

When more than one pharmacist is involved in performing radiopharmaceutical services pursuant to this subchapter, each pharmacist shall be responsible for the accuracy and appropriateness of the radiopharmaceutical services he or she performed or reviewed and approved, and his or her unique and secure user identifier(s) shall be recorded in the audit trail. Audit trail documentation shall be generated at the time each service is performed. Such documentation shall be maintained or stored in original hard copy form or in any other media that facilitates the reproduction of the original hard copy and shall be kept by the pharmacy for five years. The oldest four years of information shall be maintained in such a manner so as to be retrievable and readable within two weeks. The most recent one year of information shall be retrievable and readable within one business day. Records not currently in use need not be stored in the pharmacy, but off-site facilities used to store such records shall be secure. Patient records shall be kept confidential, but shall be made available to persons authorized to inspect them under State and Federal statutes and regulations.

(b) (No change.)

(c) The process used for handling radioactive materials by any license holder must involve appropriate procedures for the purchase, receipt, storage, manipulation, compounding, distribution, and disposal of radioactive materials. In order to ensure the public health, safety, and welfare, a nuclear pharmacy shall first meet the following general requirements:

1. (No change.)

2. The environment shall be properly located so that the receipt and dispersal of radioactive materials does not result in inadvertent and undesired contamination of other non-occupationally labeled areas; [and]

3. The area shall be designed in such a manner that radioactive materials can be contained in given areas to ensure adequate safety and protection to personnel working in or near them and to insure proper operation of the corresponding assay equipment[.]; and

4. Those engaged in the compounding of radiopharmaceuticals for injection shall comply with N.J.A.C. 13:39-11, 11A, and 11B, as applicable.

(d)-(l) (No change.)

SUBCHAPTER 13. COLLABORATIVE PRACTICE

13:39-13.7 Scope of collaborative drug therapy management

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

(c) A pharmacist may perform laboratory tests that are granted waived status in accordance with the provisions of the "New Jersey Clinical Laboratory Improvement Act," P.L. 1975, c. 166 (N.J.S.A. 45:9-42.26 et seq.), Department of [Health and Senior Services] Health's rules set forth at N.J.A.C. 8:44, and Department of Health [and Senior Services] CLIA Program requirements, available at <http://www.state.nj.us/health/phel/instruct116.shtml>, provided the tests are consistent with the pharmacy practice area or disease state covered by the collaborative practice agreement.

(d)-(e) (No change.)

TRANSPORTATION

(a)

THE COMMISSIONER

Administration, Organization, Records Management, and Information Requests

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

Proposed New Rules: N.J.A.C. 16:1A-4.7 and 4.8

Authorized By: Richard T. Hammer, 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 2017-084.

Submit written comments by August 4, 2017, to:

Paul Sprewell, Administrative Practice Officer
Division of Policy, Legislation & Regulatory Actions
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Fax: (609) 530-4638
Submit electronically at NJDOTRules@dot.nj.gov.

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

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 April 21, 2017. As the Department of Transportation (Department) filed this notice of proposal prior to that date, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration date was extended 180 days to October 18, 2017.

N.J.A.C. 16:1A contains the Department's organizational structure, the procedures for rulemaking, procedures for obtaining government records, and provisions relating to the Department's logo. Because the Department has provided a 60-day comment period on 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 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 government records.

The proposed amendments are summarized as follows:

N.J.A.C. 16:1A-1.2(a) is proposed for amendment to update and correct information regarding the Department's organizational structure.

N.J.A.C. 16:1A-3.1(b)4 is proposed for amendment to correct the e-mail address. N.J.A.C. 16:1A-3.1(f) is added to provide that the Department will post each action on a petition for rulemaking on its website within 60 days of receiving the petition. N.J.A.C. 16:1A-3.2(a) and (b) and 3.3(a) and (b) are proposed for amendment to make the cross-references to the Administrative Procedure Act more specific. The heading of N.J.A.C. 16:1A-3.3 is proposed for amendment to read "Public hearings." N.J.A.C. 16:1A-3.4(b) is proposed for amendment to correct the website link.

N.J.A.C. 16:1A-4.2(a) is proposed for amendment to clarify language and to delete the phrase "copy such records by hand or to" because this is no longer Department policy. N.J.A.C. 16:1A-4.2(b) is proposed for amendment to update an e-mail address. N.J.A.C. 16:1A-4.2(e) is added to provide information related to traffic control device records. N.J.A.C. 16:1A-4.2(f) is added to provide information related to the Department's Standard Specification documents.

