

**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**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 51, Practices and Procedures before the Office of Regulatory Affairs, expires on September 11, 2014. See: 45 N.J.R. 2181(a).

**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5, Rehearing, Reargument or Reconsideration, was renamed Rehearing or Reconsideration; Subchapter 11, Tariffs, was repealed; Subchapter 12, Notice Regarding Changes in Fares or Operating Schedules, was recodified as Subchapter 11; and Subchapter 13, Compliance with Orders, Decisions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.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 51, Practices and Procedures before the Office of Regulatory Affairs, was scheduled to expire on March 15, 2014. See: 43 N.J.R. 1203(a).

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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.

“Chief Administrator” means the Chief Administrator of the Commission.

“Closed door service” means and includes the operation between fixed termini, on a regular schedule, which operation is restricted to a particular group or population and is not offered to members of the public along the route; closed door service is deemed to be regular route service regardless of how the fare is calculated or paid.

“Commission” means the New Jersey Motor Vehicle Commission.

“Complaint petition” means a pleading by which a party seeks to have the Commission invoke its jurisdiction for the purpose of enforcing one or more provisions of the New Jersey Revised Statutes, the New Jersey Administrative Code or any orders or rulings of the Commission or its predecessors against an autobus company.

“Contract service” means and includes the operation of an autobus service under contract with a separate public or private person or entity and which contract includes certain restrictions.

“Director” means the Director of the Division of Legal, Legislative and Regulatory Affairs, or any other person duly authorized by the Chief Administrator to act in such a capacity.

“Exception Letter” means the Commission’s first correspondence with a petitioner after the Commission’s initial review of a filed petition, which letter indicates whether or not the petition is incomplete.

“For hire” means for direct or indirect hire; any service for which the driver of the vehicle is compensated or that is included in the duties of a person who renders services for compensation is deemed to be for hire.

“Intervenor” means a movant whose motion to intervene has been granted by the Commission, and who thereby has standing to present testimony to the Office of Administrative Law in contested cases, to file exceptions and replies thereto to initial decisions of the Office of Administrative Law, and otherwise to participate in the matter before the Office of Administrative Law and the Commission in all respects, as if named as a party at the inception of the matter.

“Jitney” means a vehicle with a carrying capacity of not more than 13 passengers, if operated under municipal consent wholly within the limits of a single municipality, or of not more than 20 passengers, if operated under municipal authority wholly within not more than four coterminous municipalities within any county of the fifth or sixth class.

“Medical transportation” means the transport of elderly or disabled passengers in vehicles specially equipped for such purpose, but not as part of or pursuant to a county Job Access-Reverse Commute (JARC) plan. Unless conducted

along a regular route, medical transportation is deemed to be a special bus operation.

“Motion to Intervene” means the formal pleading filed by a party by which pleading the said party seeks to be granted leave to intervene in a proceeding before the Commission.

“Movant” means a person that has filed a motion with the Commission.

“Objector” means a person that has filed with the Commission a written objection to a petition pending before the Commission, but that is not an intervenor.

“Office” means the Office of Regulatory Affairs, Division of Legal, Legislative and Regulatory Affairs, Motor Vehicle Commission, State of New Jersey.

“Party” means a person that is a participant in an action or proceeding before the Office.

“Person” means an individual, corporation, partnership, association, group of persons or organizations, any body politic, political subdivision or governmental instrumentality, or any other entity legally capable of being or becoming an autobus carrier.

“Petition” means the pleading filed to initiate a proceeding and invoking the jurisdiction of the Commission.

“Petitioner” means a person who has filed a petition with the Office of Regulatory Affairs, New Jersey Motor Vehicle Commission or, in the case of a petition for transfer, the person that is the proposed certificate holder.

“Regular route” or “regular route bus operation” means and includes the operation of an autobus between fixed termini, on a regular schedule and with a provision for convenient one-way fare/transportation in either direction, and shall also include all existing regular route operations to and from any casino licensed under the Casino Control Act, P.L. 1977, c. 110 (N.J.S.A. 5:12-1 et seq.) unless that operation to and from casinos has been determined by the Commissioner to be other than a regular route operation.

