

(d) Before the Board approves an Infrastructure Investment Program, the Board shall conduct a public hearing. Notice of the public hearing shall contain the maximum dollar amount the utility seeks to recover through its Infrastructure Investment Program and the utility's estimated rate impact.

(e) Following the Board's approval of a utility's petition in support of an Infrastructure Investment Program, the utility shall file supportive semi-annual status reports with the Board and the Division of Rate Counsel for project management and oversight purposes that, at a minimum, contain the following:

1. Forecasted and actual costs of the Infrastructure Investment Program for the applicable reporting period, and for the Infrastructure Investment Program to date, where Infrastructure Investment Program projects are identified by major category;

2. The estimated total quantity of work completed under the Infrastructure Investment Program identified by major category. In the event that the work cannot be quantified, major tasks completed shall be provided;

3. Estimated completion dates for the Infrastructure Investment Program as a whole, and estimated completion dates for each major Infrastructure Investment Program category;

4. Anticipated changes to Infrastructure Investment Program projects, if any;

5. Actual capital expenditures made by the utility in the normal course of business on similar projects, identified by major category; and

6. Any other performance metrics concerning the Infrastructure Investment Program required by the Board.

14:3-2A.6 Infrastructure Investment Program expenditure recovery

(a) A utility may file for annual or semi-annual rate recovery for facilities constructed and placed in service under an Infrastructure Investment Program. "In service" means when a project approved for inclusion in an Infrastructure Investment Program is functioning in its intended purpose, is in use (that is, not under construction) and useful (that is, actively helping the utility provide efficient service).

(b) Each filing made by a utility seeking accelerated recovery under an Infrastructure Investment Program shall seek recovery, at a minimum, of at least 10 percent of overall Infrastructure Investment Program expenditures.

(c) A utility's expenditures made prior to the Board's approval of an Infrastructure Investment Program shall not be eligible for accelerated recovery.

(d) Rates approved by the Board for recovery of expenditures under an Infrastructure Investment Program shall be accelerated, and recovered through a separate clause of the utility's Board-approved tariff.

(e) Rates approved by the Board for recovery of expenditures under an Infrastructure Investment Program shall be provisional, subject to refund and interest. Prudence of Infrastructure Investment Program expenditures shall be determined in the utility's next base rate case.

(f) A utility shall file its next base rate case not later than five years after the Board's approval of the Infrastructure Investment Program *start date*, although the Board, in its discretion, may require a utility to file its next base rate case within a shorter period.

(g) A utility may continue to file for accelerated recoveries during the approved Infrastructure Investment Program period notwithstanding the filing of the utility's next base rate case.

(h) An earnings test shall be required, where Return on Equity (ROE) shall be determined based on the actual net income of the utility for the most recent 12-month period divided by the average of the beginning and ending common equity balances for the corresponding period.

(i) For any Infrastructure Investment Program approved by the Board, if the calculated ROE exceeds the allowed ROE from the utility's last base rate case by 50 basis points or more, accelerated recovery shall not be allowed for the applicable filing period.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

**Enforcement Service; Licensing Service
Vehicle Inspection; Motorcycles; Identifying Marks;
Enhanced Motor Vehicle Inspection and
Maintenance Program; Registrations; and Driver
Licenses**

**Adopted Amendments: N.J.A.C. 13:20-7.2, 24.1,
24.10, 24.21, 34.2, and 43.2; and 13:21-5.5 and
8.14**

Proposed: August 7, 2017, at 49 N.J.R. 2492(a).

Adopted: December 7, 2017, by Raymond P. Martinez, Chairman and Chief Administrator, Motor Vehicle Commission.

Filed: December 20, 2017, as R.2018 d.057, **without change**.

Authority: N.J.S.A. 39:2A-28 and 39:3-10.34; and P.L. 2016, c. 35.

Effective Date: January 16, 2018.

Expiration Date: December 4, 2020.

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

Federal Standards Statement

These amendments are in conformance with Federal regulations. The adopted amendments adopt and/or incorporate the relevant Federal standards set forth in the American National Standards Institute (ANSI) specification No. Z87.1-2003 for goggles and face shields, in the Federal Motor Vehicle Safety Standard (FMVSS) No. 205 (49 CFR 571.205) for windshields, and in the FMVSS No. 218 (49 CFR 571.218) for helmets, which is not changed in these adopted amendments. The adopted amendments do not cause the rules to exceed, or amend any rule that does exceed Federal standards or requirements.

Full text of the adopted amendments follows:

CHAPTER 20 ENFORCEMENT SERVICE

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

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

(c) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:

1.-16. (No change.)

17. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000 pounds;

18. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater; and

19. Autocycles, as defined by N.J.S.A. 39:1-1 and registered pursuant to N.J.S.A. 39:3-10.34.

SUBCHAPTER 24. MOTORCYCLES AND AUTOCYCLES

13:20-24.1 Safety standards for goggles and face shields

(a) No person shall sell, offer for sale, or distribute any goggles or face shields for use by the operators of motorcycles or autocycles, unless they meet the American National Standards Institute specifications for personal eye and face protection devices Z87.1-2003, incorporated herein by reference, as amended and supplemented.

(b) No person shall operate a motorcycle or autocycle without wearing goggles or a face shield, unless the motorcycle or autocycle is equipped with a windscreen that meets Federal Motor Vehicle Safety Standard No. 205 (49 CFR 571.205), incorporated herein by reference, as amended and supplemented.

13:20-24.10 Adoption and incorporation of Federal Motor Vehicle Safety Standard for motorcycle and autocycle helmets
(a)-(b) (No change.)

