

5. In reaching the final agency decision, the Director of Operations Support shall consider all of the information previously provided and the additional information presented at the hearing, as well as the criteria set forth in this chapter and the public’s right and interest in a safe and efficient highway system. The Director of Operations Support shall render the final agency decision, with reasons, within 10 days of the informal hearing and shall so notify the appellant in writing.

(c) (No change.)

SUBCHAPTER 7. EMERGENCIES

16:41-7.1 Emergent situations

(a) Emergent situations may arise out of the violation of a condition of the permit, or they may occur as a result of situations that are not associated with a permit violation. If the emergent situation is not related to the violation of a permit condition, the Department may require the issuance of a permit within five days to allow the utility onto the right-of-way in order to remedy the situation. When an emergent situation occurs, the Department shall notify the permittee or utility of the emergency. In the event of an emergency, the permittee or utility shall:

- 1. Immediately dispatch a representative to the site of the emergency. The representative shall be on site within four hours or as otherwise directed by the Department;
- 2. Immediately stabilize the situation in order to restore the free and safe movement of traffic;
- 3. Provide, for the Department’s review and concurrence, a timeline for the completion of permanent repairs; and
- 4. Complete the permanent repairs within the timeline approved by the Department.

(b) If the emergent situation arises from a permit violation and the permittee fails to comply with the provisions of (a) above, the permit shall expire and the Department may either remedy the violation or

Type	Number	Unit
...		

SUBCHAPTER 9. WAIVERS

16:41-9.1 Waivers

(a) (No change.)

(b) If an applicant wishes to seek a waiver, the applicant shall submit a completed Department form MT-159, Request for Waiver, as an attachment to the permit application. Form MT-159 is available from the Department’s Operations Permit Office or the Department’s website at: www.state.nj.us/transportation/business/accessmgt/. The request for waiver shall state reasons why a waiver is appropriate and include documentation to support the waiver.

(c) (No change.)

(d) Possible bases for waiver requests include, but are not limited to:

1.-5. (No change.)

6. Municipal, county, or other approving agency imposition of conditions beyond the control of the applicant. If this occurs during the Department application process and the applicant provides documentation of these conditions, the Department shall not require a new application and fees as specified in N.J.A.C. 16:41-8.

(e) (No change.)

(f) Waivers that relate to utilities must also comply with the waiver provisions found at N.J.A.C. 16:25.

terminate the activity and shall deduct the full cost of any work done from the amount of any bond, check, or money order held by the Department. If the amount of the guarantee is less than the cost of the repairs performed for the Department, the Department shall bill the permittee for the balance due. If the permittee does not pay the balance due within 30 days of billing, the Department may initiate legal action.

(c) If the utility fails to make the designated repairs within the specified time period, the Department may initiate legal action.

(d) Under unusual or emergency conditions, the Operations Permit Office shall be contacted at (732) 625-4330. The office may issue oral approvals for activity to be covered by a subsequently issued permit. Unusual or emergency conditions shall exist when, in the determination of the Operations Permit Office, issuance of the oral approval is necessary to protect against an imminent threat to public health, safety, welfare, life, limb, or property. If the Operations Permit Office grants oral approval, the applicant shall submit an application as outlined in this chapter within five business days of the date the Operations Permit Office grants the oral approval.

SUBCHAPTER 8. FEES

16:41-8.1 Fees

(a)-(b) (No change.)

(c) Fees for applications, permits, and extensions are set forth below and are non-refundable. Fees shall be in the form of a check or money order made payable to the Department. The Department shall not accept cash. The applicant shall submit the application fee with the application. The applicant shall not submit the permit fee until the applicant returns the signed proposed permit to the Operations Permit Office. The Department shall not execute a proposed permit until the applicant has submitted the proper fee for the permit and the applicable entity identified at N.J.A.C. 16:41-6.1 has signed the proposed permit.

Application	Permit	Extension

TREASURY — GENERAL

(a)

DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION

Classification and Prequalification of Firms

Readoption: N.J.A.C. 17:19

Proposed: December 7, 2015, at 47 N.J.R. 2911(a).
Adopted: February 18, 2016, by Ford M. Scudder, Acting State Treasurer, through Steven M. Sutkin, Director, Division of Property Management and Construction.

Filed: February 18, 2016, as R.2016 d.024, **without change**.

Authority: N.J.S.A. 52:34-9.1 et seq., and 52:35-11.

Effective Date: February 18, 2016.

Expiration Date: February 18, 2023.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules are mandated by the provisions of N.J.S.A. 52:34-9.1 et seq. and 52:35-11, and are not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 17:19.