Proposed new N.J.A.C. 16:1A-4.4(a) is added to establish that copies of records will be provided electronically unless otherwise specified in the request. Recodified N.J.A.C. 16:1A-4.4(b) is proposed for amendment to establish that the subsection is referring to hard copies of documents, delete unnecessary language, and reorganize the subsection. Recodified N.J.A.C. 16:1A-4.4(b)1 is proposed for amendment to delete language relating to the \$25.00 fee for compact discs. Upon review of the existing text, the Department determined that the fee is too high based on current costs for materials. A new provision is proposed at N.J.A.C. 16:1A-4.4(c). Proposed new N.J.A.C. 16:1A-4.4(b)4 and 5 provide information regarding fees for traffic control device records and Standard Specifications related to road and bridge construction. Existing N.J.A.C. 16:1A-4.4(b) is proposed for deletion because the Department no longer allows documents to be removed from its premises for

copying purposes. Proposed new N.J.A.C. 16:1A-4.4(c) is added to establish provisions related to compact discs and that they will be charged special service fees, as applicable. These fees will reflect current costs, rather than a flat fee of \$25.00. Recodified N.J.A.C. 16:1A-4.4(d) is proposed for amendment to simplify language.

N.J.A.C. 16:1A-4.6(a) is proposed for amendment to delete the phrase “made in writing on” and replaced with “submitted electronically using” in regards to video log request forms. The contact information is also proposed for deletion because it is unnecessary.

Proposed new N.J.A.C. 16:1A-4.7 is added to provide information related to traffic control device records. The language incorporates existing N.J.A.C. 16:27-5.1. Proposed new N.J.A.C. 16:1A-4.8 is added to provide information related to the distribution of the Department’s Standard Specification documents. The language incorporates existing N.J.A.C. 16:44-4.1 and 4.2 and is amended to delete language related to the current process of distribution, and costs of hard copies to requestors other than those specified in N.J.A.C. 16:1A-4.8(c) and (d). This language will also be deleted in a future rulemaking related to N.J.A.C. 16:44.

Social Impact

The rules proposed for readoption with amendments and new rules have a beneficial social impact. The rules 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 and new rules provide correct contact information and procedures.

Economic Impact

The rules proposed for readoption with amendments and new rules do not change existing fees or charges on the public, other than a revision to the charge for records provided on compact discs. The existing \$25.00 fee for compact discs has been deleted, and persons requesting compact discs will be charged a special service fee, which will reflect current costs for materials. This amendment will benefit the requesters as they will pay less than they currently would for those records. Information related to fees for traffic control device records and Standard Specifications for road and bridge construction has been added to this chapter. These fees are the same as those found in the governing rules at N.J.A.C. 16:27-5.1(b) and (c) and 16:44-4.1(b).

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

Jobs Impact

The rules proposed for readoption with amendments and new rules have not resulted, and will not result, in the generation or loss of jobs. The rules 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 readoption with amendments and new rules have no impact on the agriculture industry in New Jersey. The rules are not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Analysis

The rules 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 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., therefore, no lesser requirements or exceptions are provided for small businesses.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments and new rules will have no impact on the affordability of housing in New Jersey. The rules 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 would bring about a change in the average costs associated with housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments and new rules will have no impact on smart growth. 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 because the rules concern the Department’s organizational structure, the procedures for obtaining copies of government records, rulemaking procedures, and provisions relating to the Department’s logo.

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

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

SUBCHAPTER 1. GENERAL INFORMATION

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> 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. [A Director within] **The Assistant Commissioner of Capital Program Management**, having the necessary experience and a valid New Jersey Professional Engineer’s license, is designated the State Transportation Engineer;

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

i. Capital Program Management—the Assistant Commissioner of Capital Program Management has principal responsibilities in the following areas:

(1)-(4) (No change.)

[(5) State Transportation Engineer;]

Recodify existing (6) and (7) as **(5) and (6)** (No change in text.)

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

(1)-(2) (No change.)

(3) Operations South; [and]

(4) Operations; **and**

(5) Permits, Electrical, and Claims Unit;

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)-(3) (No change.)

(4) Multimodal Services; **and**

(5) Capital Investment Planning and Development; [and]

[(6) Multimodal Planning and Development.]

iv.-viii. (No change.)

3.-5. (No change.)

SUBCHAPTER 3. RULEMAKING

16:1A-3.1 Procedure for filing a rulemaking petition

(a) (No change.)

(b) The petition may be submitted by:

1.-3. (No change.)

[4. Email: njdotRules@dot.state.nj.us.]

4. E-mail: NJDOTRules@dot.nj.gov.

(c)-(e) (No change.)