“Regular route in the nature of special bus operation” means and includes the operation of an autobus to or from any casino licensed under the Casino Control Act, P.L. 1977, c. 110 (N.J.S.A. 5:12-1 et seq.) unless that operation has been determined by the Commission to be a regular route bus operation.

“Reply” means the pleading filed by a party in response to an answer upon the request or order of the Commission.

“Respondent” means any party against whom a complaint petition or a motion is directed.

“Restricted regular route service” means regular route service with restrictions as to equipment, hours, routes or

passengers, and includes but is not limited to, closed door service and contract service, as defined above in this section.

“Service Area” means that area that is described by and included within a one and one-quarter mile radius from any pickup or drop off point on the regular route that is the subject of the petition or action before the office.

“Special” or “special bus operation” means and includes the operation by the owner or lessee of an autobus or autobuses for the purpose of carrying passengers for hire not on a regular schedule, each passenger paying or being charged a fixed charge for his or her carriage, on a special trip arranged or designed by such owner or lessee, whether or not on the order of the passenger or passengers, which fixed charge may or may not include special premiums; door-to-door service that does not constitute a charter and is not conducted on a regular schedule is deemed to be a special operation.

“Special premiums” means and includes the provision of meals, gifts, lodging, entertainment, sightseeing services or similar inducements in connection with the purchase of a ticket; no casino bonuses shall be included in this definition.

“VIN” means and includes the vehicle identification number assigned to a vehicle.

Amended by R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(b), 21 N.J.R. 776(a).

“Charter bus operation”, “regular route bus operation” and “special bus operation” more fully defined. “Regular route in nature of special bus operation” and “special premiums”, definitions added.

Amended by R.1992 d.116, effective March 16, 1992.  
See: 24 N.J.R. 78(b), 24 N.J.R. 968(c).

Revised “Commissioner”.

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

Rewrote definitions “Answer”, “Autobus”, “Autobus company”, “Certificate of Public Convenience and Necessity”, “Charter”, “Complaint petition”, “Director”, “Exception letter”, “Intervenor”, “Motion to Intervene”, “Movant”, “Objector”, “Office”, “Petition”; “Petitioner”, “Regular route”, “Regular route in the nature of a special bus operation”, “Reply”, “Respondent”, “Service Area”, “Special” and “Special premiums”; added definitions “Casino route bus operation”, “Chief Administrator”, “Closed door service”, “Commission”, “Contract service”, “For hire”, “Jitney”, “Medical transportation”, “Party”, “Restricted regular route service” and “VIN”; deleted definitions “Commissioner”, “Department” and “Proposed service area”; and substituted definition “Person” for definition “Person” or “Party”, and rewrote the definition.

#### Case Notes

Resort’s “no-fare” transportation service was not subject to DOT regulations. In the Matter of the Petition of Seapointe Recreation, Inc., 94 N.J.A.R.2d (TRP) 1.

#### 16:51-1.4 Communications

(a) All pleadings, correspondence and other papers shall be addressed to the Office of Regulatory Affairs, Division of Legal and Regulatory Affairs, New Jersey Motor Vehicle Commission, 225 East State Street, PO Box 162, Trenton, NJ 08666-0162, and shall include the appropriate docket number if assigned.

(b) Copies of such correspondence shall be directed to the parties of record.

(c) Except as otherwise stated in this Chapter, all such pleadings and correspondence shall be deemed to be officially received when delivered to the Office of Regulatory Affairs.

Amended by R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(b), 21 N.J.R. 776(a).

Change of address.

Amended by R.1992 d.116, effective March 16, 1992.  
See: 24 N.J.R. 78(b), 24 N.J.R. 968(c).

Revised text.

Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

Rewrote (a); deleted (b) and recodified former (c) and (d) as (b) and (c).

Recodified from N.J.A.C. 16:51-1.6 and 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); and in (b), deleted “in formal matters and to movants whose filed motions have not been denied by the Department” from the end.

Former N.J.A.C. 16:51-1.4, Offices, repealed.

