

Housing Affordability Impact Analysis

The rules proposed for reoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to administering the New Jersey Cultural Trust Fund Grant Program.

Smart Growth Development Impact Analysis

The rule proposed for reoption with amendments will not have an impact on the achievement of smart growth or housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules pertain to administering the New Jersey Cultural Trust Fund Grant Program.

Full text of the rules proposed for reoption may be found in the New Jersey Administrative Code at N.J.A.C. 15:27.

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

SUBCHAPTER 1. ORGANIZATIONAL RULE

15:27-1.1 Organization; information contact; petition for rulemaking

(a) (No change.)

(b) To contact the New Jersey Cultural Trust, or to submit a petition for rulemaking pursuant to N.J.A.C. 1:30-4, write:

[Carol Cronheim,] Board Secretary
New Jersey Cultural Trust
PO Box [529] **305**
Trenton, NJ 08625-[0529]**0305**

or

Feedback@sos.state.nj.us

(c) **More information on the New Jersey Cultural Trust can be found at www.culturaltrust.nj.gov.**

SUBCHAPTER 2. NEW JERSEY CULTURAL TRUST FUND GRANT PROGRAM

15:27-2.6 Requirements for designation as a “qualified organization”

(a) In applying for designation as a qualified organization, the following are required:

1.-5. (No change.)

6. [An organization with an annual budget of at least \$100,000 and/or endowment holding greater than \$100,000 must submit an independent certified audit of financial statements for the last two completed fiscal years.] An organization with an annual budget under \$100,000 and no endowment or no endowment holding in excess of \$100,000 must submit copies of their past two annual budgets as approved by the organization’s board of directors and their tax returns for the past two fiscal years, if they are required to file such returns. **Organizations with an annual budget in excess of \$100,000, but under \$500,000, must submit independent financial reviews for their past two completed fiscal years. Organizations with annual total gross income of \$500,000 or more must provide certified audits for their past two completed fiscal years, or the same financial documentation as is required by the New Jersey Division of Consumer Affairs Charities Registration Section for annual reporting for the past two completed fiscal years.**

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

15:27-2.12 Procedure for distribution of income from the Trust Fund

(a) (No change.)

(b) Interest that is allocated for distribution shall be awarded to projects submitted to the Board by the Council, the Historic Trust, and the Commission.

1. The project list submitted by the Historic Trust shall be composed of grants for capital facilities projects for qualifying [history and humanities] organizations **with stewardship responsibility for properties listed or deemed eligible for listing on the State Register of Historic Places.**

2.-3. (No change.)

(c)-(f) (No change.)

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Enforcement Service

Daily School Bus Condition Report by Driver

Proposed Amendment: N.J.A.C. 13:20-30.7

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Authority: N.J.S.A. 39:3B-5.

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

Proposal Number: PRN 2014-145.

Submit comments by November 14, 2014, to:

Kate Tasch
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or via e-mail to: rulecomments@mvc.nj.gov.

The agency proposal follows:

Summary

N.J.A.C. 13:20-30.7 is proposed for amendment primarily to eliminate the reference to “tour of duty” and add language indicating or clarifying that each school bus driver is required to conduct a pre-trip inspection of each school bus they operate on that day.

The Motor Vehicle Commission (MVC) originally proposed to add a definition of “tour of duty” to N.J.A.C. 13:20-30.7 to clarify the meaning of a term that was already in the rules. See 45 N.J.R. 842(a) at 857. The MVC proposed defining “tour of duty” as the period between when a school bus driver begins a run/trip/route and when that school bus driver returns from a completed run/trip/route. During the public comment period, the MVC received many letters objecting to the definition and its implication that school bus drivers would have to inspect their school buses every time they returned to a particular school bus that they had previously left, even if they were only gone for one minute. Consequently, the MVC has decided that it can achieve the same safety results by deleting the definition of “tour of duty” and discontinuing the use of “tour of duty” in its rules. In its place, the MVC is proposing to add language that indicates that a school bus driver must inspect each school bus he or she will be driving before initially operating it each workday and prepare a report on the inspection.

As the Commission has determined that the comment period for this notice of proposal shall be 60 days, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

Since “tour of duty” was never a defined term, the MVC does not know how school bus operators interpreted and administered this rule. Based on the response to the MVC’s previously proposed definition of “tour of duty” as requiring the inspection of all school buses whenever a school bus driver enters a vehicle to begin a new run/trip/route, whether the school bus driver drove the school bus earlier in the day or not, it appears that many school bus companies and school bus drivers had already interpreted “tour of duty” to mean what the MVC is now proposing in an amendment. Namely, that a school bus driver must inspect each school vehicle before initially operating it each day. Accordingly, there is no change in practice for the school bus companies or providers of school transportation and school bus drivers that utilized this MVC interpretation. The other school bus companies or providers of school transportation and school bus drivers will need to adjust their practice.

Economic Impact

There should be no economic impact with this proposed amendment because it appears that many school bus companies have interpreted the

current rules to require what the proposed amendment will require. The proposed amendment will have a small impact on school bus companies that only required one inspection per bus at the beginning of the day, regardless of how many drivers would be driving that bus on a particular day. Because school buses will have to be inspected the first time they are used by a particular driver each day, a school bus driver may have to spend an extra 10 to 15 minutes inspecting every bus that they drive each day.

