organizational structure of the Department; the procedures for rulemaking; procedures for requesting government records; and provisions relating to the Department's logo. Members of the affected public may include small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Department does not feel that any differentiation should be made in the rules proposed for re-adoption with amendments based upon business size. The procedures are in keeping with the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. No lesser requirements or exceptions are provided for small businesses.

Housing Affordability Impact Analysis

The rules proposed for re-adoption with amendments will have no impact on the affordability of housing in New Jersey. The rules proposed for re-adoption with amendments provide the public with the Department's organizational structure; the procedures for obtaining copies of government records; rulemaking procedures; and provisions relating to the Department's logo. The Department believes that it is extremely unlikely that the rules proposed for re-adoption with amendments would bring about a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The rules proposed for re-adoption with amendments will have no impact on smart growth. The Department believes that it is extremely unlikely that the rules proposed for re-adoption with amendments would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan because the rules proposed for re-adoption with amendments concern the Department's organizational structure; the procedures for obtaining copies of government records; rulemaking procedures; and provisions relating to the Department's logo.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for re-adoption with amendments establish provisions related to the Department's organizational structure; the procedures for obtaining copies of government records; rulemaking procedures; and provisions relating to the Department's logo. The existing rules have had no impact on racial and ethnic community criminal justice and public safety in New Jersey and the Department believes that it is extremely unlikely that the proposed re-adoption with amendments will have any impact on pretrial detention, sentencing, probation, or parole policies concerning adults or juveniles in the State. Therefore, no further analysis is required.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:1A.

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

SUBCHAPTER 1. GENERAL INFORMATION

[16:1A-1.1 Mission statement of the Department

The Department of Transportation's mission statement is: "Improving Lives by Improving Transportation."]

16:1A-1.1 Mission statement of the Department

(a) The primary mission of the New Jersey Department of Transportation is to provide a safe, reliable, and efficient multi-modal transportation network that serves the mobility needs of residents, commerce, and visitors in a manner that promotes economic development and ensures environmental responsibility. The Department provides a system that:

1. Enhances the quality of life for residents and traveling public;
2. Achieves consistent progress through focused investments in keeping infrastructure in a state of good repair;
3. Stimulates and sustains smart development and economic growth;
4. Employs the latest technologies to adapt to changing conditions and environments;
5. Respects and protects the distinctive and delicate character of the State's natural resources; and
6. Eagerly embraces its role as a customer service organization.

16:1A-1.2 Organization of the Department

(a) The Department of Transportation is organized as indicated in the Organizational Chart found at [<http://www.state.nj.us/transportation/about/pdf/orgchart.pdf>] www.nj.gov/transportation/about/pdf/orgchart.pdf and the functions and responsibilities of its officers are as follows:

1. The Commissioner of Transportation is the Chief Executive Officer of the Department and oversees all functions of the Department of Transportation.

i. The Assistant Commissioner or Director of Capital Program Management, having the necessary experience and a valid New Jersey Professional Engineer's license, is designated the State Transportation Engineer or the Deputy State Transportation Engineer;

2. The Deputy Commissioner reports to the Commissioner with principal responsibilities in the following areas:

i. (No change.)

ii. Operations—the Assistant Commissioner of Operations has principal responsibilities in the following areas:

(1)-(3) (No change.)

(4) Operations; [and]

(5) (No change.)

(6) Traffic Operations; and

(7) Mobility and Systems Engineering;

iii. Capital Investment Planning and Grant Administration—the Assistant Commissioner of Capital Investment Planning and Grant Administration has principal responsibilities in the following areas:

(1) Environmental Resources;

(2) Local Aid and Economic Development;

(3) Statewide Planning;

(4) Multimodal Services; and

(5) Capital Investment Planning and Development;]

iii. Statewide Planning, Safety and Capital Investment—the Assistant Commissioner of Statewide Planning, Safety and Capital Investment has principal responsibilities in the following areas:

(1) Statewide Planning;

(2) Capital Investment and Program Coordination; and

(3) Safety;

iv. Chief Financial Officer—the Chief Financial Officer has principal responsibilities in the following areas:

(1) (No change.)

(2) Enterprise Management Office;

Recodify existing (2)-(4) as **(3)-(5)** (No change in text.)

v. Administration—the Assistant Commissioner for Administration has principal responsibilities in the following areas:

(1) Human Resources; and

(2) Facilities and Support Services; and

[(3) Civil Rights and Affirmative Action/EEO Officer;

vi. Government and Community Relations—the Assistant Commissioner of Government and Community Relations has principal responsibilities in the following areas:

(1) Communications;

(2) Community and Constituent Relation; and

(3) Legislative, Administrative, and Regulatory Actions.

vii. Legal Services; and

viii. Transportation Systems Management—the Assistant Commissioner of Transportation Systems Management has principal responsibilities in the following areas:

(1) Traffic Operations; and

(2) Mobility and Systems Engineering;]

vi. Local Resources and Community Development—Assistant Commissioner of Local Resources and Community Development has principal responsibilities in the following areas:

