

operating a CMV upon any individual who uses a CMV in the commission of a felony involving an act or practice as described at paragraph (9) of 22 U.S.C. § 7102, the Federal Trafficking Victims Protection Act of 2000. Additionally, the Federal Motor Carrier Safety Regulations at 49 CFR 383.51 establish periods of disqualification and penalties for those persons convicted of certain criminal and other offenses and serious traffic violations, or who are subject to any suspensions, revocations, or cancellations of certain driving privileges. Specifically, 49 CFR 383.51(b) and entry 10 reflected in Table 1 therein, imposes a lifetime disqualification from operating a CMV upon a CDL holder who is convicted of using a CMV in the commission of a felony involving an act or practice of "severe forms of trafficking in persons," as defined and described at 22 U.S.C. § 7102(11).

Although the adopted amendments at N.J.A.C. 13:21-23.24(b) and 23.28(m) exceed the Federal standards set forth at 49 CFR 383.51 by disqualifying a person regardless of whether a CMV was used in the commission of the crime, the Commission is mandated by State law to follow the standard set forth at P.L. 2022, c. 11, section 1. Additionally, it is noted that a crime involving "severe forms of trafficking in persons," as defined at 22 U.S.C. § 7102(11), is substantially similar in nature to the crime of human trafficking, as defined pursuant to New Jersey law at N.J.S.A. 2C:13-8, although there may be acts that would fall under the definitions at N.J.S.A. 2C:13-8, but not 22 U.S.C. § 7102(11).

Lastly, the adopted amendment at N.J.A.C. 13:21-23.28(a) clarifies that a person is prohibited from operating a CMV, if their CDL or CMV driving privilege is suspended or revoked, if the person did not have a CDL at the time of the offense, or is revoked in this State or any other state. The adopted amendment is consistent with the Federal law at 49 U.S.C. § 31311(a) and the Federal Motor Carrier Safety Regulations at 49 CFR 383.51, which expressly prohibits a person who has been disqualified, from operating a CMV.

Full text of the adoption follows:

SUBCHAPTER 23. COMMERCIAL DRIVER LICENSING

13:21-23.1 Definitions

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

"Conviction" means a final adjudication that a violation has occurred, a final judgment on a verdict, a finding of guilt in a tribunal of original jurisdiction, a determination that a person has violated or failed to comply with the law by an authorized administrative tribunal, or a conviction following a plea of guilty, non vult or nolo contendere accepted by a court. It also includes an unvacated forfeiture of bail, bond, or collateral deposited to secure the person's appearance in court, or the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

13:21-23.24 Eligibility for reduction of lifetime revocation

(a) (No change.)

(b) A person whose CMV driving privilege has been revoked pursuant to the New Jersey Commercial Driver License Act, N.J.S.A. 39:3-10.20.e and h, based on the conviction in this or any other state or jurisdiction of a crime involving an act or practice described at section 1 of P.L. 2005, c. 77 (N.J.S.A. 2C:13-8) or involving an act or practice of one or more of the severe forms of trafficking in persons as described at paragraph (11) of 22 U.S.C. § 7102, the Federal Trafficking Victims Protection Act of 2000 shall be ineligible to have his or her CMV driving privilege restored pursuant to N.J.A.C. 13:21-23.23.

13:21-23.28 Interrelationship between basic driver's license and CDL relative to suspension of driving privileges; rules of general application; specialized cases under the New Jersey Commercial Driver License Act; requirement for current medical examiner's certification

(a) No person may operate a CMV while his or her CDL or CMV driving privilege is suspended or revoked in this State. No person may operate a CMV while his or her basic driver license is suspended or

revoked in this State. No person properly licensed in another state may operate a CMV in this State while his or her CDL or CMV driving privilege is suspended or revoked in that state. No person may operate a CMV if the person is disqualified from holding a CDL pursuant to 49 CFR 383.51. No person may operate a CMV if the person has failed to meet the requirements of this subchapter or N.J.A.C. 13:60. No person may operate a CMV if the person has failed to meet the physical qualifications at 49 CFR 391.41, Physical Qualifications for Drivers. A waiver from the physical qualifications at 49 CFR 391.41, granted by the Federal Motor Carrier Safety Administration for interstate commerce pursuant to 49 U.S.C. § 31315, is limited to interstate commerce only. The Commission shall not issue waivers to persons who do not meet the physical requirements at 49 CFR 391.41.

(b)-(l) (No change.)

(m) Whenever a person is convicted of a crime involving an act or practice described at section 1 of P.L. 2005, c. 77 (N.J.S.A. 2C:13-8) or involving an act or practice of one or more of the severe forms of trafficking in persons as described at paragraph (11) of 22 U.S.C. § 7102, the Federal Trafficking Victims Protection Act of 2000, the person's CMV driving privilege shall be revoked for life and the person shall be permanently disqualified from operating a CMV.

(a)

**DIVISION OF CAPITAL PROGRAM MANAGEMENT
CAPITAL PROGRAM SUPPORT
Vegetation Canopy Management**

Readoption with Amendments: N.J.A.C. 16:41F

Proposed: August 15, 2022, at 54 N.J.R. 1590(a).

