

**CHAPTER 53D**

**ZONE OF RATE FREEDOM**

**Authority**

N.J.S.A. 27:1A-5, 27:1A-6, and 48:4-2.20 through 2.25.

**Source and Effective Date**

R.1999 d.144, effective April 7, 1999.  
See: 31 N.J.R. 520(a), 31 N.J.R. 1205(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 53D, Zone of Rate Freedom, expires on April 7, 2004.

**Chapter Historical Note**

Chapter 53D, Zone of Rate Freedom, was adopted as R.1984 d.295, effective July 16, 1984. See: 16 N.J.R. 1039(a), 16 N.J.R. 2009(a), 16 N.J.R. 3064(a).

Pursuant to Executive Order No. 66(1978), Chapter 53D, Zone of Rate Freedom, was readopted as R.1989 d.293, effective May 3, 1989. See: 21 N.J.R. 703(a), 21 N.J.R. 1524(c).

Pursuant to Executive Order No. 66(1978), Chapter 53D, Zone of Rate Freedom, was readopted as R.1994 d.214, effective April 8, 1994. See: 26 N.J.R. 1205(a), 26 N.J.R. 1841(b).

Pursuant to Executive Order No. 66(1978), Chapter 53D, Zone of Rate Freedom, was readopted as R.1999 d.144, effective April 7, 1999. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**16:53D-1.1 General provisions**

(a) Any regular route autobus carrier operating within the State which seeks to revise its rates, fares or charges in effect as of the time of the promulgation of this rule shall not be required to conform with N.J.A.C. 16:51-3.10, Tariff filings which do not propose increases in charges to customers, or N.J.A.C. 16:51-3.11, Tariff filings or petitions that propose increases in charges to customers, provided the increase or decrease in the rate, fare or charge, or the aggregate of increases and decreases in any single rate, fare or charge is not more than the maximum percentage increase (four percent for 2004) or decrease (10 percent for 2004), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the 2004 percentage maximum for increases to

particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

| <u>Present Fare</u> | <u>Percent of Increase</u> | <u>Increase Upgraded To Nearest \$.05</u> |
|---------------------|----------------------------|---|
| \$1.25 or less      | 4.0%                       | \$.05 +                                   |
| \$1.30-\$2.50       | 4.0%                       | \$.10 +                                   |
| \$2.55-\$3.75       | 4.0%                       | \$.15 +                                   |
| \$3.80 upward       | 4.0%                       | \$.20 +                                   |

2. For illustrative purposes, the following chart sets forth the 2004 percentage maximum for decreases to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

| <u>Present Fare</u> | <u>Percent of Increase</u> | <u>Increase Upgraded To Nearest \$.05</u> |
|---------------------|----------------------------|---|
| \$.50 or less       | 10%                        | \$.05 +                                   |
| \$.55 to \$1.00     | 10%                        | \$.10 +                                   |
| \$1.05 upward       | 10%                        | \$.15 +                                   |

3. Student, senior, transfer, interline and other unique rates, fares or charges and changes thereto for a regular route may be filed with the Department on a case-by-case basis, and are approvable without a hearing under this subchapter provided they remain less than the current or adjusted regular route fare applicable to the route.

Amended by R.1985 d.34, effective February 19, 1985.  
See: 16 N.J.R. 3298(a), 17 N.J.R. 475(a).  
"Decrease" substituted for "Increase" in chart.  
Public Notice: Zone of Rate Freedom.  
See 17 N.J.R. 2567(b).  
Public Hearing: The Zone of Rate Freedom has been postponed.  
See: 17 N.J.R. 2692(b).  
Public Notice: Zone of Rate Freedom public hearing.  
See: 17 N.J.R. 2795(b).  
Public Notice: A public hearing on January 24, 1986 will be a continuation of the annual meeting.  
See: 18 N.J.R. 114(a).  
Amended by R.1987 d.131, effective March 16, 1987.  
See: 18 N.J.R. 2376(a), 19 N.J.R. 456(a).  
Charts amended.  
Amended by R.1989 d.56, effective February 6, 1989.  
See: 20 N.J.R. 2374(b), 21 N.J.R. 310(a).  
Charts amended.  
Amended by R.1990 d.66, effective January 16, 1990.  
See: 21 N.J.R. 2914(a), 22 N.J.R. 245(a).  
Charts amended to reflect 1990 changes.  
Amended by R.1990 d.474, effective September 17, 1990 (operative January 1, 1991).  
See: 22 N.J.R. 1993(a), 22 N.J.R. 3029(b).  
Percentage maximums for 1991.  
Amended by R.1991 d.486, effective October 7, 1991.  
See: 23 N.J.R. 2004(b), 23 N.J.R. 3038(a).  
Maximum for 1992 rate increases raised to 8.17 percent.  
Amended by R.1992 d.355, effective September 8, 1992.  
See: 24 N.J.R. 2343(a), 24 N.J.R. 3097(c).  
Revised (a)1 and 2.  
Amended by R.1993 d.537, effective November 1, 1993 (operative January 1, 1994).  
See: 25 N.J.R. 3648(a), 25 N.J.R. 4918(a).  
Amended by R.1994 d.526, effective October 17, 1994.  
See: 26 N.J.R. 3247(b), 26 N.J.R. 4209(b).  
Amended by R.1995 d.547, effective October 16, 1995.  
See: 27 N.J.R. 3132(a), 27 N.J.R. 3975(b).