(f) The Department shall publish each notice of action on a petition for rulemaking on its Internet website, no later than the date of publication of the notice in the New Jersey Register.

[(f)] **(g)** (No change in text.)

16:1A-3.2 Extension of the public comment period

(a) The Department, in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30-5.4, may extend the time for submission of public comments on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Department, in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30-5.4, shall extend the time for submission of public comments for an additional 30-day period, if, within 30 days of the publication of a notice of proposal, sufficient public interest is demonstrated in an extension of time to submit comments.

(c) (No change.)

16:1A-3.3 [Conducting a public] **Public** hearings

(a) The Department, in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30-5.5, may conduct a public hearing on a proposed rulemaking at its discretion without the need for a specific request or the demonstration of sufficient public interest.

(b) The Department, in accordance with New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30-5.5, shall conduct a public hearing on a proposed rulemaking at the request of a Legislative Committee, a State agency, or a county, local, or municipal governmental entity, if the request is made to the Department within 30 days following publication of the proposed rulemaking, or if sufficient public interest is demonstrated.

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

16:1A-3.4 Notice of rulemaking proposals

(a) (No change.)

(b) When the Department makes a rulemaking proposal in the New Jersey Register, the notice will also be available on the Department's website at www.state.nj.us/transportation/about/rules/ www.state.nj.us/transportation/about/rules/proposals.shtm.

SUBCHAPTER 4. OBTAINING GOVERNMENT RECORDS

16:1A-4.2 Record requests

(a) Department records shall be accessible for on-site inspection by private citizens during the regular business hours of the custodian of records or the particular office having custody of the record. Every person shall also have the right to [copy such records by hand or to] purchase copies. [The right to copy or duplicate a record or document shall not apply to] **Requests for records, documents, or software that may be subject to copyrights, licensing, or other such restrictions will be denied.** [The right of inspection or copying of] **A request to inspect** Department records may be denied by the custodian pursuant to N.J.S.A. 47:1A-1 et seq., and this chapter. If the request is denied, the requestor will be notified of the reasons for such denial.

(b) All requests for on-site inspection [or copying] of the Department's records, except as set forth in (c) [and (d)] **through (f)** 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

Fax: 609-530-6694

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

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

1.-6. (No change.)

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

(e) Requests for traffic control device records shall be made in accordance with N.J.A.C. 16:1A-4.7.

(f) Requests for the Department's Standards Specifications shall be made in accordance with N.J.A.C. 16:1A-4.8.

16:1A-4.4 Copying fees

(a) Copies of records will be provided electronically unless otherwise specified in the request.

[(a)] **(b) [Copies] Hard copies** of records will be made available upon full payment of the copying fees, by check or money order made payable to "New Jersey Department of Transportation." Ordinary copying fees shall be in accordance with N.J.S.A. 47:1A-5. [The Department may require a 50 percent deposit for special service charges.] The copying costs for the following non-exclusive list of records have been determined by the Department to be extraordinary[, is provided in this section for ease of reference,] and their copying fees are as follows[:]. **The Department may require a 50 percent deposit for special service charges related to these types of documents.**

1. Copies of drawings, maps, and plan sheets shall be \$2.00 per page [or \$25.00 per compact disk]. Copying costs for color copies of drawings, maps, and plan sheets will be based on actual costs;

2.-3. (No change.)

[(b) If a person wishes to copy more than 100 pages of Department records, the custodian of records may permit the use of the person's own photographic process providing:

1. The photographic process is approved by the custodian;

2. There is no risk of damage, mutilation or loss of the records;

3. The copying of such records would not be incompatible with the economic and efficient operation of the office; and

4. Upon full payment of the fee that will be established by the custodian after consideration of the equipment and time involved, at not less than \$10.00 or more than \$50.00 per day.]

4. Copying fees for traffic control device records shall be in accordance with N.J.A.C. 16:27-5.1(b) and (c).

5. The process for the distribution of Standard Specifications related to road and bridge construction shall be in accordance with N.J.A.C. 16:44-4.1(b).

(c) Records burned on compact discs will be subject to special service fees, as applicable.

[(c)] **(d)** If it is not practicable for the Department to copy any document, the document will be copied [commercially] **externally** and the requestor shall be charged a fee equal to the Department's costs for the commercial copying.

[(d)] **(e)** (No change in text.)