Adopted: January 5, 2023, by Diane Gutierrez-Scaccetti,

Commissioner, Department of Transportation.

Filed: January 10, 2023, as R.2023 d.017, without change.

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

Effective Dates: January 10, 2023, Readoption;

February 6, 2023, Amendments.

Expiration Date: January 10, 2030.

Summary of Public Comment and Agency Response:

No comments were received.

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 readopted with amendments are within the authority of State statute only and are not subject to Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:41F.

Full text of the adopted amendments follows:

SUBCHAPTER 1. PURPOSE AND SCOPE

16:41F-1.1 Purpose

The purpose of this chapter is to enhance visibility of outdoor advertising signs while protecting vegetation on State highway right-of-way under the jurisdiction or control of the New Jersey Department of Transportation, by establishing standards for Vegetation Canopy Management (VCM).

16:41F-1.2 Scope

(a) VCM will be allowed on highways under the jurisdiction or control of the Department.

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

(d) A VCM Plan meeting the following requirements shall be classified as minor:

1. (No change.)

2. The VCM Plan is proposed for an area within which less than half an acre of trees may be removed, pruned, or both; and

3. (No change.)

(e) (No change.)

(f) The maximum area for inclusion in a VCM Plan shall comprise:

1. A horizontal zone of visual influence of 200 to 400 feet approaching the face of an outdoor advertising sign, as shown at N.J.A.C. 16:41F Appendix 3, Figures 1 and 2 and Table 2. The zone of visual influence begins at a point (Point B) that is 0.25 times the VCM Distance that corresponds to the roadway's posted speed, shown at N.J.A.C. 16:41F Appendix 3, Table 2, measured from a point perpendicular to the nearest point of the sign to the roadway edge (Point A). The zone of visual influence ends at the VCM Distance (Point C) that corresponds to the roadway's posted speed, shown at N.J.A.C. 16:41F Appendix 3, Table 2. The zone of visual influence is intended to provide approximately 3.9 to 5.4 seconds of view time of the outdoor advertising sign between the VCM distance (Point C) and Point B to an approaching motorist. Vegetation between Point A and Point B can be selectively removed only when approved by the Department; and

2. (No change.)

(g)-(i) (No change.)

(j) Any removal, thinning, or partial removal of vegetation within State highway ROW that is intended to enhance the visibility of an outdoor advertising sign shall be allowed only as approved by the Department pursuant to this chapter and the provisions at N.J.A.C. 16:41.

(k) (No change.)

SUBCHAPTER 2. DEFINITIONS

16:41F-2.1 Definitions

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

... "VCM distance" means a horizontal dimension of vegetation based on the official highway speed, designed to create a viewing time of approximately 3.9 to 5.4 seconds for approaching motorists.

SUBCHAPTER 3. CONTACT INFORMATION

16:41F-3.1 Contact information

(a) Contact information for the Bureau of Landscape Architecture and Environmental Solutions (BLAES) is as follows:

New Jersey Department of Transportation
Bureau of Landscape Architecture and Environmental Solutions
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600
(609) 963-1149

(b) Contact information for the Operations Permit Office is as follows:
New Jersey Department of Transportation
Operations Permit Office

1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600
(609) 963-1487

SUBCHAPTER 4. GENERAL PROVISIONS

16:41F-4.1 General restrictions

(a) A VCM Plan shall not be authorized:

Recodify existing 2.-4. as 1.-3. (No change in text.)

(b) Depending on the scope of the VCM Plan, it may not be authorized:

1. (No change.)
2. Within a traffic island; or
3. Within a median.

16:41F-4.2 General conditions

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

(c) A VCM Plan shall be authorized for the following regulated areas only if the applicant has obtained any required permits, approvals, or notices:

1. Within wetlands or wetland transition areas;
2. (No change.)

3. Within a flood hazard riparian zone; and

4. Within an area designated as critical habitat for a Federal or State threatened or endangered species.

(d) Where tree removal or pruning results in an area of vegetation canopy removal that exceeds one-half acre, as measured pursuant to the No Net Loss Reforestation Act, compensation shall be provided in compliance with the act, as determined by the Department.

(e) Where the tree or shrub removal or pruning results in an area of vegetation canopy removal that is less than one-half acre, compensation regarding the replacement tree or shrub size, species, and location, shall be as determined by the Department.

(f) (No change.)

(g) Trees of the size and type listed at N.J.A.C. 16:41F Appendix 2, Table 1 can be selectively removed only when approved by the Department, and compensation is provided by supplemental plantings on site, or at a location determined by the Department.

(h)-(m) (No change.)

SUBCHAPTER 5. PRE-APPLICATION

16:41F-5.2 Site screening by applicant

(a) (No change.)

(b) The preliminary site screening package for both minor and major VCM Plans shall be submitted to the Operations Permit Office at the address at N.J.A.C. 16:41F-3.1.

