

CHAPTER 73

REDUCED FARE TRANSPORTATION PROGRAM FOR THE ELDERLY AND HANDICAPPED

Authority

N.J.S.A. 27:25-5(e) and 27:1A-68.

Source and Effective Date

R.1992 d.217, effective May 18, 1992.
See: 24 N.J.R. 556(b), 24 N.J.R. 1905(b).

Executive Order No. 66(1978) Expiration Date

Chapter 73, Reduced Fare Transportation Program for the Elderly and Handicapped, expires on May 18, 1997.

Chapter Historical Note

The Reduced Fare Transportation Program for the Elderly and Handicapped was originally adopted as N.J.A.C. 16:51-4, Delegation of Powers for Senior Citizens Half-Fare Bus Program, by R.1975 d.113, effective April 30, 1975. See: 7 N.J.R. 63(b), 7 N.J.R. 280(b). Subsequently, N.J.A.C. 16:51 (Chapter 51, Reduced Fare Transportation Program) was adopted as R.1977 d.224, effective June 23, 1977. See: 9 N.J.R. 97(a), 9 N.J.R. 349(a). R.1982 d.40 recodified 16:51 as 16:73 (Chapter 73) and repealed 16:51-4, effective February 16, 1982. See: 13 N.J.R. 881(a), 14 N.J.R. 209(a). Pursuant to Executive Order No. 66(1978), Chapter 73 was readopted as R.1987 d.121, effective January 30, 1987. See: 18 N.J.R. 2437(a), 19 N.J.R. 410(a). Pursuant to Executive Order No. 66(1978), Chapter 73 expired on January 30, 1992 and was adopted as new rules by R.1992 d.217. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 1. INTRODUCTION

16:73-1.1 Definitions

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

“Carrier” means any individual, copartnership, association, corporation, joint stock company, public agency or public authority, trustee or receiver operating or controlling motor buses or rail passenger service on established routes within the State or between points in this State and points in adjacent states.

“Commissioner” means the Commissioner of Transportation, or his or her designee.

“Established routes” means all regular intrastate routes of the participating carriers authorized by the Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, a municipality, or any other regulatory agency and interstate routes authorized by the Interstate Commerce Commission, NJ TRANSIT, or any other regulatory agency. “Established routes” does not include those trips to and from Atlantic City locations when the user receives from any source, money or other gratuities in addition to the transportation purchased.

“Handicapped citizen” means any individual who, by reason of illness, injury, age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

“Interstate” means between points in this State and points in adjacent states.

“Intrastate” means points within the State of New Jersey (State).

“Motor bus” means “autobus” as defined in N.J.S.A. 48:4-1, and includes those autobuses, commonly called jitneys, as defined in N.J.S.A. 48:16-23.

“NJ TRANSIT” means the Executive Director of the New Jersey Transit Corporation or his or her designee.

“Off-peak times” means the hours from 9:30 A.M. to 4:00 P.M. and from 7:00 P.M. to 6:00 A.M. during the weekdays, and all day on Saturdays, Sundays and State holidays.

“Reduced Fare” means one half rounded down to the nearest nickel of the regular adult one way fare as set forth in the tariffs of the carrier filed with the Office of Regulatory Affairs of the Department of Transportation, NJ TRAN-

SIT, Interstate Commerce Commission, a municipality or any other regulatory agency.

"Senior citizen" means any individual 62 years of age or over.

Amended by R.1987 d.121, effective March 2, 1987.

See: 18 N.J.R. 2437(a), 19 N.J.R. 410(a).

Added text in "Reduced fare"; "rounded down to the last nickel".

Amended by R.1987 d.381, effective September 21, 1987.

See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).

"Off-peak times" clarified.

16:73-1.2 Purpose

The "Reduced Fare Transportation Program" is designed to provide intrastate and interstate autobus and rail passenger service for handicapped and senior citizens during off peak times on regular routes of the participating carriers at one half of the regular adult one way fare as set forth in the tariffs of the carrier filed with the Office of Regulatory Affairs of the Department of Transportation, NJ TRANSIT, Interstate Commerce Commission, a municipality or any other regulatory agency.

16:73-1.3 Exclusions

Handicapped and senior citizens are not permitted to ride at a reduced fare on intrastate and interstate school, charter, demand activated special or excursion motorbus or rail passenger services and trips to or from Atlantic City locations when the user receives, from any source, money or other gratuities in addition to the transportation purchased.

Emergency Amendment, R.1979 d.57, effective February 13, 1979.
See: 11 N.J.R. 149(b).

SUBCHAPTER 2. IDENTIFICATION AND REGISTRATION

16:73-2.1 Registration of senior citizens for NJ TRANSIT reduced fare Identification Cards

(a) A valid Medicare Card in the possession of the person to whom it has been issued shall be a valid NJ TRANSIT Reduced Fare Identification Card (Identification Card). No further registration is necessary.