16:1A-4.6 Traffic camera video records

(a) All requests for traffic camera video records shall be [made in writing on] **submitted electronically using** the Department's Video Log Request Form, which may be obtained at www.nj.gov/transportation/business/videolog. [Completed forms shall be sent to:

Video Request Coordinator

Transportation Systems Management

New Jersey Department of Transportation

P.O. Box 600

Trenton, NJ 08625

or submitted by facsimile to:

Fax: 609-530-2607]

(b)-(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 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, 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, 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 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.

(b) All questions should be directed to the Department's engineering documents unit at 609-530-5587 or by fax at 609-530-6626.

(c) Distribution of hard copies is as follows:

1. The Department's engineering documents unit will distribute hard copies of the Standard Specifications without charge, upon request, to the following:

- i. New Jersey county engineer's office (one copy each);
- ii. Chief engineer of other state transportation departments (one copy);
- iii. American Association of State Highway and Transportation Officials (three copies);
- iv. Federal Highway Administration (five copies); and
- v. Each successful bidder upon award of the contract (one copy regardless of its number of awarded contracts).

(d) Additional copies will be distributed upon payment of the special service charge. The Assistant Commissioner or Commissioner's designee of the departmental unit from which the plans originate may approve additional non-departmental distribution without charge. Approvals will be made on a case-by-case basis.

(a)

DIVISION OF MULTIMODAL SERVICES

Airport Grant and Loan Program

Proposed Amendment: N.J.A.C. 16:56-3.1

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

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29, 6:1-44, 6:1-89 et seq., and 27:1B-1 et seq.

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

Proposal Number: PRN 2017-079.

Submit written comments by July 5, 2017, in writing to:

Paul F. Sprewell
Administrative Practice Officer
New Jersey Department of Transportation
PO Box 600
Trenton, New Jersey 08625-0600
or submit electronically at NJDOTRules@dot.nj.gov.

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

The agency proposal follows:

Summary

This chapter implements the Airport Safety, Security and Improvement Act, N.J.S.A. 6:1-89 et seq. (the Act). The Act mandates that the Department establish programs of financial assistance to improve general aviation airports and facilities, and to promote aviation and aviation safety. The rules provide grants and loans that fund projects and programs for general aviation airports, enterprises located at the airport, counties, municipalities, and other political subdivisions of the State, and other persons and entities that may qualify for aid. The rule was amended and readopted, effective April 7, 2014. In that re Adoption, project categories were prioritized and new funding parameters were added for each category, which were based on total construction costs, which excluded engineering and design services. The financial responsibility for those items was placed on the airports. This was done because funding for the Airport Safety Fund was constrained and had to meet the needs of a wide variety of safety improvement projects. The Department believed that the best use of limited funds was to select projects that demonstrated financial commitment on the part of the project sponsor through the development of plans and specifications. Although the number of projects may have been reduced, this method would ensure that the funds were provided to projects that were ready to begin construction.

Upon recent review, the Department determined that the 2014 revisions did result in fewer applications because smaller airports, which are less financially able to fund their own projects and need the program assistance, were not applying for grants. It was also determined that the prioritized project categories reflect unfair percentage differences (from 75 percent to 90 percent of the total construction cost) and may be a deterrent. In order to solicit comments from the regulated community, the Department published a pre-proposal which appeared in the January 3, 2017 issue of the New Jersey Register at 49 N.J.R. 52(a).

The Department is proposing to grant financial assistance, which shall not exceed 90 percent of the total project cost (with the remaining amount the responsibility of the grant recipient), while retaining the flexibility to vary the amount if necessary. The use of total project cost as opposed to total construction cost ensures that necessary engineering service and design costs are included. These amendments simplify the rule, lessen the financial burden on the airports, and make the selection process and implementation less complicated. This, in turn, may result in the Department receiving more applications, which should support the mandate of the Act to improve general aviation airports and facilities through financial assistance provided by the grant and loan program. In the notice of pre-proposal, N.J.A.C. 16:56-3.1(b) was deleted. The Department has reviewed the language and determined that it should be retained. Existing N.J.A.C. 16:56-3.1(c) is deleted because the funding parameters are being revised. Proposed N.J.A.C. 16:56-3.1(c) is added to provide that financial assistance for airport improvement grants shall not exceed 90 percent of the total project cost, and the recipients share shall not be less than 10 percent of the total project cost.

Because the Department has provided a 30-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 Department received comments on the pre-proposal and is responding as follows:

28 form letter comments were received from the following:

Robert Checchio, V.P. for Legislative Affairs, Mid-Atlantic Aviation Coalition

Lorna Mack
Kurt Stofko
John Morgan
Mark Deibert
Thomas P. Tonden
Sina Adibi

Maria S. Sheridan, Sr. Dir., Gov't & Business Development, Morristown Airport