

CHAPTER 53E**FIXED GUIDEWAY SYSTEMS STATE SAFETY AND SECURITY OVERSIGHT****Authority**

N.J.S.A. 27:1A-5, 27:1A-6, 27:25-8c, 48:2-12 and 52:14D-6; 49 CFR Part 659; October 5, 1978 Executive Reorganization Plan; and Executive Order No. 65 (1997).

Source and Effective Date

R.2011 d.089, effective February 11, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).

Chapter Expiration Date

Chapter 53E, Fixed Guideway Systems State Safety and Security Oversight, expires on February 11, 2016.

Chapter Historical Note

Chapter 53E, Fixed Guideway Systems State Safety Oversight, was adopted as R.2000 d.184, effective May 1, 2000. See: 32 N.J.R. 678(a), 32 N.J.R. 1523(a).

Chapter 53E, Fixed Guideway Systems State Safety Oversight, was readopted as R.2005 d.316, effective August 24, 2005. See: 37 N.J.R. 1926(a), 37 N.J.R. 3719(b).

Chapter 53E, Fixed Guideway Systems State Safety Oversight, was readopted as R.2011 d.089, effective February 11, 2011. As a part of R.2011 d.089, Chapter 53E, Fixed Guideway Systems State Safety Oversight, was renamed Fixed Guideway Systems State Safety and Security Oversight; Subchapter 1, General Requirements, was renamed Purpose, Application and Scope; Subchapter 2, Adoption and Incorporation by Reference of Federal Transit Administration Rail Fixed Guideway Systems State Safety Oversight Regulations and Standards, was recodified to N.J.A.C. 16:53E-1.3, and Subchapter 2, Definitions, was adopted as new rules; and Subchapters 3 through 14 were adopted as new rules, effective March 21, 2011. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PURPOSE, APPLICATION AND SCOPE**16:53E-1.1 Purpose**

This chapter establishes rules concerning the State's oversight of the safety of rail fixed guideway systems through the Department of Transportation (Department), designated as the State's oversight agency by Executive Order No. 65 (1997), which conform to the requirements established pursuant to section 5330 of the "Intermodal Surface Transportation Efficiency Act of 1991" (Pub. L. 102-240, 49 U.S.C. §5330). The Office of Fixed Guideway Safety and Security Oversight in the Department is responsible for the administration of this chapter.

Amended by R.2005 d.316, effective September 19, 2005.

See: 37 N.J.R. 1926(a), 37 N.J.R. 3719(b).

Substituted "establishes" for "and appendix establish" following "This chapter" in the first sentence.

Amended by R.2011 d.089, effective March 21, 2011.

See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).

Inserted "(Department)", substituted "No. 65 (1997)" for "No. 65(1997)" and rewrote the last sentence.

16:53E-1.2 Application and scope

(a) This chapter is applicable to every transit agency operating exclusively within the boundaries of this State or between New Jersey and adjacent states. The Department may

designate other fixed guideway systems to which this rule shall apply.

(b) Additional information and guidance for a transit agency's compliance with this chapter is contained in "New Jersey Department of Transportation Safety and Security Oversight Program, Standard and Procedures," which can be obtained from the Office of Fixed Guideway Safety and Security Oversight at:

New Jersey Department of Transportation
Office of Fixed Guideway Safety and Security
Oversight
PO Box 600
Trenton, New Jersey 08625-0600
phone: 609 530-2551
fax: 609 530-6397

or by e-mail at:

njofgssso@dot.state.nj.us

(c) Except as provided in N.J.A.C. 16:53E-1.4, nothing in this chapter prevents the transit agency or the Department from using contractors or consultants (public, non profit or private) to assist with their respective duties under this chapter or in the course of their respective business operations.

Amended by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).

Section was "Application". Inserted designation (a); in (a), substituted "This" for "The provisions of this" and "is" for "are", deleted "a rail fixed guideway system" following "operating", and inserted the last sentence; and added (b) and (c).

16:53E-1.3 Incorporations by reference

(a) The New Jersey Department of Transportation adopts and incorporates by reference the following regulations and standards, as amended and supplemented:

1. 49 CFR Part 659 and Appendices;
2. The Federal Transit Administration's (FTA) "Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems, July 1996, Final Report" and all appendices;
3. The FTA's "Transit System Security Program Planning Guide," Final Report, January 1994, Reprint November 1997, and all appendices;
4. The FTA's "Transit Security Procedures Guide," Final Report, December 1994, Reprint November 1997, and all appendices; and
5. The FTA's "Transit Security Handbook," Final Report, May 1998, and all appendices.

Recodified from N.J.A.C. 16:53E-2.1 and amended by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).

Section was "Regulations and standards adopted and incorporated by reference". Rewrote the section. Former N.J.A.C. 16:53E-1.3, Definitions, recodified to N.J.A.C. 16:53E-2.1.

16:53E-1.4 Conflict of interest

(a) A party or entity is prohibited from providing services to both the Department and the transit agency when a conflict of interest, as determined by the Department, exists.

(b) A transit agency may not be a contractor for the Department under the State safety oversight program.

Repeal and New Rule, R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "State system safety program standard".

16:53E-1.5 (Reserved)

Repealed by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Transit agency's system safety program plan".

16:53E-1.6 (Reserved)

Recodified to N.J.A.C. 16:53E-6.1 by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Approval of system safety program plan".

16:53E-1.7 (Reserved)

Recodified to N.J.A.C. 16:53E-8.1 by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Transit agency annual audit reports".

16:53E-1.8 (Reserved)

Recodified to N.J.A.C. 16:53E-9.1 by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Department safety review".

16:53E-1.9 (Reserved)

Repealed by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Transit agency report on accidents and unacceptable hazardous conditions".

16:53E-1.10 (Reserved)

Recodified to N.J.A.C. 16:53E-12.1 by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Department investigations".

16:53E-1.11 (Reserved)

Recodified to N.J.A.C. 16:53E-13.1 by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Corrective actions".

16:53E-1.12 (Reserved)

Repealed by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Document availability".

16:53E-1.13 (Reserved)

Repealed by R.2011 d.089, effective March 21, 2011.
See: 42 N.J.R. 2374(a), 43 N.J.R. 739(a).
Section was "Assistance".