(1) Outdoor Advertising and Junkyard;

(2) Local Aid and Economic Development;

(3) Aeronautics and Modal Grants;

(4) Community Development; and

(5) Environmental Resources;

vii. Director of Civil Rights, Affirmative Action and Diversity, Equity and Inclusion—Director of Civil Rights, Affirmative Action and Diversity, Equity and Inclusion, has primary responsibilities for internal and external programs as it relates to the Division; and

viii. Legal Services;

3. The Chief of Staff reports to the Commissioner, with principal responsibilities for developing, recommending, and implementing, with Commissioner approval, solutions to problems related to both internal operations and policies; and serving as liaison with other agencies, the Legislature, and the Governor's office. Additionally, has principal responsibilities in the following areas:

(1) Communications;

(2) Community and Constituent Relations; and

(3) Legislative, Administrative, and Regulatory Actions; and

4. The Director of Smart Growth reports to the Commissioner with principal responsibilities to provide for the expedition of certain permits in smart growth areas and for the creation of expedited permit mechanisms, such as permits-by-rule; and]

[5.] 4. (No change in text.)

SUBCHAPTER 4. OBTAINING GOVERNMENT RECORDS

16:1A-4.1 General information

General information may be obtained from the Department by telephone or by request in writing to:

New Jersey Department of Transportation

[P.O.] PO Box 600

Trenton, NJ 08625-0600

(609) [530-2000] **963-1954**

or on the Department's website at: [www.state.nj.us/transportation/www.nj.gov/transportation].

16:1A-4.2 Record requests

(a) (No change.)

(b) All requests for on-site inspection of the Department's records, except as set forth [in] at (c) [through], (d), (e), (f), and (g) below, shall be made, in writing, on the State of New Jersey's Government Records Request form and hand-delivered, mailed, or transmitted electronically to the custodian of records. The records request form may be obtained by written request to:

New Jersey Department of Transportation

Custodian of Records

C/O Office of Inspector General

1035 Parkway Avenue

PO Box 600

Trenton, NJ 08625-0600

Phone: [609-530-8045] **(609) 963-1954**

Fax: [609-530-6694] **(609) 530-6694**

or online at [<http://www.state.nj.us/transportation/refdata/opra/www.nj.gov/transportation/refdata/opra>] or by [e-mail] email to: njdot.opra@dot.nj.gov.

The request form shall include, but is not limited to, the following:

1.-6. (No change.)

(c) Requests for traffic control signal operation [and maintenance] records shall be made in accordance with N.J.A.C. 16:1A-4.5(a).

(d) Requests for the traffic control signal maintenance records shall be made in accordance with N.J.A.C. 16:1A-4.5(b).

[(d)] (e) Requests for traffic camera video records shall be made in accordance with N.J.A.C. 16:1A-4.6(a).

Recodify existing (e)-(f) as **(f)-(g)** (No change in text.)

PROPOSALS

TRANSPORTATION

16:1A-4.5 Traffic control signal records

(a) All requests for current traffic control signal records, other than date-specific signal records, shall be submitted, in writing, and mailed to:

[Bureau] Division of Traffic Engineering
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600

(b) All requests for date-specific traffic control signal records or traffic control signal maintenance records shall be submitted, in writing, and mailed to:

Bureau of [Roadway Maintenance Engineering and]
Operations Support and Engineering
New Jersey Department of Transportation
PO Box [607] 600
Trenton, NJ [08625-0607] 08625-0600

(c) (No change.)

16:1A-4.7 Traffic control device records

(a) All requests for specific traffic control device records shall be submitted, in writing, and mailed to:

[Bureau] Division of Traffic Engineering
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600

(b) All requests for information concerning whether a specific traffic control device on a State highway has received the approval of the

Commissioner shall be submitted, in writing, to the [Bureau] Division, accompanied by a payment in the form of a check or money order in the amount of \$25.00 made payable to "New Jersey Department of Transportation."

(c) Requests for information concerning whether a specific traffic control device on a non-State highway has received approval shall first be directed to the appropriate authority having jurisdiction over that road. If the authority is unable to provide the requested information, the request may be submitted to the [Bureau] Division, accompanied by a \$25.00 fee in the form of a check or money order made payable to "New Jersey Department of Transportation," along with a copy of the authority's response to the request for the information. The [Bureau shall] Division will review Department records to determine if the requested information is available and advise the requester of its findings and provide the requested information, if available.

16:1A-4.8 Standard Specifications

(a) Standard Specifications are available on the Department's website at: www.state.nj.us/transportation/eng/specs/2007/Division.shtml www.nj.gov/transportation/eng/specs/2019/Division.shtml.

(b) All questions should be directed to the Department's engineering documents unit at [609-530-5587 or by fax at 609-530-6626] EDU.Documents@dot.nj.gov or by phone at (609) 963-1465.

(c)-(d) (No change.)