

development partnership, and the method by which a worker may make application for a refund of such excess deductions.

N.J.A.C. 12:16-11 addresses certain special employment situations, including real estate managing agents and limited liability companies.

N.J.A.C. 12:16-12 addresses both concurrent employment by related employers and common paymasters.

N.J.A.C. 12:16-13 outlines the reports to be submitted by employers, the penalties applicable for failure to file reports, and the procedures for requesting penalty abatement.

N.J.A.C. 12:16-14 concerns election of coverage. Specifically, the subchapter provides that any employing unit may elect to become subject to the Unemployment Compensation and Temporary Disability Benefits Laws in order to extend coverage to individuals performing services that do not constitute covered employment. It also sets forth the requirements for such voluntary election of coverage.

N.J.A.C. 12:16-15 concerns the establishment of voluntary joint accounts, whereby two or more employers are permitted to maintain joint accounts for the purposes of complying with N.J.S.A. 43:21-7 of the Unemployment Compensation Law. This subchapter also addresses the effective date, duration, modification, and dissolution of such an arrangement.

N.J.A.C. 12:16-16 requires that employers provide notice to employees that they are covered by the Unemployment Compensation Law.

N.J.A.C. 12:16-17 is reserved.

N.J.A.C. 12:16-18 addresses the transfer of employment experience from one employer to a successor in interest.

N.J.A.C. 12:16-19 addresses benefit charges and provides that the Department of Labor and Workforce Development (Department) must notify the employer of benefits charged to his or her account.

N.J.A.C. 12:16-20 explains the conditions that must be met by an unemployment work-relief or work-training program that is financed or assisted in whole, or in part, by a federal agency, State agency, or political subdivision of the State, in order to qualify for the exemption provided at N.J.S.A. 43:21-19(i)(1)(D)(v).

N.J.A.C. 12:16-21 requires that all employers report employee statistics concerning zip codes to the Department of Transportation.

N.J.A.C. 12:16-22 outlines the procedures for hearings involving questions of coverage, status, liability for contributions, reporting, refunds, or rates of contributions. The subchapter also provides for informal conferences, formal hearings, final determinations by the Commissioner of the Department, and appeals to the Appellate Division of the New Jersey Superior Court.

N.J.A.C. 12:16-23 addresses the services which are excluded from coverage pursuant to the Unemployment Compensation Law.

N.J.A.C. 12:16-24 sets forth the requirements which must be met by an employee leasing company, also known as a professional employer organization (PEO), in order to be registered by the Department. Among these requirements are initial and annual registration, proof of financial security, payroll tax certification, and proof of workers' compensation insurance. The subchapter also addresses the dissolution of an employee leasing arrangement and rescission of registration by the Department.

The Department has reviewed these rules and has determined that the rules should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

TRANSPORTATION

(a)

CAPITAL PROGRAM MANAGEMENT

Utility Accommodation

Adopted Amendments: N.J.A.C. 16:25-1.2. 2.1, 5.3, 7.3, 8.9, 9.2, 9.9, and 13.2

Proposed: April 7, 2025, at 57 N.J.R. 653(a).

Adopted: June 12, 2025, by Francis O'Connor, Commissioner, Department of Transportation.

Filed: June 13, 2025, as R.2025 d.086, without change.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-19, 40:62-35, 40:62-134, 48:2-80 et seq., 48:5A-1, 48:7-1 et seq., 48:7-2 et seq., 48:9-17, 48:9-25.4, 48:13-10, 48:17-8, 48:17-16, and 48:19-17; 47 U.S.C. §1504; and 2 CFR 200.216 and 23 CFR Part 645, Subparts A through C.

Effective Date: July 21, 2025.

Expiration Date: June 6, 2030.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis pursuant to P.L. 1995, c. 65, is not required because the Department of Transportation has determined that the requirements of this rulemaking are either dictated pursuant to State statutes or are the same as the Federal requirements and standards set forth at 49 CFR Parts 192, 193, and 195 and 23 CFR Part 645, Subparts A, B, and C.

Full text of the adoption follows:

SUBCHAPTER 1. PURPOSE, SCOPE, STANDARDS, AND CONTACT INFORMATION

16:25-1.2 Scope

(a) All utility facilities approved pursuant to highway occupancy permits, pursuant to N.J.A.C. 16:41 or by utility agreements issued pursuant to this chapter, are subject to the requirements of this chapter. Public utilities and cable television companies subject to this chapter are owners of underground, surface, or overhead facilities, either singularly or in combination. The utilities include, but are not limited to, electric, telephone, sewer, water, gas facilities, cable, voice, data, video, and graphic services. Requests for permits or agreements by private utilities will be treated as special cases pursuant to N.J.A.C. 16:25-5.1.

(b) (No change)

(c) Certain telecommunications and video surveillance services or equipment is prohibited as listed at 2 CFR 200.216 and as required in Department Specifications 106.01 and 106.03.

SUBCHAPTER 2. DEFINITIONS

16:25-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

... "Broadband infrastructure" means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, data, video, graphics, or any combination thereof.

"Broadband infrastructure entity" means any entity that installs, owns, or operates broadband infrastructure and provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

... "Cable television company" or "CATV company" means any person or group of persons who provides cable, voice, data, video, graphic services over a cable, broadband system, or both, and directly or through one or more affiliates owns a significant interest in such cable, broadband, or both systems; or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable, broadband, or both systems.

