

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS
Notice of Readoption
Board of Veterinary Medical Examiners Rules
Readoption: N.J.A.C. 13:44**

Authority: N.J.S.A. 45:16-3.

Authorized By: Board of Veterinary Medical Examiners, Courtney Turner, Executive Director.

Effective Date: July 24, 2024.

New Expiration Date: July 24, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:44 were scheduled to expire on October 2, 2024. The rules at N.J.A.C. 13:44 establish standards for the licensing and regulation of veterinarians. Subchapter 1 outlines the licensing procedure. Subchapter 2 is reserved. Subchapter 3 provides definitions relevant to the practice of veterinary medicine, such as "animal or veterinary facility," "person," "practice of veterinary medicine, surgery and dentistry," and "responsible supervision." Subchapter 4 sets forth rules of practice. Subchapter 4A sets forth rules regarding the provision of telemedicine. Subchapter 5 sets forth the fees that are charged by the Board of Veterinary Medical Examiners (Board).

The Board has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required pursuant to Executive Order No. 66 (1978). Therefore, pursuant to N.J.S.A. 45:914B-13, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

TRANSPORTATION

(b)

**DIVISION OF OPERATIONS
BUREAU OF ADMINISTRATIVE SUPPORT
Jurisdictional Assignments for Railroad Overhead
Bridges**

Readoption with Amendments: N.J.A.C. 16:53B

Proposed: March 4, 2024, at 56 N.J.R. 316(a).

Adopted: July 10, 2024, by Francis K. O'Connor, Commissioner,
Department of Transportation.

Filed: July 16, 2024, as R.2024 d.072, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:5G-1 et seq.

Effective Dates: July 16, 2024, Readoption;

August 19, 2024, Amendments.

New Expiration Date: July 16, 2031.

Summary of Public Comments and Agency Responses:

Comments were received from Nicole Gray, MBA, CLB Partners representing the New Jersey Railroad Association (NJRRA).

COMMENT: The NJRRA is concerned about the impact of adding a 30-day timeframe regarding the inspection, maintenance, rehabilitation, replacement, or removal of railroad overhead bridges assigned to a jurisdiction. Further, NJRRA refers to a 1989 New Jersey Register publication wherein the Department of Transportation's (Department) position was not to specify a timeframe for railroad responses. "The Department, however, does not agree that the specification of a fixed time frame for railroad responses is a universally useful remedy. The Department anticipates that different projects will require widely differing response times for both railroads and other agencies. Establishing specific time benchmarks at this stage of program development appears inappropriate." (21 N.J.R. 1833(b)). The NJRRA states, "Each situation is fact specific and requiring railroads to take action within a such an

unreasonably quick time frame is not needed." Further, "This work may include going on the railroad right of way, inspecting the bridge, and taking appropriate steps to remedy any issues including maintenance, rehabilitation, replacement, or removal of a bridge. These measures will take significant resources which may include utilizing outside consultants and contractors to perform the work. Setting a 30-day timeframe as a default triggers other actions including the possible imposition of penalties for failure to comply with the time frame." The existing regulatory language allows sufficient leeway for the Department to establish a particular time frame in each instance for the imposition of "a specified timeframe, as determined by the Commissioner."

RESPONSE: The Department thanks Nicole Gray, MBA, CLB Partners representing the New Jersey Railroad Association for their comments and the information provided. The Department appreciates the acknowledgement that freight railroads have worked closely and collaboratively with the Department on various rail projects, railroad right of way, and railroad overhead bridges.

The Department disagrees that circumstances in 1989 are the same as those in 2024. Transportation needs have grown throughout the years. Infrastructures have aged, needing more and immediate attention resulting in priority and emergency repairs on all the Department's infrastructure, including structures over railroads. The Department and its overseer, the Federal Highway Administration, have a duty and responsibility to the traveling public to ensure work orders are completed timely to ensure the safe passageway for the traveling public. Historically, some entities owning or controlling railroad right-of-way did not act in a timely manner. The Department still struggles to gain access to railroad property and right-of-way to perform priority and emergency repairs on structures over railroads, receive assistance from necessary track personnel, and be given the opportunity to review plans, specifications, and records related to the bridge.

As a result of past issues, the Department is now including a 30-day timeframe unless, as currently established and as NJRRA correctly points out, a specified timeframe is determined by the Commissioner. The Department intends to continue the collaborative work with all freight railroads with a clearer understanding of needs.

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 readopted with amendments come within the authority of State statute only and are not subject to Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:53B.

Full text of the adopted amendments follows:

SUBCHAPTER 6. RAILROAD RIGHT-OF-WAY REQUIREMENTS

16:53B-6.1 Railroad responsibilities

(a) Regarding the inspection, maintenance, rehabilitation, replacement, or removal of railroad overhead bridges assigned pursuant to this chapter, the entity owning or controlling a railroad right-of-way shall provide the following services to the party with jurisdiction for the bridge over the right-of-way. Those services must be provided in the form and manner prescribed by the Commissioner, at the entity's own expense, and within 30 days or within a specified timeframe, as determined by the Commissioner.

1.-5. (No change.)

(b) (No change.)