

CHAPTER 51

**PRACTICES AND PROCEDURES BEFORE THE
OFFICE OF REGULATORY AFFAIRS**

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 48:2-12, 48:4-2.1a, 52:14B-3, 52:14D-6
and October 5, 1978 Executive Reorganization Plan.

Source and Effective Date

R.2001 d.384, effective September 21, 2001.
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

Chapter Expiration Date

Chapter 51, Practices and Procedures before the Office of Regulatory
Affairs, expires on September 21, 2006.

Chapter Historical Note

Chapter 51, Reduced Fare Transportation Program, was adopted as
R.1975 d.113, effective April 30, 1975. See: 7 N.J.R. 63(b), 7 N.J.R.
280(b).

Subchapter 1, Introduction, Subchapter 2, Identification and Regis-
tration, and Subchapter 3, Agreements with Carriers for Services and
Payment, were adopted as R.1977 d.224, effective June 23, 1977. See:
9 N.J.R. 97(a), 9 N.J.R. 349(a).

Chapter 51, Reduced Fare Transportation Program, was recodified to
N.J.A.C. 16:73 by R.1982 d.40, effective February 16, 1982. See: 13
N.J.R. 881(a), 14 N.J.R. 209(a).

Chapter 51, Practices and Procedures before the Office of Regulatory
Affairs, was adopted as new rules by R.1987 d.148, effective April 6,
1987. See: 19 N.J.R. 182(a), 19 N.J.R. 553(c).

Pursuant to Executive Order No. 66(1978), Chapter 51, Practices and
Procedures before the Office of Regulatory Affairs, was readopted as
R.1992 d.116, effective February 14, 1992. See: 24 N.J.R. 78(b), 24
N.J.R. 968(a).

Pursuant to Executive Order No. 66(1978), Chapter 51, Practices and
Procedures before the Office of Regulatory Affairs, was readopted as
R.1997 d.115, effective February 13, 1997. See: 29 N.J.R. 100(b), 29
N.J.R. 912(a).

Chapter 51, Practices and Procedures before the Office of Regulatory
Affairs, was readopted as R.2001 d.384, effective September 21, 2001.
See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:51-1.1 Scope
- 16:51-1.2 Construction and amendment
- 16:51-1.3 Definitions
- 16:51-1.4 Offices
- 16:51-1.5 Hours
- 16:51-1.6 Communications
- 16:51-1.7 Official records
- 16:51-1.8 Appearance
- 16:51-1.9 Ethical conduct and ex parte communications
- 16:51-1.10 Former employees

SUBCHAPTER 2. PLEADINGS

- 16:51-2.1 Pleadings generally
- 16:51-2.2 Formal requirements for pleadings
- 16:51-2.3 Time for filing

- 16:51-2.4 Number of copies
- 16:51-2.5 Defective pleadings
- 16:51-2.6 Amendments
- 16:51-2.7 Service and notice of proceedings
- 16:51-2.8 Valid service
- 16:51-2.9 Withdrawal of petition or dismissal of proceeding
- 16:51-2.10 Applications to other regulatory bodies

SUBCHAPTER 3. PETITIONS

- 16:51-3.1 Petitions for the granting of a certificate of public conve-
nience and necessity to conduct autobus operations;
complaint petitions
- 16:51-3.2 Petition for the approval of modification of a certificate of
public convenience and necessity
- 16:51-3.3 Petitions for approval of the transfer of a certificate of
public convenience and necessity for autobuses
- 16:51-3.4 Ex parte or emergency relief; and minor modification of
regular route
- 16:51-3.5 Petitions for the approval of the sale or lease of property
- 16:51-3.6 Petitions for authority to transfer capital stock
- 16:51-3.7 Petitions for discontinuance of service
- 16:51-3.8 Joinder of requests for relief
- 16:51-3.9 Procedure of department on filing of petition
- 16:51-3.10 Tariff filings which do not propose increases in charges to
customers
- 16:51-3.11 Tariff filings or petitions that propose increases in charges
to customers
- 16:51-3.12 Petitions for permission to keep books and records outside
the State of New Jersey
- 16:51-3.13 Filing or petition that proposes a change of name

SUBCHAPTER 4. MOTIONS: INTERVENTION

- 16:51-4.1 Motions; generally
- 16:51-4.2 Motions in writing with no oral argument, generally; time
limits
- 16:51-4.3 Affidavits; briefs and supporting statements
- 16:51-4.4 Disposition of motions to intervene; generally
- 16:51-4.5 Disposition of motions to intervene in proceedings involving
regular route operations petitions
- 16:51-4.6 Disposition of motions to intervene in proceedings involving
charter and/or special operations petitions
- 16:51-4.7 Disposition of motions to intervene in proceedings involving
regular route in the nature of special or casino bus
operations petitions

