

CHAPTER 52

AUTOBUS AND TROLLEY

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 48:2-13 et seq.

Source and Effective Date

R.2000 d.421, effective September 21, 2000.
See: 32 N.J.R. 2588(a), 32 N.J.R. 3862(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 52, *Autobus and Trolley*, expires on March 20, 2006. See: 37 N.J.R. 3944(a).

Chapter Historical Note

Chapter 52, *Autobus and Trolley*, was originally codified in Title 14 as Chapter 4, *Autobus and Trolley*. Chapter 4 was adopted and became effective prior to September 1, 1969.

Subchapter 6, *Reimbursement of Autobus Operators for Student Fares*, was adopted as R.1973 d.185, effective July 11, 1973. See: 5 N.J.R. 91(a), 5 N.J.R. 291(e).

Chapter 4, *Autobus and Trolley*, was recodified as N.J.A.C. 16:52 by administrative change. See: 27 N.J.R. 4906(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, *Service*, and Subchapter 2, *Public Liability Insurance*, were readopted as R.2000 d.421, effective September 21, 2000. See: *Source and Effective Date*.

Pursuant to Executive Order No. 66(1978), Subchapter 3, *Seeing Eye Dog*, Subchapter 4, *Tachographs*, Subchapter 5, *Defect Cards*, and Subchapter 6, *Reimbursement of Autobus Operators for Student Fares*, expired on November 3, 2000.

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SUBCHAPTER 1. SERVICE

16:52-1.1 Commencement of operation

The operation of a route which has been approved by the Department of Transportation shall be inaugurated within 60 days from the date of said approval. Failure to do so shall terminate the Department of Transportation's approval and make the same inoperative and void.

Case Notes

Limousine operator services not subject to jurisdiction of Board of Public Utilities; Autocabs statute not impliedly repealed by statute giving Board full jurisdiction over charter and special buses. In re: Application of Wilmer's Livery Service, Inc., 159 N.J.Super. 226, 387 A.2d 1202 (App.Div.1978).

Plaintiff had statutory authority to establish charges for bus company's use of facility; Public Utilities Commission cannot supervise establishment of charges; city authorized to eliminate bus stops without Commission review; bus companies entitled to a hearing on charge amounts; fee established proper. Port Authority Trans-Hudson Corp. v. Baum Bus Co., Inc., 156 N.J.Super. 585, 384 A.2d 213 (Law Div.1977), affirmed 156 N.J.Super. 578, 384 A.2d 209 (App.Div.1978).

Issuance of certificate of public convenience and necessity to bus company for casino route auto/bus operations was in public interest. Application of White Bus Company, 92 N.J.A.R.2d (TRP) 7.

16:52-1.2 Change of route

There shall be no deviation from the approved route without the approval of the Department of Transportation except in emergency, in which case the Department of Transportation shall be promptly notified of such change. The approved route must be resumed immediately upon removal of the cause for temporary rerouting.

Case Notes

Plaintiff had statutory authority to establish charges for bus company's use of facility; Public Utilities Commission cannot supervise establishment of charges; city authorized to eliminate bus stops without Commission review; bus companies entitled to a hearing on charge amounts; fee established proper. Port Authority Trans-Hudson Corp. v. Baum Bus Co., Inc., 156 N.J.Super. 585, 384 A.2d 213 (Law Div.1977), affirmed 156 N.J.Super. 578, 384 A.2d 209 (App.Div.1978).

16:52-1.3 Discontinuance of service

(a) No autobus or trolley utility shall discontinue the operation of a route or routes, or a portion thereof, without first filing a petition with the Department of Transportation, which petition shall give the reasons for such discontinuance. Such proposed discontinuance shall not become effective until approved by the Department of Transportation.

(b) Should any utility discontinue operation without the permission of the Department of Transportation, the Department of Transportation may summarily invoke the sanctions provided for by law.

Case Notes

No carrier can abandon or otherwise discontinue its route operations without prior Department of Transportation approval; service found unlawful as being directly competitive with other authorized regular route carriers (Department's Final Decision). In re: Fugazy Continental Corp., 5 N.J.A.R. 89 (1981).

16:52-1.4 Interruption of service

Where service on a route or routes has been interrupted and such interruption appears likely to continue for a period in excess of four hours, a report shall be made to the Department of Transportation by the speediest means of communication available, with a full statement of the cause and probable

duration. The public along the route or routes shall be promptly notified of service interruptions by such means as are feasible and practicable including announcements and notices at terminals and ticket offices, if any, and notification to news disseminating agencies and municipalities affected. Telephone reports shall be promptly confirmed by a telegraphic or other written report.

16:52-1.5 Emergency equipment

All autobus and trolley utilities shall maintain sufficient reserve equipment to insure the reasonable maintenance of the established routes and fixed time schedules.

16:52-1.6 Stops before passing over grade crossings

All autobus and trolley utilities shall have their vehicles come to a full stop before crossing the tracks of any railroad at grade; such stop to be made not less than 15 feet nor more than 50 feet from the nearest rail, the stopping point to be determined by the physical conditions at the crossing permitting a view of approaching trains from the near rail of the tracks before proceeding from stop position.

Statutory References

N.J.S.A. 39:4-128

16:52-1.7 Doors to be closed

All autobus and trolley utilities shall keep the doors of the vehicles closed when the vehicles are in motion.

Statutory References

N.J.S.A. 39:4-68

16:52-1.8 Drivers conversing

Autobus and trolley utilities shall not allow the drivers of any autobus or trolley to engage in any unnecessary conversation with the passengers.

16:52-1.9 Filling fuel tanks

Fuel tanks on autobuses shall be filled from outside the autobus and shall not be filled or replenished with fuel while passengers are in said autobus. Fuel tanks shall not be filled or replenished while the motor is running.

SUBCHAPTER 2. PUBLIC LIABILITY INSURANCE

16:52-2.1 Certificate or evidence

(a) Any person operating motor vehicles carrying passengers for hire in accordance with the applicable statutes

shall file with the Department of Transportation two copies of a certificate of insurance, or evidence of self-insurance, which certificate or evidence shall be in a form prescribed by the Department of Transportation.

(b) Said certificate or evidence shall be signed by the issuing insurance company, or in the case of a self-insurer, by an officer or agent thereof, and shall state that the autobuses enumerated thereon are insured in compliance with N.J.S.A. 48:4-19 and 48:4-35 through 48:4-55, inclusive, under the standard form of insurance policy adopted by the Department of Transportation and, in addition thereto, they shall furnish the following information:

1. Name and address of operating company, corporation or individual;
2. Number, manufacture, year and rated seating capacity of each autobus together with the motor and chassis numbers.

16:52-2.2 Autobuses

(a) All autobuses shall be insured covering operation in the State of New Jersey in the business of their owners and/or others, and whether in regular or other service, and whether on or off their regular routes.

(b) The driver of each autobus shall at all times when such autobus is in operation, exhibit a certificate in the form adopted by the Department of Transportation, showing that the autobus is insured in conformity with the applicable statutes. Such certificate shall disclose the name of the company in which the autobus is insured, the number of the insurance policy, or in the case of a self-insurer, a certificate signed by an officer or agent that it has qualified as a self-insurer, the manufacture, year and rated seating capacity of the autobus, together with the motor and chassis numbers, and it shall state the date to which the insurance premium has been actually paid. Said certificate shall be posted in a conspicuous place in the autobus on the right-hand side of the driver above the windshield.

16:52-2.3 Binder insurance

Binder insurance coverage shall not be accepted unless it originates at the home office of the issuing insurance company.