

separately for each year); a statement indicating the source and application of funds during the period; a statement indicating the manner in which the petitioner proposes to use the proceeds from the security issue; and the necessity and reasonableness of the proposed transaction;

7.-14. (No change.)

14:17-6.14 Petitions for authority to transfer capital stock

(a) Petitions for authority to transfer upon the books and records of any cable television company, pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, any share or shares of its capital stock, shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1.-8. (No change.)

(b) (No change.)

14:17-6.15 Petitions for permission to lend money or property

(a) Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq., shall conform to N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in exhibits thereto, provide the following additional information:

1.-5. (No change.)

14:17-6.16 and 6.17 (Reserved)

14:17-6.18 Petitions for approval of a merger or consolidation

(a) Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to the provisions at N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, 6.4, and 6.3, to the extent applicable, and shall contain in the petition, or as attached exhibits, the following information:

1.-14. (No change.)

14:17-6.19 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents, and other writings outside the State of New Jersey, filed with the Board, as required pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1.-10. (No change.)

11. The name, address, telephone number, and email address of the petitioner's statutory agent

14:17-6.20 Petitions by municipalities for permission to charge franchise fee above that prescribed at N.J.S.A. 48:5A-1 et seq.

(a) Petitions by municipalities for permission to charge a franchise fee above that prescribed at N.J.S.A. 48:5A-1 et seq., shall be filed in one of two forms:

1. (No change.)

2. A petition in conformity with the requirements at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, may be filed separately by a municipality.

3. (No change.)

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petition for an order setting aside municipal or county refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-17.e, shall conform to N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall include, but not be limited to, the following:

1.-4. (No change.)

(b) The petition pursuant to this section must be filed with the Office and the Secretary of the Board within 60 days of written notice of the denial to the petitioner.

(c) The Board or administrative law judge shall hold a hearing on the matter.

SUBCHAPTER 7. ANSWERS AND REPLIES

14:17-7.1 Form and content

(a) Any party against whom a petition is directed and who desires to contest the same or make any representation to the Office in connection therewith shall file an answer, in writing, thereto with the Secretary of the Board.

(b) The answer shall be so drawn as to apprise the parties and the Board fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the petition.

(c) (No change.)

SUBCHAPTER 8. CONFERENCES AND SETTLEMENTS

14:17-8.3 Stipulation of conference results

(a) Upon conclusion of the pre-transmittal conference, the parties, or their attorneys, shall reduce the results thereof to the form of a written stipulation reciting the matters agreed upon, and an original and one copy thereof shall be filed with the Board pursuant to N.J.A.C. 14:17-4 within 10 days of the date of the conference. If no stipulations are reached, the matter shall be immediately transmitted to the Office of Administrative Law.

(b)-(c) (No change.)

SUBCHAPTER 9. CONTESTED CASE HEARINGS

14:17-9.1 Contested case procedures

The hearing in any matter that is determined by the Board to be a contested case shall be conducted pursuant to the procedures in the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Public Utilities Rules of Special Applicability, N.J.A.C. 1:14.

14:17-9.7 Motions and answers on rehearing, reopening, or reconsideration

(a)-(d) (No change.)

(e) Appeals of the Board's rulings on a motion for rehearing, reopening, or reconsideration must be made to the Appellate Division within 45 days of the Board's Order. The Rules Governing the Courts of the State of New Jersey provide the rules and procedures for filing the appeal. Information regarding filing an appeal may be obtained from the Superior Court of the State of New Jersey.

SUBCHAPTER 10. UNCONTESTED CASE PROCEEDINGS

14:17-10.3 Filing

Pleadings, correspondence, or other documents pertaining to an uncontested case shall be filed pursuant to N.J.A.C. 14:17-4. Copies of such correspondence shall be filed with the Secretary of the Board and with the parties of record.

14:17-10.4 Cameras and recording devices

Cameras or recording devices may be used at uncontested case proceedings in accordance with the standards and procedures at N.J.A.C. 14:17-1.8.

14:17-10.5 Appearances

Any person appearing in a representative capacity in any uncontested case proceeding shall conform to the requirements at N.J.A.C. 14:17-3.

TRANSPORTATION

(a)

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

Relocation Assistance

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

Proposed: June 3, 2024, at 56 N.J.R. 1007(a).

Adopted: August 21, 2024, by Francis O'Connor, Commissioner,
Department of Transportation.

Filed: August 22, 2024, as R.2024 d.091, without change.

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.

Effective Dates: August 22, 2024, Readoption;
September 16, 2024, Amendments.

Expiration Date: August 22, 2031.

Summary of Public Comment and Agency Response:
No comments were received.

Federal Standards Statement

The rules readopted with amendments are based in part upon a State statutory mandate to conform to the requirements established pursuant to Federal law and regulation. The rules readopted with amendments 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. Please see the notice of proposal Economic Impact for a detailed discussion of 49 CFR Part 24.208.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:6.

Full text of the adopted amendments follow:

SUBCHAPTER 1. GENERAL PROVISIONS

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 <https://www.ecfr.gov/current/title-49/subtitle-A>.

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 https://nj.gov/transportation/eng/documents/BDC/pdf/ROW_Acquisition_Manual_20190913.pdf.

(b) (No change.)

(c) FHWA will not reimburse a State regulatory relocation requirement that exceeds the Federal relocation limits, unless approved in advance.

(d) (No change.)

(e) If FHWA approves amounts above the Federal standards, the overage will require the utilization of State funds or LPA funds.

(f) All relocation payments must be properly documented and the payments must be justified as reasonable, necessary, and reflecting a public good.

SUBCHAPTER 4. APPEALS

16:6-4.1 Appeal of agency determination

(a)-(c) (No change.)

(d) A displaced person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the displaced person's own expense. The displaced person shall be permitted to inspect and request copies of all materials pertinent to the appeal, except materials that are classified as privileged by the agency. The agency may impose reasonable conditions on the displaced person's right to inspect, consistent with applicable laws. 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)-(i) (No change.)