

**CHAPTER 75****BUS ALLOCATION GUIDELINES  
AND PROCEDURES****Authority**

N.J.S.A. 27:25-5(e), (h), and (k).

**Source and Effective Date**

R.2002 d.51, effective February 4, 2002.  
See: 33 N.J.R. 3415(a), 34 N.J.R. 748(a).

**Chapter Expiration Date**

Chapter 75, Bus Allocation Guidelines and Procedures, expires on February 4, 2007.

**Chapter Historical Note**

Chapter 75, Bus Allocation Guidelines and Procedures, was adopted as R.1983 d.371, effective September 6, 1983. See: 15 N.J.R. 881(a), 15 N.J.R. 1484(a).

Pursuant to Executive Order No. 66(1978), Chapter 75 was readopted as R.1988 d.249, effective May 13, 1988. See: 20 N.J.R. 635(b), 20 N.J.R. 1207(d). Pursuant to Executive Order No. 66(1978), Chapter 75 expired on May 13, 1993.

Chapter 75, Bus Allocation and Guideline Procedures, was adopted as new rules by R.2002 d.51, effective February 4, 2002. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS****16:75-1.1 Purpose**

The purpose of NJ TRANSIT's Bus Allocation Program is to improve the reliability of mass transit services in the State of New Jersey by assisting in the renewal of the bus

fleet operated by private and public bus carriers in the State. In so doing, public transit in the State will become more reliable, safe, efficient, and user-friendly for the State's public transit users. Through this program, NJ TRANSIT will be assisting the State's economy to prosper and reduce traffic congestion and pollution in the New York-New Jersey-Pennsylvania tri-state region. In addition, by way of this program, NJ TRANSIT will assist private carriers in the State to rationalize their service and avoid destructive competition between private carriers and other private carriers and between private carriers and public transit agencies.

**16:75-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings:

"Actual fleet" means the actual buses owned by New Jersey and operated by private carriers prior to January 1, 2002.

"Affiliate" means any individual, company, proprietorship, corporation, agency, trust or partnership where by reason of the relationship of such entity with the carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, stockholders, a voting trust or trusts, a holding or investment company or companies, family relationships, or any other direct or indirect means) there is a reason to believe that the affairs of the carriers may be managed in the interest of such individual, company, proprietorship, corporation, agency, trust or partnership.

"AM/PM trippers" means bus service that represents one round trip or one way trip only and not part of local all day service.

"Board" means the Board of Directors of NJ TRANSIT.

"Carrier" and "operator" means any individual, co-partnership, association, corporation, joint stock company, affiliate or affiliates, public agency, trustee or receiver operating or controlling regular route peak bus service on established routes within the State or between points in this State and points in adjacent states.

"Cruiser-type buses" means buses used for long haul intrastate or interstate services.

"Eligible" shall mean a carrier providing public transit service with a bus included within the actual fleet as of January 1, 2002, and which is qualified and authorized by NJ TRANSIT to participate in NJ TRANSIT's Bus Allocation Program pursuant to the eligibility criteria set forth in this chapter.

**"Executive Director"** means the Executive Director of NJ TRANSIT or his or her designee.

**"Extras"** means additional bus service to cover anticipated increases in passengers but not part of regular all day scheduled service.

**"FTA"** means the Federal Transit Administration.

**"NJ TRANSIT"** means the New Jersey Transit Corporation.

**"Planned fleet"** means the specific buses designated by the carriers and approved by NJ TRANSIT that are needed to meet the peak period service needs (including up to 15 percent spares) for all eligible services and carriers.

**"Public transit"** means all regular route peak bus service operated by a public or private carrier with a bus included within the actual fleet as of January 1, 2002.

**"Regular route peak bus services"** means the operation of any motor bus or motor buses prior to January 1, 2002 on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers for hire or otherwise, in this State or between points in this State and points in other states during the time of 6:00 A.M. to 9:30 A.M. and 4:00 P.M. to 7:00 P.M. Services which are exclusionary or personal in nature or are to special purpose areas, such as to casinos or special events, are not included within this definition. In order to be included within this definition, regular route peak bus services shall be between an origin and destination, both of which are within the boundaries of the State of New Jersey. Services that, due to geographic locations or routing, operate in a state other than New Jersey in providing services to passengers that have origins and destinations in New Jersey, are included within this definition provided that the primary reason for operating outside New Jersey is to transport New Jersey citizens to and from their New Jersey origins and destinations, and transport others to and back from New Jersey where such transportation services aid in the growth and development of the economy of the State of New Jersey. Services operating between New Jersey and major adjacent commercial centers located outside of the State, such as New York City and Philadelphia, are specifically included in this definition.

**"Split assignments"** means bus service representing a split trip and not part of regular all day service.

**"State"** means the State of New Jersey.

**"Transit-type buses"** means buses used for local urban services.

## SUBCHAPTER 2. BUS ALLOCATION GUIDELINES AND PROCEDURES

### 16:75-2.1 Replacement of buses

(a) Carriers have no right and no entitlement to the receipt of buses or to the receipt of replacement buses pursuant to the bus leasing programs and the purchase and receipt of buses shall always be at the discretion of NJ TRANSIT.

(b) To be considered for eligibility and participation in NJ TRANSIT's Bus Allocation Program, a carrier must have been authorized prior to January 1, 2002 to provide regular route peak bus service by the New Jersey Department of Transportation, the Surface Transportation Board of the United States Department of Transportation, a municipality or any other duly authorized regulatory body and have been operating such authorized service prior to January 1, 2002, and have been assigned a bus as of January 1, 2002 that is included in the "actual" fleet. To be eligible to participate in the Bus Allocation Program, the carrier's service must be provided on a regular and continuing basis and may not be exclusionary or personal in nature. Service to special purpose areas or that which is exclusionary in nature, such as to casinos or special events, is not eligible. In order to be eligible, regular route peak bus services shall be between an origin and destination, both of which are within the boundaries of the State of New Jersey. Services that, due to geographic locations or routing, operate in a state other than New Jersey in providing services to passengers that have origins and destinations in New Jersey, are included provided that the primary reason for operating outside New Jersey is to transport New Jersey citizens to and from their New Jersey origins and destinations, and transport others to and back from New Jersey, where such transportation services aid in the growth and development of the economy of the State of New Jersey.

1. After NJ TRANSIT has determined eligibility and has made a bus allocation, if a carrier chooses not to accept all buses allocated, NJ TRANSIT will view the status of that carrier's fleet as if it had accepted all buses allocated and NJ TRANSIT will reduce the number of buses within the actual fleet.

2. For new buses, a minimum of a 14-year useful life for State purchased cruiser type buses and a minimum of a 12-year useful life for State-purchased suburban and transit type buses shall be assumed for determining fleet composition.