#### 16:51-1.5 Appearance

(a) No person or party as defined in N.J.A.C. 16:51-1.3, except an individual appearing on his or her own behalf, shall be permitted to participate in any proceeding before the Office unless such person or party is represented by an attorney of this State in good standing. Any attorney from any other jurisdiction and in good standing there may, at the discretion of the Director or the Director’s designee, be admitted pro hac vice to participate in a proceeding in the same manner as an attorney of this State; provided, however, that all pleadings, briefs and other papers filed with the Office may be required to be signed by an attorney of record authorized to practice in this State, which attorney shall be held responsible for them.

(b) Any attorney wishing to withdraw from a proceeding before the Office shall, in writing, immediately notify the Director or the Director’s designee, the party whom he or she represents, and all other parties of record of his or her request to do so. The request may be denied if, in the discretion of the Director, it is necessary to prevent duplication, delay or disruption of the proceedings.

(c) Any person appearing before or transacting business with the Office in a representative capacity may be required by the Office to file evidence of his authority to act in such capacity.

Recodified from N.J.A.C. 16:51-1.8 and 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) and (b).

Former N.J.A.C. 16:51-1.5, Hours, repealed.

#### 16:51-1.6 Ethical conduct and ex parte communications

(a) After the filing of a complaint, motion or petition in a contested proceeding and prior to the issuance of a formal order thereon, no parties to the proceeding, or their counsel,

shall discuss the merits of such matter or proceeding with any member of the Commission, the Director or with any member or employee of the Office, unless reasonable notice is given to all parties who have appeared therein to enable such parties to appear at the conference or otherwise to participate in the discussion. When, after the filing of a complaint or petition and prior to the issuance of a final order thereon, letters are addressed to the Office or to any member of its staff, copies of such letters shall be mailed to all parties of record and proof of such service furnished upon request.

(b) In matters pending before the Office of Administrative Law, the provisions of N.J.A.C. 1:1-3.8 shall apply to the extent applicable.

Recodified from N.J.A.C. 16:51-1.9 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Deleted (a) and (b); recodified former (c) and (d) as new (a) and (b); and rewrote (a).

Former N.J.A.C. 16:51-1.6, Communications, recodified to N.J.A.C. 16:51-1.4.

#### 16:51-1.7 Former employees

Except with the written permission of the Chief Administrator, no former member or employee of the Office or member of the Attorney General's staff assigned to the Office may appear in a representative capacity or as an expert witness on behalf of other parties at any time within six months after severing his or her association with the Office nor may he or she appear after said six month period in any proceeding wherein he or she previously took an active part when associated with the Office.

Recodified from N.J.A.C. 16:51-1.10 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Substituted "Chief Administrator" for "Commissioner"; inserted "or her" and inserted "or she" twice.

Former N.J.A.C. 16:51-1.7, Official records, repealed.

#### 16:51-1.8 (Reserved)

Recodified to N.J.A.C. 16:51-1.5 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Appearance".

#### 16:51-1.9 (Reserved)

Recodified to N.J.A.C. 16:51-1.6 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Ethical conduct and ex parte communications".

#### 16:51-1.10 (Reserved)

Recodified to N.J.A.C. 16:51-1.7 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Former employees".

## SUBCHAPTER 2. PLEADINGS

### 16:51-2.1 Pleadings generally

Pleadings before the Commission shall be in the form of petitions, motions, answers and replies.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Substituted "Commission" for "Department".

### 16:51-2.2 Formal requirements for pleadings

(a) The form and size for pleadings shall be as follows:

1. Except where otherwise specifically provided, all pleadings and other papers filed under these rules shall be typewritten or printed, cut or folded to 8 ½ inches by 11 inches in size.

2. They shall be double spaced except that quotations may be single spaced and indented.

3. Where larger sheets are required for exhibits, they shall be folded substantially to the size herein prescribed.

4. Any process may be used for the reproduction of typewriting provided all copies are clear and permanently legible.

(b) Signature shall be as follows:

1. All pleadings must be signed in ink by the attorney of record, if any.

2. When a firm acts as attorney of record, the signature shall be in the name of the firm, followed by the signature of the partner or associate acting on behalf of the firm.

3. When a party acts on his own behalf under these rules, signature shall be by the party, except that in the case of a corporation, signature shall be by the attorney duly authorized by the corporation to sign in its behalf.

