

CHAPTER 51

PRACTICES AND PROCEDURES BEFORE THE OFFICE OF REGULATORY AFFAIRS

Authority

N.J.S.A. 27:1A-5, 39:2A-21, 48:4-2.1a, 48:4-11 and 52:14D-6.

Source and Effective Date

R.2007 d.105, effective March 15, 2007.
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Chapter Expiration Date

Chapter 51, Practices and Procedures before the Office of Regulatory Affairs, expires on March 15, 2012.

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 Registration, 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(c).

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: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

Chapter 51, Practices and Procedures before the Office of Regulatory Affairs, was readopted as R.2007 d.105, effective March 15, 2007. As a part of R.2007 d.105, Subchapter 5, Rehearing, Reargument or Reconsideration, was renamed Rehearing or Reconsideration; Subchapter 11, Tariffs, was repealed; Subchapter 12, Notice Regarding Changes in Fares or Operating Schedules, was recodified as Subchapter 11; and Subchapter 13, Compliance with Orders, Decisions and Recommendations, was recodified as Subchapter 12 and renamed Compliance with Orders and Decisions, effective April 16, 2007. See: Source and Effective Date. See, also, section annotations.

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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 before the Office of Regulatory Affairs, Division of Legal and Regulatory Affairs, Motor Vehicle Commission of the State of New Jersey unless otherwise ordered by the Office in any proceeding.

(b) These rules set forth operational and administrative duties of licensed autobus companies.

(c) 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.

Amended by R.2007 d.105, effective April 16, 2007.
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote (a); recodified last sentence of former (a) as new (b); in (b), deleted "also" preceding "set forth" and "and street railways" following "companies"; and recodified former (b) as (c).

16:51-1.2 Construction

(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.

Amended by R.2007 d.105, effective April 16, 2007.
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).
Section was "Construction and amendment".

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 pleading filed by a petitioner or a respondent in response to either a motion or a complaint petition.

"Autobus" means and includes any motor vehicle or motor-bus operated over public highways or in public places in the 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 may be used in interstate commerce, but shall not include a taxicab, limousine or autocab, jitney or special paratransit vehicle.

"Autobus company" or "autobus carrier" means any person or party that possesses a valid Certificate of Public Convenience and Necessity to conduct autobus operations, which Certificate has been issued by the New Jersey Motor Vehicle Commission, or by the New Jersey Department of Transportation, or, if issued prior to January 1, 1979, by the State's Board of Public Utilities, or a valid authority for the conduct of interstate or charter operations, which authority has been issued by the Federal government.

"Casino route bus operation" means and includes regular route in the nature of special bus operation, as defined below in this section.

"Certificate" means a Certificate of Public Convenience and Necessity.

"Certificate of Public Convenience and Necessity" means a final administrative order of the New Jersey Motor Vehicle Commission or its predecessors, which certificate grants authority to a person or other legal entity 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, but not per person or per head.