13:20-24.21 Motorcycle and autocycle license plates and tabs
Only one license plate and/or one license plate tab shall be issued for each motorcycle or autocycle, to be displayed horizontally, and clearly visible, on the rear of the motorcycle or autocycle. However, if a motorcycle or autocycle is equipped by the manufacturer solely to accommodate a vertically mounted license plate, the license plate may be mounted vertically and must be clearly visible on the rear of the motorcycle or autocycle, with its top fastened along the right vertical edge. In all cases, the license plate must be maintained free from foreign materials and in a clearly legible condition.

SUBCHAPTER 34. IDENTIFYING MARKS

13:20-34.2 Registration numbers reserved
(a) The following registration numbers are reserved as specified:
1.-45. (No change.)
46. UW 1000 through UW 9999, 1000 UW through 9999 UW, and UW 10AA through UW 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized plate combinations. Designated for use on United We Stand license plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-27.131;
47. GS 1000 through GS 9999, 1000 GS through 9999 GS, and GS 10AA through GS 99ZZ, except that the letters I, O, and Q shall not be utilized in such non-personalized passenger plate combinations; XA 100GS through XZ 999GS in such non-personalized commercial plate combinations; XY 100AA through XY 999AA in such non-personalized farmer plate combinations; FX 10A through FX 99B in such non-personalized farm use plate combinations; and TA 100GS through TA 999GS in such non-personalized farm tractor plate combinations. Designated for use on Promote Agriculture license plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-2.116; and
48. A1A1A through Z9Z9Z for autocycles.
(b) (No change.)

13:20-34.3 Registration numbers excluded
(a) The following registration numbers shall be excluded from issuance as "particular identifying marks" and, where so indicated, shall be used for the purpose specified:
1.-32. (No change.)
33. EM 1000 through EM 9999 and 1000 EM through 9999 EM for vehicles owned or leased by emergency medical technician-ambulance;
34. Except as otherwise provided by this subchapter, any combination consisting of two alphabetic followed by four numeric characters (for example, AB 1234) or four numeric followed by two alphabetic characters (for example, 1234 AB). Designated for use on special organization vehicle registration plates issued by the Motor Vehicle Commission pursuant to N.J.S.A. 39:3-27.35 et seq. and N.J.A.C. 13:20-39; and
35. A1A1A through Z9Z9Z for autocycles.
(b)-(c) (No change.)

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.2 Inspection requirements for motor vehicles; exempt vehicles
(a) (No change.)
(b) The following vehicles, some of which may be subject to inspection under other provisions of law or rule, shall be exempt from the inspection requirements of this subchapter:
1.-17. (No change.)
18. Gasoline or bi-fueled model year 2007 or older passenger vehicles with a GVWR of 8,501 to 14,000;
19. Gasoline or bi-fueled model year 2013 or older passenger vehicles with a GVWR of 14,001 pounds or greater; and
20. Autocycles, as defined by N.J.S.A. 39:1-1 and registered pursuant to N.J.S.A. 39:3-10.34.

CHAPTER 21 LICENSING SERVICE

SUBCHAPTER 5. REGISTRATIONS

13:21-5.5 Motorcycle and autocycle registration fee
The applicant for registration for a motorcycle or autocycle shall pay to the Commission for each registration a fee of \$43.50.

SUBCHAPTER 8. DRIVER LICENSES

13:21-8.14 Vehicle used for road test
(a)-(e) (No change.)
(f) The road test cannot be administered in an autocycle.

(a)

MOTOR VEHICLE COMMISSION Licensing Service - Farm Vehicles

Adopted Amendments: N.J.A.C. 13:21-12.1, 12.3, and 12.4

Adopted New Rules: N.J.A.C. 13:21-12.10 and 12.11

Proposed: August 7, 2017, at 49 N.J.R. 2494(a).

Adopted: December 7, 2017, by Raymond P. Martinez, Chief Administrator, Motor Vehicle Commission.

Filed: December 20, 2017, as R.2018 d.055, **without change**.

Authority: N.J.S.A. 39:2-3, 39:2A-2, 39:2A-21, 39:2A-28, 39:3-24, and 39:3-24.2; and P.L. 2015, c. 292.

Effective Date: January 16, 2018.

Expiration Date: December 4, 2020.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The adopted amendments and new rules have no comparable Federal standard that can be applied; therefore, a Federal standards analysis is not required for this rulemaking.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 12. FARM VEHICLES

13:21-12.1 Vehicles exempted from statutory provisions
Within the restrictions listed in this subchapter, vehicles registered under the provisions of N.J.S.A. 39:3-24 and 39:3-25 may be operated on highways of this State singly or while drawing one piece of farm machinery or implement, except that a farm tractor may draw two pieces of farm machinery or implements, one of which may carry a load, and such vehicles or combinations in either case may exceed the commercial vehicle dimension limitations as provided for under N.J.S.A. 39:3-84.

13:21-12.3 Hours of travel; visibility requirements
(a) Vehicles registered pursuant to N.J.S.A. 39:3-24 shall not be operated on a public highway at any time between sunset and sunrise, except for vehicles being operated under contract with a municipality to remove snow or vehicles equipped with proper safety lighting, during the three hours before sunrise and the three hours after sunset.
(b) (No change.)

13:21-12.4 Distance of travel
The vehicle or vehicles shall not be used to traverse a distance exceeding 50 miles of highway in traveling from one farm or portion thereof, to another farm or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles.

13:21-12.10 Slow moving vehicle emblem
(a) A vehicle, not for hire, used exclusively as a farm tractor, traction equipment, farm machinery, or farm implement and any farm tractor, traction equipment, farm machinery, or farm implement drawn by a