(b) A senior citizen who does not have a Medicare Card will need an Identification Card. Applications for the Identification Card are available at most banks, savings and loan associations, County Offices on Aging and State offices providing services for elderly and disabled persons. The applicant should bring proof of age to the application center. Any valid legal document will serve as proof of age. Examples are: driver's license, birth certificate, passport, military discharge papers (DD214), etc.

(c) Authorized personnel of the application centers will examine the required documents and application. The application centers will then forward the completed application to NJ TRANSIT for processing.

(d) NJ TRANSIT shall issue an Identification Card to each qualified applicant. The Identification Card shall be valid for a period of four years from date of issue. Most senior citizens will have a Medicare Card by the time their identification Card expires. Therefore, NJ TRANSIT will not establish an automatic renewal procedure. If a senior citizen wishes to renew the Identification Card, a new application must be completed at an application center.

Amended by R.1987 d.381, effective September 21, 1987.

See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).

(b): in second sentence, application center limitation removed from County Offices and "State offices providing" added.

16:73-2.2 Registration of handicapped persons for NJ TRANSIT reduced fare Identification Cards

(a) Persons must write or call the NJ TRANSIT Registration Unit for a handicapped persons application form.

(b) Applicants will fill out the first part of the application form and give it to a registered physician, doctor of osteopathy or other designee of NJ TRANSIT who will complete the application and mail it to NJ TRANSIT. The final decision on eligibility will be made by NJ TRANSIT.

(c) NJ TRANSIT will process the application, and mail an Identification Card to the handicapped person. The Identification Card will be valid for four years from date of issue, unless it has been determined that the applicant has a temporary disability in which case the length may be less than four years.

(d) NJ TRANSIT will establish an automatic renewal system for Identification Cards issued to permanently disabled persons.

Amended by R.1987 d.381, effective September 21, 1987.

See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).

(b): "or other designee ..." added to first sentence.

16:73-2.3 Use of Medicare and Identification Cards

(a) The handicapped or senior citizen must present a properly validated Medicare or Identification Card to the motorbus or rail passenger operator or ticket agent as proof of being qualified to participate in the "Reduced Fare Transportation Program".

(b) Presentation of a validated Medicare or Identification Card together with the proper Reduced Fare is all that is required for rail passenger travel and all motorbus passenger travel; provided, however, that on motorbus routes run by certain carriers, NJ TRANSIT may, upon consultation with such carriers, continue to require presentation of Reduced Fare Tickets.

(c) The Identification Card, which is not transferable, may be used only by the person to whom it is issued, and must be kept in that person's possession during the entire ride.

(d) If the Identification Card is lost or stolen, an application for a replacement card may be made as prescribed in N.J.A.C. 16:73-2.1 and 2.2.

Amended by R.1987 d.381, effective September 21, 1987.
See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).
(b) deleted; (c) made (b) and "all motorbus passenger travel" plus presentation condition added; (d) and (e) made (c) and (d).

16:73-2.4 Reduced fare tickets

(a) To obtain a book of Reduced Fare Tickets, the handicapped or senior citizen will present a valid Medicare or Identification Card at an application center. An authorized person will examine the Medicare or Identification Card and issue a book of Reduced Fare Tickets.

(b) The New Jersey Reduced Fare Ticket Book and the tickets therein are nontransferable, and may be used only by the person to whom it is issued. The unauthorized transfer of Reduced Fare Tickets is fraudulent and will be prosecuted in accordance with the laws of the State of New Jersey.

Amended by R.1987 d.381, effective September 21, 1987.
See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).
(a): application completion eliminated.

SUBCHAPTER 3. AGREEMENTS WITH CARRIERS FOR SERVICES AND PAYMENT

16:73-3.1 Agreements with carriers

(a) NJ TRANSIT may enter into contractual agreements with a carrier which desires to participate in the Reduced

Fare Transportation Program. Each contract shall contain conditions, terms and provisions as NJ TRANSIT may require, including but not limited to provisions permitting or relating to:

1. Terms and method of payment;
2. Auditing and settlement of payments;
3. Data and recordkeeping;
4. Service to be performed pursuant to the contract;
5. Applicable tariffs and schedules;
6. Any such other matters as NJ TRANSIT deems to be in the public interest.

16:73-3.2 Method of payments to carriers

Reimbursement to the participating carriers shall be an amount equal to the difference between the regular adult fare and the handicapped/senior citizen reduced fare, multiplied by the number of eligible trips by handicapped or senior citizens participating in the Reduced Fare Transportation Program, provided that the total payments to the carrier do not exceed the total appropriation for this program. For bus service, eligible trips may be determined by the number of reduced fare tickets submitted by bus carriers, or such other reasonable method as shall be determined by NJ TRANSIT, including, but not limited to the use of historical payment data. For rail service, eligible trips are determined by special tickets provided by the rail carriers under their existing tariff rules.

Amended by R.1987 d.381, effective September 21, 1987.
See: 19 N.J.R. 1289(a), 19 N.J.R. 1746(a).
Determination of "eligible trips" clarified.

SUBCHAPTER 4. (RESERVED)