... "Pavement structure" means the combination of all as-built pavement layers, subbase, base course, and the surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

... "Statewide Transportation Improvement Program (STIP)" means a staged, multi-year, Statewide intermodal program of transportation projects, consistent with the Statewide transportation plan and planning

processes, as well as metropolitan plans, transportation improvement programs (TIPs), and planning processes.

"Utility" means a privately, publicly, or cooperatively owned facility for producing, transmitting, or distributing communications, cable television, broadband, voice, data, video, and graphics, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, that directly or indirectly serves the public. The term "utility" shall also mean the utility owner or the utility company inclusive of any wholly owned or controlled subsidiary. The term "utility" or "utilities" when used in this chapter is intended to reference both public and private utilities unless otherwise individually specified.

"Utility agreement" means the document by which the Department enters into an agreement with a public utility, a private utility, a cable television company, broadband, voice, data, video, and graphic companies, a utility not covered at N.J.S.A. Title 48, or a utility having compensable property rights for the installation, removal, and/or relocation of its facilities. The utility agreement further serves as the permit to occupy the highway right-of-way and specifies the requirements for, and the conditions of, said occupancy.

SUBCHAPTER 5. SPECIAL PERMITS AND AGREEMENTS

16:25-5.3 Local Federal-Aid Road agreements

(a) Pursuant to 23 CFR Part 645, Subpart B, the Department will enter into necessary agreements with the appropriate local public agency to regulate the use and occupancy of Federal-Aid Roads, and to assist local officials in establishing utility accommodation policies conforming, as appropriate for the type of highway involved, to the provisions of this chapter.

(b) Pursuant to 23 CFR Part 645, Subpart C, the Department will identify a broadband utility coordinator responsible for facilitating the infrastructure right-of-way efforts within the State; establish a website registration process for broadband infrastructure entities; notify registered broadband infrastructure entities of the Statewide Transportation Improvement Program (STIP) on an annual basis; coordinate initiatives pursuant to 47 U.S.C. § 1504 with other Statewide telecommunication and broadband plans, State and local transportation and land use plans, and include strategies to minimize repeated excavations that involve broadband infrastructure installation in the right-of-way.

(c) If the Department chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project pursuant to this section, the Department will carry out appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to new broadband infrastructure entities seeking to occupy the right-of-way.

(d) Consistent with 47 U.S.C. § 1504 and pursuant to 23 CFR Part 645, Subpart C, the Department is not required to install or allow the installation of broadband infrastructure in a highway right-of-way nor is there authority for the Secretary of the U.S. Department of Transportation to withhold or reserve funds or approve a Title 23 project.

SUBCHAPTER 7. FACILITY DESIGN AND LOCATION

16:25-7.3 Safety, construction, and highway restoration provisions

(a)-(e) (No change.)

(f) Restoration of the pavement structure by the utility company shall be in accordance with the Department's standard details for Utility Trench Construction found in the New Jersey Department of Transportation Standard Roadway Construction/Traffic Control/Bridge Construction Details.

(g)-(l) (No change.)

SUBCHAPTER 8. PIPELINES

16:25-8.9 Adjustment of existing pipelines

(a) (No change.)

(b) The following shall apply when adjusting existing pipelines to accommodate highway construction projects:

1.-2. (No change.)

3. On relocated and new installations, the utility shall be installed at a depth, and of a strength, to permit the excavation and reconstruction of the roadway pavement structure consistent with existing grades or the grades set by the infrastructure project and to allow for the maintenance or replacement of existing or proposed pavement and drainage infrastructure.

4. (No change.)

SUBCHAPTER 9. UNDERGROUND ELECTRIC POWER AND COMMUNICATION LINES

16:25-9.2 Location and alignment

(a)-(e) (No change.)

(f) The minimum lateral proximity to a parallel utility facility, including the State's fiber optic ducts, shall be 18 inches from the edge of utility facility to the edge of utility facility. Electric power, broadband and communication cables, gas lines, water lines, and sewer lines shall be separated from one another as required by appropriate industry codes. Separation of the utility from highway facilities or other utilities shall allow for reasonable success in locating utilities with electronic devices.

(g)-(k) (No change.)

16:25-9.9 Adjustment of existing underground power and communication lines

(a) (No change.)

(b) The following shall apply when adjusting existing underground electric and communication facilities to accommodate highway construction projects:

1.-2. (No change.)

3. On relocated and new installations, the utility shall be installed at a depth and of a strength to permit the excavation and reconstruction of the roadway pavement structure consistent with existing grades or the grades set by the infrastructure project and to allow for the maintenance and replacement of existing or proposed pavement and drainage infrastructure.

4. (No change.)

SUBCHAPTER 13. WAIVERS

16:25-13.2 Uncased crossings

(a) (No change.)

(b) Factors that shall be considered in the evaluation of an uncased trenchless utility crossing alternative include, but are not limited to, the following:

1.-4. (No change.)

5. Roadway type, pavement type, and condition;

6.-11. (No change.)

(c) (No change.)

OTHER AGENCIES

ECONOMIC DEVELOPMENT AUTHORITY

Authority Assistance Programs

Cultural Arts Incentives (CAFE) Program

Adopted Concurrent New Rules: N.J.A.C. 19:31BB

Proposed: March 17, 2025, at 57 N.J.R. 604(a).

Adopted: June 18, 2025, by the New Jersey Economic Development Authority, Tim Sullivan, Chief Executive Officer.

Filed: June 18, 2025, as R.2025 d.087, without change.

Authority: P.L. 2023, c. 197 (codified at N.J.S.A. 34:1B-383 et seq.).

Effective Date: June 18, 2025.

Expiration Date: June 18, 2032.