4. Except for a sole proprietor, no business entity shall appear in a contested case except by an attorney.

5. Beneath the signature of every attorney of record, party or other person appearing on a paper to be filed, there shall be typed, stamped or printed his name and address.

(c) There shall be included at the head of the pleading or on a title page a caption setting forth the name of the Commission, the title of the action, the docket number, if known, and the designation of the nature of the pleading.

(d) Description of parties shall be as follows:

1. The title of the action shall include the legal names of all parties.

2. The first pleading of any party shall state the party's address; and, if the party is an entity other than a natural person, there shall also be set forth the state in which, and

the law under which, the party was incorporated or otherwise organized.

(e) Designation of persons to whom communications should be sent is as follows:

1. Petitions or other pleadings filed with the Commission by or on behalf of any person shall state the name, title and address of the agent to whom correspondence or communications concerning the matter are to be sent.

2. Unless the agent to whom communication is to be addressed is a principal or an officer or an attorney for the party, the agent shall not act for that party except to transmit the said communications to that party or its attorney.

(f) Attestation and verification shall be as follows:

1. All pleadings initiating a proceeding or otherwise seeking affirmative relief shall be verified, except for those matters brought upon either the Commission's own motion or the motion of the Attorney General of the State of New Jersey.

2. If a party is represented by an attorney, the original of each paper filed shall be signed in ink by the attorney, whose address shall be stated. The signature of the attorney constitutes a certification that the representative:

- i. Has read the pleading, document or paper;
- ii. Is authorized to file it;
- iii. Believes that there is good ground for the document; and
- iv. Has not interposed the document for delay.

3. A pleading, document or paper signed as in (f)2 above need not be verified or accompanied by affidavit unless required elsewhere in these rules.

4. The original of each document not signed by an attorney must be:

- i. Signed in ink;
- ii. Accompanied by the signer's address; and
- iii. Verified, if it contains allegations of fact, under oath or affirmation by the person on whose behalf it is filed, or by a duly authorized officer of the corporation on whose behalf it is filed. If the pleading is a complaint petition, at least one complainant must sign and verify the pleading.

(g) Unless otherwise required by the Commission, there shall be filed with the Commission an original and copy of every pleading.

Amended by R.2001 d.384, effective October 15, 2001.

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

Rewrote (a)1.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In (b)3, substituted "on" for "in" and deleted "corporate officer or" preceding "attorney"; added new (b)4; recodified former (b)4 as (b)5; rewrote (c); in (d)2, substituted "an entity other than a natural person" for "a corporation, partnership or other group" and inserted "otherwise"; in (e)1, substituted "Commission" for "Department"; rewrote (e)2; in (f)1, substituted "Commission's" for "Department's"; in (f)4iii, inserted "or affirmation" and substituted "on" for "in" twice; and added (g).

### 16:51-2.3 Time for filing

(a) Unless otherwise provided in these rules or ordered by the Commission, a petition must be filed in its entirety and in accordance with these rules within 90 days of the date of the Commission's exception letter to petitioner; petitions that are incomplete as of that date shall be subject to dismissal.

(b) The date of filing shall mean the date upon which the pleading is received by the Office of Regulatory Affairs.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the section.

### 16:51-2.4 Amendments

(a) Pleadings will be liberally construed in the interest of justice. The Commission may disregard errors or defects in pleadings, which deficiencies do not affect the substantial rights of the parties, or may in its discretion before or after the conclusion of any proceedings it conducts allow any pleadings to be amended or corrected or any omission therein to be supplied upon such terms as may be lawful and just, provided such amendment, correction or addition does not prejudice a substantial right of any party.

(b) Whenever, subsequent to the date of the pleading, there is any significant change with respect to a matter contained in such a pleading, the party who filed the pleading shall promptly file an amendment showing or explaining the changed facts or circumstances.

(c) The filing of such amendment shall not be considered a new filing as of the date of its filing unless otherwise ordered or permitted by the Commission.

Recodified from N.J.A.C. 16:51-2.5 and 16:51-2.6 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the section.

Former N.J.A.C. 16:51-2.4, Number of copies, repealed.

### 16:51-2.5 Service and notice of proceedings

(a) Unless otherwise provided by statute or by these rules, or unless otherwise ordered or permitted by the Commission, the following provisions shall govern service of pleadings.

