

CHAPTER 53D

ZONE OF RATE FREEDOM

Authority

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

Source and Effective Date

R.1994 d.214, effective April 8, 1994.
See: 26 N.J.R. 1205(a), 26 N.J.R. 1841(b).

Executive Order No. 66(1978) Expiration Date

Chapter 53D, Zone of Rate Freedom, expires on April 8, 1999.

Chapter Historical Note

Chapter 53D, Zone of Rate Freedom, was filed and became effective on July 16, 1984 as R.1984 d.295. 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 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 was readopted as R.1994 d.214. See: Source and Effective Date. See, also, section annotations.

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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 or petitions which do not propose increases in charges to customers) or N.J.A.C. 16:51-3.11 (Tariff filings or petitions which 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 1999) or decrease (10 percent for 1999), upgraded to the nearest \$.05.

1. For illustrative purposes, the following chart sets forth the 1999 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>% 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 1999 percentage maximum for decrease to particular rates, fares or charges and the resultant amount as upgraded to the nearest \$.05:

| <u>Present Fare</u> | <u>% of Decrease</u> | <u>Decrease Upgraded To Nearest \$.05</u> |
|---------------------|----------------------|---|
| \$.50 or less | 10% | \$.05 |
| \$.55-\$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.

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.