

Amended by R.1998 d.196, effective April 20, 1998.

See: 30 N.J.R. 535(a), 30 N.J.R. 1424(a).

In (b), added a second sentence.

Amended by R.2003 d.379, effective October 6, 2003.

See: 35 N.J.R. 1846(a), 35 N.J.R. 4731(a).

In (b), substituted "Requests for copies of the State Rail Plan and applications" for "Applications", substituted "shall" for "may" following "assistance", and deleted "Ports, Terminals, and" preceding "Freight Services" in the first sentence.

Recodified from N.J.A.C. 16:53C-6.1 and amended by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "General contents of applications". Rewrote the introductory paragraph of (a); in (a)1, substituted "The full" for "Full"; in (a)2, substituted "The name" for "Name"; rewrote (a)3 and (a)4; added (a)5 through (a)9; and deleted (b).

16:53C-5.3 Additional application contents for demonstration projects

(a) In addition to meeting the requirements of N.J.A.C. 16:53C-4.2, applications for demonstration projects shall include:

1. A detailed description of methods or materials to be used in the project, including an estimate of useful life, long-term cost savings and a schedule for completion of the work;
2. Engineering or scientific evidence that the method or material to be used in the project does in fact offer long-term cost savings; and
3. Engineering or scientific evidence that the proposed method or material is safe for use.

New Rule, R.2003 d.379, effective October 6, 2003.

See: 35 N.J.R. 1846(a), 35 N.J.R. 4731(a).

Former N.J.A.C. 16:53C-6.5, Execution and filing of applications, recodified to N.J.A.C. 16:53C-6.6.

Recodified from N.J.A.C. 16:53C-6.5 and amended by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "Demonstration projects". Rewrote the introductory paragraph of (a); in (a)1, inserted a comma following "project", substituted a comma for a semi-colon following "life"; and deleted "and" from the end; rewrote (a)2; and added (a)3.

16:53C-5.4 Project selection

(a) The total budget amount for funding projects within the Rail Freight Assistance Program is appropriated annually. The number and funding levels of individual projects shall be dependent upon the number of applications received, the amount of funding requested and the merit of the application.

(b) At the discretion of the Commissioner, projects will be selected for funding on an annual basis from the projects contained in the current annual update, as well as unfunded projects in the two prior annual updates. The Department may require that cost estimates for projects from previous program years be updated by the sponsor to accurately reflect the anticipated costs in the current program year. Factors considered will include: economic benefit, efficient and respon-

sive freight distribution, energy and environmental factors, and highway congestion mitigation.

(c) Applicants shall be notified of the status of their applications not later than 30 days after selection for funding by the Commissioner.

(d) After an applicant has been notified of selection and has accepted financial assistance for a project pursuant to this chapter, a project agreement in accordance with N.J.A.C. 16:53C-4.5 shall be executed.

New Rule, R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

16:53C-5.5 Project agreement

(a) The project agreement will include, but not be limited to, the following terms and conditions:

1. The amount of the State and the sponsor's respective shares of the project costs;
2. A detailed scope of the work and detailed cost estimate;
3. Assurances that the sponsor will provide or cause to be provided common carrier service for a period of no less than five years utilizing the rail facilities that are the subject of assistance. In the event that the railroad receives approval for abandonment during that period, the State may seek reimbursement for a proportionate share of the amount of the funds expended;
4. Assurances that the sponsor will provide or cause to be provided continued maintenance on the improved facility for at least five years from the date the State deems the project complete;
5. That the State reserves the right to inspect the project, including materials and workmanship. The sponsor shall assist with all necessary arrangements for such inspection;
6. That the sponsor shall conform to all applicable State and Federal environmental laws and regulations;
7. That the sponsor shall provide professional engineering plans at the discretion of the Department; and
8. That the sponsor shall agree to retain and make available to the Commissioner, for the purpose of audit and examination, any financial records, supporting documents, papers, statistical records, contracts and all other records pertinent to, arising out of or connected with the implementation of the project. The records shall be available for a period of three years after project closeout, or for any longer period necessary to resolve audit findings, following the payment by the Commissioner of the final invoice under the agreement.

New Rule, R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

SUBCHAPTER 6. AUDIT

16:53C-6.1 General provisions

(a) Recipients of financial assistance shall comply with the State of New Jersey Single Audit Policy defined by the Department of Treasury, Office of Management and Budget (OMB Circular 04-04 or as superseded). The circular is available in electronic format on the New Jersey Department of Treasury, Office of Management and Budget website at: www.state.nj.us/infobank/circular/circindex.htm.

(b) A single audit of the recipient shall be performed annually by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards in conformity with the State of New Jersey Single Audit Policy.

(c) Audit costs incurred by the recipient to comply with this subchapter shall not be reimbursable.

New Rule, R.2009 d.54, effective February 17, 2009.
See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Former N.J.A.C. 16:53C-6.1, General contents of applications, recodified to N.J.A.C. 16:53C-5.2.

16:53C-6.2 (Reserved)

Repealed by R.1993 d.277, effective June 7, 1993
See: 25 N.J.R. 1481(a), 25 N.J.R. 2503(a).

Section was "Acquisition assistance".

16:53C-6.3 (Reserved)

Amended by R.1993 d.277, effective June 7, 1993.

See: 25 N.J.R. 1481(a), 25 N.J.R. 2503(a).

Amended by R.1998 d.196, effective April 20, 1998.

See: 30 N.J.R. 535(a), 30 N.J.R. 1424(a).

Repealed by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "Rehabilitation or improvement assistance and rail facility construction assistance".

16:53C-6.4 (Reserved)

Amended by R.2003 d.379, effective October 6, 2003.

See: 35 N.J.R. 1846(a), 35 N.J.R. 4731(a).

Rewrote the section.

Repealed by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "Rail bridge rehabilitation or reconstruction assistance".

16:53C-6.5 (Reserved)

Recodified to N.J.A.C. 16:53C-5.3 by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "Demonstration projects".

16:53C-6.6 (Reserved)

Recodified from N.J.A.C. 16:53C-6.5 by R.2003 d.379, effective October 6, 2003.

See: 35 N.J.R. 1846(a), 35 N.J.R. 4731(a).

Repealed by R.2009 d.54, effective February 17, 2009.

See: 40 N.J.R. 5533(a), 41 N.J.R. 888(a).

Section was "Execution and filing of applications".