(c) The preliminary site screening package for both minor and major VCM Plans shall include the following information:

1. Three copies of an aerial photograph base map of the site, at a scale no smaller than one inch equals 600 feet, which shall show the following:
i.-ii. (No change.)

iii. The following, as delineated, mapped, or identified by the New Jersey Department of Environmental Protection (NJDEP):

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

(5) Threatened or endangered species habitat; and

2. A certification by a landscape architect or professional engineer licensed to practice in the State of New Jersey that the landscape architect or professional engineer has reviewed the preliminary site screening package and determined that the proposed VCM Plan is not prohibited by any of the provisions of this chapter; and, if applicable, based on available information from NJDEP or other agencies, that the work is not proposed in regulated areas, as described at N.J.A.C. 16:41F-4.2(c); and

3. A response from the NJDEP Natural Heritage Program regarding any threatened or endangered species in the area of the proposed VCM Plan.

(d) The preliminary site screening package for a major VCM Plan shall also include mapping delineating all applicable regulated areas, as described at N.J.A.C. 16:41F-4.2(c) or a certification by a landscape architect or professional engineer as to their absence.

SUBCHAPTER 6. VCM PLANS

16:41F-6.1 Plan requirements

(a) (No change.)

(b) Both minor and major VCM Plans shall be prepared by a landscape architect licensed to practice in the State of New Jersey and in accordance with the Department's 2019 edition of Standard Specifications for Road and Bridge Construction, Section 800 - Landscaping, incorporated herein by reference, as amended and supplemented, and the Department's 2016 edition of Sample Plans, incorporated herein by reference, as amended and supplemented, and shall include the following:

1. Photographs of the existing sign or renderings of the proposed sign from the outer limits of the proposed zone of visual influence for each face of the sign;

2. Three copies of an aerial base map showing the VCM area;

3.-4. (No change.)

5. The location of all trees greater than six inches in diameter, measured 4.5 feet from the ground, identified by size, condition, and species, and all shrub masses that will be affected;

6.-9. (No change.)

10. The area, in square feet, of soil disturbance and for VCM Plans with an area of soil disturbance of 5,000 square feet or more, a copy of the

approval of a soil erosion and sediment control plan issued by the appropriate Soil Conservation District; and

11. A copy of all required municipal approvals for any proposed sign that is the subject of the VCM Plan.

(c) (No change.)

SUBCHAPTER 8. APPEALS

16:41F-8.1 Appeal of a denied VCM plan application

(a) The appeal process for a VCM Plan application that has been denied is as follows:

1.-2. (No change.)

3. The Operations Permit Office shall render a decision, in writing, within 15 days of the meeting and shall so notify the appellant. If the appellant does not agree with the decision of the Operations Permit Office, the appellant may submit a further appeal to the Director of Operations Administrative Support within 15 days.

4. The Director of Operations Administrative Support shall schedule an informal hearing within 10 days of receipt of the appeal. The Director of Operations Administrative Support shall conduct the hearing. At the hearing, the appellant shall have an opportunity to present additional information.

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

TREASURY—GENERAL

(a)

DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION

Notice of Readoption
State Leasing and Space Utilization

Readoption: N.J.A.C. 17:11

Authority: N.J.S.A. 52:18A-191.1 through 191.9, specifically 52:18A-191.8.

Authorized By: Elizabeth Maher Muoio, Treasurer, Department of the Treasury through Christopher Chianese, Director, Division of Property Management and Construction.

Effective Date: December 30, 2022.

New Expiration Date: December 30, 2029.

Take notice that pursuant to N.J.S.A. 52:14B-5.1(b), the rules at N.J.A.C. 17:11 were scheduled to expire on February 1, 2023. N.J.A.C.

17:11 governs the State's space leasing process. Since their initial adoption in 1996, the rules have provided an effective framework to allow the State to coordinate the space utilization needs of all State agencies through one division, to establish a uniform process for advertising requests for competitive proposals, and to manage the provision of facilities, products, and services to tenant agencies from space lessors and other suppliers of goods and services, such as utilities, furnishings, and maintenance. The Division of Property Management and Construction (DPMC) reviewed the rules and determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 17:11 are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF PROPERTY MANAGEMENT AND CONSTRUCTION

Notice of Readoption
Classification and Prequalification of Firms;
Electronic Procurement of Public Works
Construction

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

Authority: N.J.S.A. 52:34-9 through 9.7; 52:34A-5 through 8; and 52:35-11.

Authorized By: Elizabeth Maher Muoio, Treasurer, Department of the Treasury through Christopher Chianese, Director, Division of Property Management and Construction.

Effective Date: January 3, 2023.

New Expiration Date: January 3, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 17:19 were scheduled to expire on February 18, 2023. N.J.A.C. 17:19-1, 2, and 3 govern the State's process for classifying and prequalifying firms seeking to contract with the State of New Jersey for performance of construction work or the rendering of professional design services on State public works projects. N.J.A.C. 17:19-4 governs the causes and procedures for debarment of a firm or individual(s). N.J.A.C. 17:19-5 governs hearing requests, procedures, and time limitations for the Division of Property Management and Construction, and N.J.A.C. 17:19-6 governs electronic construction procurement by the Division of Property Management and Construction and establishes a baseline for electronic procurement by other State contracting units. The Division of Property Management and Construction has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 17:19 are readopted and shall continue in effect for a seven-year period.