**SUBCHAPTER 5. REHEARING, REARGUMENT OR
RECONSIDERATION**

- 16:51-5.1 Method of instituting
- 16:51-5.2 Motions and answers on rehearing

SUBCHAPTER 6. CONFERENCES

- 16:51-6.1 Purposes

SUBCHAPTER 7. REPORTING ACCIDENTS

- 16:51-7.1 Procedures

SUBCHAPTER 8. PROVISION OF SERVICE

- 16:51-8.1 Commencement of operations
- 16:51-8.2 Change of route
- 16:51-8.3 Discontinuance of service
- 16:51-8.4 Interruption of service
- 16:51-8.5 Emergency equipment
- 16:51-8.6 Stops before grade crossings
- 16:51-8.7 Doors to be closed
- 16:51-8.8 Drivers conversing
- 16:51-8.9 Filling fuel tanks

- 16:51-8.10 Certificate of public convenience and necessity of limited duration for emergencies
- 16:51-8.11 Autobus Leases

SUBCHAPTER 9. OFFICES

- 16:51-9.1 Location
- 16:51-9.2 Personnel to be contacted
- 16:51-9.3 Emergency telephone numbers

SUBCHAPTER 10. RECORDS

- 16:51-10.1 Location and examination
- 16:51-10.2 Periodic reports
- 16:51-10.3 Accidents
- 16:51-10.4 Public records

SUBCHAPTER 11. TARIFFS

- 16:51-11.1 Filing with department access to public
- 16:51-11.2 Letter of transmittal
- 16:51-11.3 Statement of proposed changes
- 16:51-11.4 Timelines of filing
- 16:51-11.5 Separate series issuance; number; prefix
- 16:51-11.6 Complete document; references
- 16:51-11.7 Preparation; paper
- 16:51-11.8 Consecutively numbered pages
- 16:51-11.9 Supplement or reissue
- 16:51-11.10 Suspension; supplement form
- 16:51-11.11 Less than 30 days' notice request; application
- 16:51-11.12 Notification form
- 16:51-11.13 Late filing, rejection
- 16:51-11.14 Rules or classifications prescribed by department
- 16:51-11.15 Passenger fares for named or limited period
- 16:51-11.16 Agent authorization

SUBCHAPTER 12. NOTICE REGARDING CHANGES IN FARES OR OPERATING

SCHEDULES

- 16:51-12.1 Notices regarding fares
- 16:51-12.2 Notices regarding operating schedules

SUBCHAPTER 13. COMPLIANCE WITH ORDERS, DECISIONS AND

RECOMMENDATIONS

- 16:51-13.1 Orders and decisions
- 16:51-13.2 Recommendations
- 16:51-13.3 Extension of time limits
- 16:51-13.4 Answers to communications

SUBCHAPTER 1. GENERAL PROVISIONS

16:51-1.1 Scope

(a) These rules shall govern the filing of all pleadings and the practice and procedure of matters other than contested case hearings before the Office of Regulatory Affairs, Department of Transportation of the State of New Jersey, unless otherwise ordered by the Office or the Department in any proceeding. These rules also set forth operational and administrative duties of licensed autobus companies and street railways.

(b) Upon determination that a matter constitutes a contested case, the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1 et seq. shall apply.

16:51-1.2 Construction and amendment

(a) These rules shall be liberally construed to permit the Office to effectively carry out its statutory functions and to secure just and expeditious determinations of issues properly presented to the Office.

(b) In special cases and for good cause shown, the Office may relax or permit deviations from these rules.

16:51-1.3 Definitions

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

“Answer” means the pleadings filed by a Petitioner in response to either a motion or a complaint petition.

“Autobus” means and includes any motor vehicle or motorbus operated over public highways or public places in this State for the transportation of passengers for hire in intrastate business, whether used in regular route, casino, charter or special bus operations, notwithstanding that such motor vehicle or motorbus may be used in interstate commerce.

“Autobus company” or “autobus carrier” means any person or party who possesses a valid Certificate of Public Convenience and Necessity to conduct autobus operations. Such a Certificate shall have been issued by the New Jersey Department of Transportation or, if issued prior to January 1, 1979, by the State’s Board of Public Utilities.

“Certificate” means a Certificate of Public Convenience and Necessity.

“Certificate of Public Convenience and Necessity” means a final administrative order of the New Jersey Department of Transportation granting authority to a person to operate a specific type (or types) of autobus service(s) within the State of New Jersey.

“Charter” or “charter bus operation” means and includes the operation of an autobus, not on a regular schedule, by the person owning or leasing such bus or buses pursuant to a contract, agreement or arrangement to furnish an autobus or autobuses and a driver or drivers thereof to a person, group of persons or organization (corporate or otherwise) for a trip designated by such person, group of persons or organization for a fixed charge per trip, per autobus, per period of time or per mile.

“Commissioner” means the Commissioner of the Department of Transportation or, in his or her absence, the Assistant Commissioner for Policy and Planning.