

CHAPTER 53A**BUS SAFETY COMPLIANCE OVERSIGHT,
ENFORCEMENT, OUT-OF-SERVICE
VIOLATIONS AND PENALTIES****Authority**

N.J.S.A. 48:4-2.1c et seq., 2A:58-10 et seq. and 52:14D-6,
and October 5, 1978 Executive Reorganization Plan.

Source and Effective Date

R.2004 d.331, effective July 30, 2004.
See: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

Chapter Expiration Date

Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, expires on July 30, 2009.

Chapter Historical Note

Chapter 53A, Financial And Accounting Conditions and Criteria for Bus Operating Assistance Program, was adopted as R.1979 d.302, effective August 7, 1979. See: 11 N.J.R. 301(b), 11 N.J.R. 471(b).

Pursuant to Executive Order No. 66(1978), Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, expired on August 7, 1984.

Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, was adopted as new rules by R.1985 d.193, effective April 15, 1985. See: 17 N.J.R. 272(a), 17 N.J.R. 977(a). Chapter 53A, Financial and Accounting Conditions and Criteria for Bus Operating Assistance Program, was repealed by R.1990 d.54, effective February 5, 1990. See: 21 N.J.R. 3633(a), 22 N.J.R. 362(b).

Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, was adopted as new rules by R.1999 d.133, effective April 19, 1999. See: 31 N.J.R. 253(c), 31 N.J.R. 1073(a).

Chapter 53A, Bus Safety Compliance Oversight, Enforcement, Out-of-Service Violations and Penalties, was readopted as R.2004 d.331, effective July 30, 2004. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**16:53A-1.1 Scope**

(a) This chapter establishes a schedule of bus safety out-of-service violations and applicable sanctions and penalties for buses operating with bus safety out-of-service violations.

(b) These rules categorize each bus safety out-of-service violation as either a category 1 or category 2 violation. The rules further establish a specific monetary civil penalty for each bus safety out-of-service violation which shall be proportional to the nature and severity of such violation. The bus operator shall be responsible for all penalties.

(c) These rules are consistent with national safety standards established by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. The Commercial Vehicle Safety Alliance is an organization of Federal, State and Provincial government agencies and representatives from private industry in the United States, Canada and Mexico dedicated to improvement of commercial vehicle safety.

SUBCHAPTER 2. DEFINITIONS

16:53A-2.1 Definitions

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

"Bus" or "buses" means and includes all autobuses, of whatever size or configuration, under the jurisdiction of the Motor Vehicle Commission; all autobuses of NJ Transit and its contract carriers which are under the inspection jurisdiction of the Commission; all autobuses, of whatever size or configuration, that are subject to Federal Motor Carrier Safety Regulations, operated on public highways or in public places in this State; and all autobuses operated on public highways or in public places in this State under the authority of the Interstate Commerce Commission, or its successor agency, the Federal Highway Administration. The term "bus" or "buses" shall not include school buses, as defined pursuant to N.J.S.A. 39:1-1.

"Bus safety out-of-service violation" means any serious mechanical, electrical or vehicular condition that is determined to be so unsafe as to potentially cause an accident or breakdown, or would potentially contribute to loss of control of the vehicle by the driver.

"Category 1 violation" means any bus safety out-of-service violation that should have been detected during the daily pre-trip inspection or during periodic repair and maintenance procedures conducted by the driver or operator.

"Category 2 violation" means any bus safety out-of-service violation that may have occurred after the daily pre-trip inspection and therefore might not have been detected by the operator or driver during the daily pre-trip inspection or during periodic repair and maintenance procedures.

"Operator" means the person responsible for the day-to-day maintenance and operation of buses. A "person" may be an individual or individuals, a corporation, or other entity responsible for the day to day maintenance and/or operation of buses regulated under the Bus Safety Compliance Act, N.J.S.A. 48:4-2.1c et seq.

Amended by R.2004 d.331, effective September 7, 2004.

See: 36 N.J.R. 1672(a), 36 N.J.R. 4163(a).

In "Bus or buses", substituted "Motor Vehicle Commission" for "Department of Transportation" and "Commission" for "Department".

SUBCHAPTER 3. SCHEDULE OF VIOLATIONS AND APPLICABLE PENALTIES

16:53A-3.1 Violations and applicable penalties

The violation and penalty schedule set forth in this subchapter denotes critical vehicle inspection items, describes the pertinent bus safety out-of-service violation, the category of violation, and establishes the applicable monetary civil penalty for such violation.

16:53A-3.2 Brake system

(a) The number of defective brakes is equal to or greater than 20 percent of brakes on the vehicle or combination, provided, however, on a three axle bus, one defective brake shall constitute a violation. Steering axle brakes are to be included in the 20 percent criterion. A defective brake includes any brake that meets one of the following criteria:

1. Absence of effective braking action upon application of the service brakes, such as brake linings failing to move or contact breaking surface upon application. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

2. Missing or broken mechanical components including: shoes, linings, pads, springs, anchor pins, spiders, cam rollers, pushrods, and air chamber mounting bolts. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

3. Loose brake components including: air chambers, spiders, and cam shaft support brackets. This is a category 2 violation. The penalty for this violation shall be \$200.00 per wheel.

4. Audible air leak at brake chamber. (Example: ruptured diaphragm, loose chamber clamp.) This is a category 2 violation. The penalty for this violation shall be \$100.00 per wheel.

5. Brake adjustment limits. Bring reservoir pressure between 90 and 100 psi, turn engine off and then fully apply the brakes.

i. One brake at $\frac{1}{8}$ inch or more above the adjustment limit. (Example: Type 30 clamp type brake chamber pushrod measured at $2\frac{1}{8}$ inches would be one defective brake.) This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

ii. Two brakes less than $\frac{1}{8}$ inch beyond the adjustment limit also equal one defective brake. (Example: Type 30 clamp type brake chamber pushrods measure—two at $2\frac{1}{8}$ inches.) This example would equal one defective brake. This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

iii. Any wedge brake where the combined brake lining movement of both top and bottom shoe exceeds $\frac{1}{8}$ inch. This is a category 2 violation. The penalty for this violation shall be \$100.00 per brake.

6. Brake linings or pads, except on power unit steering axles.

i. Cracked, loose, or missing lining. Any violation under (a)6i(1), (2), (3) or (4) below is a category 2 violation. The penalty for each violation shall be \$300.00 per wheel. Missing lining, under (a)6i(5) below, is a category 1 violation. The penalty for this violation shall be \$2,000 per wheel.