Had the proposed “tour of duty” definition been adopted, there could have been an adverse economic impact on providers of school transportation, including public school systems and private schools that operate their own school buses or transportation networks and school bus companies, because their drivers could have had to spend considerably more time inspecting buses each day, possibly, in some situations, having to hire more personnel, in the event they interpreted the rule contrary to the MVC interpretation.

Federal Standards Statement

49 CFR 396.11 requires drivers of motor carriers (a term which includes buses) to prepare a daily written inspection report for each vehicle operated at the end of each workday. The proposed amendment to N.J.A.C. 13:20-30.7, meets but does not exceed the Federal standard, and clarifies that school bus drivers must conduct an inspection on each school bus that they have not previously driven on that day. The report that they prepare requires them to record the beginning mileage and the ending mileage.

Jobs Impact

If providers of school transportation have been requiring their drivers to inspect each school bus that they drive prior to taking it out on the road each day, then there should be no real jobs impact. However, if providers of school transportation did not utilize that interpretation of “tour of duty” and only required their school bus drivers to inspect the first school bus that they drove each day, it is still rather unlikely that additional school bus driver positions would be required. (If the proposed definition of “tour of duty” was adopted, there would have been a greater possibility that providers of school transportation would have had to hire additional school bus drivers than there is under this rulemaking.) This proposed amendment should not result in the gain or loss of any jobs.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry. It is not intended to regulate farming, crop, or animal production.

Regulatory Flexibility Analysis

At least some private school bus transportation companies may qualify as small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment is intended to clarify that the rule requires school bus drivers to inspect each school bus that they have not previously operated that day before getting behind the wheel. This amendment did not change the content of the rules other than to clarify what was already required. It applies to all school bus drivers, whether they are employed by public school districts, private schools, small private bus transportation companies, large private bus transportation companies, or any other entity that employs school bus drivers to transport school children to and from school. Responsible, prudent school bus transportation providers have already been requiring their school bus drivers to inspect each school bus before they drive it each day. The rules set forth minimum standards that must be met to protect the safety of the children on board. For this reason, no lesser standards can be made available to small businesses.

Housing Affordability Impact Analysis

It is not anticipated that the proposed amendment will have any impact on affordable housing in New Jersey and there is an extreme unlikelihood that it will change the average costs associated with housing because the amendment pertains to school bus inspection requirements for school bus drivers.

Smart Growth Development Impact Analysis

It is not anticipated that the proposed amendment will have any impact on smart growth in New Jersey and there is an extreme unlikelihood that

the rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey in that the rulemaking pertains to school bus inspection requirements for school bus drivers.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 30. INSPECTION OF SCHOOL BUSES

13:20-30.7 Daily school bus condition report by driver

(a) Every operator shall require [his or her] **each** driver[s] to [report, and every] **inspect each school bus the driver will be operating once each workday. Each** driver shall prepare [such] a report **based on the inspection(s)**, in writing or via a Commission-approved electronic device [at the beginning of his or her workday or tour of duty, which]. **The report shall list any defects or deficiencies of the school bus discovered by the driver as would be likely to affect the safe operation of the school bus or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by him or her. The pre-trip school bus inspection shall be conducted on each school bus that the school bus driver has not previously operated on that workday.** A sample of the “Driver Daily Report” form that may be used for submitting the driver daily report can be found on the Motor Vehicle Commission website at <http://www.state.nj.us/mvc/Inspections/SchoolBus.htm>. Similar forms containing the required information or electronic devices may be used to report **the** daily school bus condition upon prior approval by the Commission.

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

(a)

**DIVISION OF CAPITAL PROGRAM MANAGEMENT
OFFICE OF OUTDOOR ADVERTISING SERVICES**

**Roadside Sign Control and Outdoor Advertising
Proposed Redoption with Amendments: N.J.A.C.
16:41C**

**Proposed Recodifications with Amendments:
N.J.A.C. 16:41C-4.3, 5.1, 5.7, 7.1, 8.1, and 8.3 as
5.2, 1.2, 6.4, 3.2, 3.1, and 9.3, respectively**

Proposed Recodification: N.J.A.C. 16:41C-4.2 as 5.3

**Proposed Repeals and New Rules: N.J.A.C. 16:41C-
8.7 and 8.8**

**Proposed New Rules: N.J.A.C. 16:41C-1.3, 6.5, 6.6,
6.8, 6.9, 8.1, 9.1, 9.2, 9.4, and 11**

**Proposed Repeals: N.J.A.C. 16:41C-5.6, 6.3, 6.4, and
8.6**

Authorized By: Joseph D. Bertoni, Acting Commissioner,
Department of Transportation.

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

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

Proposal Number: PRN 2014-146.

A **public hearing** concerning this notice of proposal will be held as follows:

Wednesday, October 22, 2014, from 9:30 A.M. to 12:00 P.M.
New Jersey Department of Transportation
Multi-Purpose Room
1035 Parkway Avenue
Ewing, New Jersey

Submit comments by November 14, 2014, to:

Miriam Weeks
Administrative Practice Officer
New Jersey Department of Transportation