



Procedure SSO-002

Conflict of Interest (COI) Review and Resolution Procedure

Current Version: 10/1/2021

Scope: This procedure explains the identification of potential NJDOT SSO program conflicts of interest (COI), review of these potential COIs, and the determination and documentation of decision-making based on the review of the potential COIs. An example of the use of this potential COI process will be when NJDOT is involved in providing grant funding to any RTA/RFGPTS, over which New Jersey has jurisdiction. This procedure also includes a template form to capture the potential COI and any decisions and notes from the review of that potential COI. Completed template forms will become formal records to be tracked as part of the NJDOT SSO program.

Conflict of Interest Requirements: No individual or entity may provide services to both the NJDOT SSO program and an RTA/RFGPTS when there is a conflict of interest (COI) or an appearance of a conflict. A potential COI situation occurs when an individual or entity performing work for an RTA/RFGPTS, over which New Jersey has jurisdiction, or the NJDOT SSO program is unable, or potentially unable to render impartial assistance or advice on the development or implementation of the standards and provisions of the NJDOT SSO program, or to objectively perform such work without bias. Each contractor is subject to full disclosure on all present and potential conflicts of interest in its activities or relationships prior to being awarded or during a contract with NJDOT or RTA/RFGPTS within the state.

FTA's new safety program authorization in 49 U.S.C. Section 5329 (from MAP-21) and 49 CFR Part 674 further describes financial independence that prohibits funding from the RTA/RFGPTS to the NJDOT SSO program and requires management of potential COI situations when the NJDOT Division of Multimodal Services participates in funding projects at an RTA/RFGPTS. The NJDOT SSO program does not receive funding from any of the RTA/RFGPTS, over which New Jersey has jurisdiction, and is hereby prohibited from doing so.

§ 674.41 Conflicts of interest.

- (a) An SSOA must be financially and legally independent from any rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (b) An SSOA may not employ any individual who provides services to a rail fixed guideway public transportation system under the oversight of the SSOA, unless the Administrator has issued a waiver of this requirement in accordance with § 674.13(b).
- (c) A contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA, unless the Administrator has issued a waiver of this prohibition.

COI Identification, Assessment, and Resolution: Potential COI situations are required to be actively identified, disclosed, assessed, and resolved for the NJDOT SSO program. For any situation that might arise that could be a potential COI situation as described in the requirements



above, a staff member of the NJDOT SSO program must assess and determine if the COI situation poses an actual conflict or violation of the SSO regulation (49 CFR Part 659 or 49 CFR Part 674). This assessment and determination may require discussions with other staff, NJDOT Legal, and/or NJDOT management. Ultimately, for each COI assessment occurrence, the following form must be filled in to describe the potential COI situation, the assessment and resolution determined as part of this procedure, and what the next steps might be, if any. If there are next steps, when those steps are taken, another COI Review and Assessment form should be used to continue the assessment and resolution process.

As a part of this COI assessment procedure, each filled in COI Review and Assessment form becomes a record to be kept on file as part of the NJDOT SSO program.

Updates:

- March 5, 2018 – initial release
- June 30, 2021 – minor edits for word choice, no significant changes to procedure
- October 1, 2021 – minor edits for word choice, no significant changes to procedure (RTA/RFGPTS; included SNJRG to COI fillable pdf)



NJDOT State Safety Oversight Agency (SSOA) Potential Conflict of Interest (COI) Disclosure and Confidentiality Agreement

Employee Last Name

First Name

MI

Employment Type

Title

Employment Duties

email

You are required to disclose whether or not you have a potential conflict of interest (COI) based on current employment, financial investment, or close familial relationship with an entity shown below or any vendor supplying services to such entity. (49 CFR §674.23 and N.J.A.C 16:53E-1.3)

NO YES

Do you have a Potential COI with New Jersey Transit?

(If "yes", please describe below.)

NO YES

Do you have a Potential COI with Hudson-Bergen Light Rail?

(If "yes", please describe below.)

NO YES

Do you have a Potential COI with 21st Century Rail Corp.?

(If "yes", please describe below.)

NO YES

Do you have a Potential COI with AECOM and/or Shimmick?

(If "yes", please describe below.)

NO YES

Do you have a Potential COI with Kinkisharyo?

(If "yes", please describe below.)

NO YES

Do you have a Potential COI with Newark Light Rail?

(If "yes", please describe below.)



NJDOT SSO POTENTIAL CONFLICT OF INTEREST (COI) DISCLOSURE

Employee Last Name

First Name

MI

Do you have a Potential COI with River LINE?

NO YES

(If "yes", please describe below.)

Do you have a Potential COI with Bombardier and/or Alstom?

NO YES

(If "yes", please describe below.)

Do you have a Potential COI with Port Authority Transit Corp?

NO YES

(If "yes", please describe below.)

Do you have a Potential COI with Delaware River Port Authority?

NO YES

(If "yes", please describe below.)

Disclosure Certification (Sign Date)

CONFIDENTIALITY AGREEMENT

All NJDOT full-time and part-time employees, temporary workers, volunteers, interns, contractors, and those employed by contracted entities, collectively referred to as "users", are individuals authorized to access, and have a need to use, State information assets as part of their assigned duties or in fulfillment of assigned roles or functions. Users are considered both custodians of the information assets and information they are provided for use in the performance of their duties and are required to uphold all applicable information security policies and standards.

Users are responsible for protecting information assets against their accidental or unauthorized disclosure, modification, and destruction, and for assuring the confidentiality, integrity, availability, and privacy of information and information assets.

I have read and understand the
above Confidentiality Agreement
(Sign Date)



NJDOT SSO POTENTIAL CONFLICT OF INTEREST (COI) DISCLOSURE

Employee Last Name

First Name

MI

Employment Type

FOR INTERNAL SSO USE:

SSO Reviewer

SSO Review Date

SSO Manager

SSO PM Date

Approved

SSO Start Date

Disapproved

SSO Internal Notes

SSO Resolution Plan