Amended by R.1996 d.490, effective October 21, 1996.

See: 28 N.J.R. 3894(b), 28 N.J.R. 4592(a).

Amended by R.1997 d.433, effective October 20, 1997.

See: 29 N.J.R. 3598(a), 29 N.J.R. 4559(c).

Substituted "1998" for "1997" throughout the section.

Amended by R.1998 d.505, effective October 19, 1998.

See: 30 N.J.R. 2833(a), 30 N.J.R. 3854(a).

In (a), substituted "1999" for "1998" in 1 and 2.

Amended by R.1999 d.353, effective October 18, 1999.

See: 31 N.J.R. 2146(a), 31 N.J.R. 3103(a).

In (a), substituted "2000" for "1999" throughout.

Amended by R.2000 d.418, effective October 16, 2000.

See: 32 N.J.R. 2653(a), 32 N.J.R. 3862(b).

In (a), substituted references to 2001 for references to 2000 throughout.

Amended by R.2001 d.377, effective October 15, 2001.

See: 33 N.J.R. 2459(a), 33 N.J.R. 3669(a).

In (a), substituted "2002" for "2001" throughout.

Administrative correction.

See: 34 N.J.R. 2045(a).

Amended by R.2002 d.338, effective October 21, 2002.

See: 34 N.J.R. 2370(a), 34 N.J.R. 3637(a).

In (a), deleted "or petitioner" following "N.J.A.C. 16:51-3.10, Tariff filings" and substituted "2003" for "2002" throughout 1 and 2.

Amended by R.2003 d.408, effective October 20, 2003.

See: 35 N.J.R. 2584(a), 35 N.J.R. 4906(a).

In (a), substituted "2004" for "2003" throughout.

### 16:53D-1.2 Requirements

(a) Any regular route autobus carrier which seeks a fare adjustment which is subject to this subchapter shall be required to:

1. Notify the Department by filing a complete schedule of all current fares and all fares to be adjusted at least 30 days prior to the effective date of the new fare adjustment.

2. Post a public notice in all autobuses providing service on the regular routes to be affected by the adjusted fares and in all bus terminals served by those autobuses on the regular routes at least 30 days prior to effective date of the new fare adjustment. The autobus carrier must verify to the Department by filing a copy of said public notice and an affidavit that it has in fact posted such public notice at least 30 days prior to the effective date of the new fare adjustment.

Amended by R.1989 d.56, effective February 6, 1989.

See: 20 N.J.R. 2374(b), 21 N.J.R. 310(a).

Substantially amended.

Amended by R.1990 d.474, effective September 17, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1993(a), 22 N.J.R. 3029(b).

In (a)2, required verification by "filing a copy of . . . public notice" along with affidavit.

### 16:53D-1.3 Exemptions

The Commissioner hereby exempts casino or regular route in the nature of special, charter and special autobus operations from the rate regulation provisions set forth in N.J.A.C. 16:53D-1.1 and 16:53D-1.2 and in any other chapter of Title 48. Notwithstanding the rate regulation exemption, casino or regular route in the nature of special, charter and special autobus operators shall annually file with the Department by January 2 the then current schedules of their rates, fares or charges for such operations.

Amended by R.1989 d.56, effective February 6, 1989.

See: 20 N.J.R. 2374(b), 21 N.J.R. 310(a).

Substantially amended.

Amended by R.1990 d.631, effective December 17, 1990.

See: 22 N.J.R. 3199(a), 22 N.J.R. 3760(b).

Filing and public notice requirements added.