1. A filed and docketed petition shall be served by personal service or by certified mail by such petitioner or its agent or attorney upon each respondent named in such petition and on such other parties or persons as required by statute or elsewhere in these rules.

2. All pleadings other than initial petitions, including all motions, answers, replies, briefs and other papers, shall be served by the party filing same on all other parties of record concurrently with or prior to the filing of such pleading.

3. Except as otherwise provided elsewhere in this chapter, proof of service shall be by affidavit, by certificate of counsel or by acknowledgement of service; in every such case such proof shall indicate the parties served and the method and date of service. Such proof of service shall be filed at the time of service of the pleading; all original receipts from the post office, from a courier or from a process server shall be forwarded upon receipt thereof by the petitioner.

4. Whenever public notice is required, it shall be at the expense of the party directed to give such notice; and proof of public notice shall be made and filed in accordance with (a)3 above.

5. Service of pleadings other than initial petitions, notices, decisions, orders and other papers shall be deemed valid if made by delivering one copy to each party appearing in the proceeding (or his attorney of record) in person, by certified mail or by depositing it in the United States mail first class, postage prepaid, directed to the party (or his attorney of record) at his post office address.

6. Unless otherwise provided, when any party has appeared by attorney, service upon such attorney shall be deemed valid service upon the party for all future pleadings, until notice of withdrawal or dismissal of such attorney is served on all parties of record to the proceeding.

7. Whenever a party has the right or is required to respond within a prescribed period after the serving of a notice or other paper upon him, and notice or paper is served upon him by mail, three days from the date of mailing shall be added to the service period prescribed for the response.

Recodified from N.J.A.C. 16:51-2.7 and 16:51-2.8 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the section.

Former N.J.A.C. 16:51-2.5, Defective pleadings, recodified to N.J.A.C. 16:51-2.4.

#### **16:51-2.6 Withdrawal of petition or dismissal of proceeding**

(a) A petition may be withdrawn without order of the Commission by filing a notice of withdrawal at any stage of the proceedings prior to the issuance of the Commission's decision on the petition or other final disposition of the proceeding. A proceeding may also be terminated on the approval of the Commission by filing a stipulation signed by all parties who have appeared in the proceeding prior to the entry of the Commission's decision or order disposing of the proceeding.

(b) The Commission may on its own motion, or upon motion of any party to a proceeding, dismiss the proceeding for good cause shown.

Recodified from N.J.A.C. 16:51-2.9 and 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); in (b), substituted "Commission" for "Department" and "a" for the first occurrence of "the"; and deleted (c).

Former N.J.A.C. 16:51-2.6, Amendments, recodified to N.J.A.C. 16:51-2.4.

#### **16:51-2.7 (Reserved)**

Recodified to N.J.A.C. 16:51-2.5 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Service and notice of proceedings".

#### **16:51-2.8 (Reserved)**

Recodified to N.J.A.C. 16:51-2.5 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Valid service".

#### **16:51-2.9 (Reserved)**

Recodified to N.J.A.C. 16:51-2.6 by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Withdrawal of petition or dismissal of proceeding".

#### **16:51-2.10 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Applications to other regulatory bodies".

### **SUBCHAPTER 3. PETITIONS**

#### **16:51-3.1 Petitions generally**

(a) All petitions shall conform to N.J.A.C. 16:51-2, Pleadings, shall clearly and concisely state the facts and relief sought, shall state by appropriate reference the statutory provision or other authority under which the Commission's action is sought and shall contain the following information:

1. A statement as to petitioner's qualifications and standing to operate and maintain the proposed service or seek relief from the Commission, as the case may be;

2. In the case of a petitioner who does not hold a Certificate, if petitioner is not a natural person or sole proprietor, a copy of petitioner's certificate of incorporation filed with, and stamped by, the New Jersey Department of the Treasury, Certificate of Trade Name, Certificate of Formation of an LLC, or any other document upon which the existence of legal entry is based, and, if petitioner is a foreign corporation, the petitioner's service of process agent and a Certificate of Good Standing issued by the New Jersey Department of the Treasury and bearing the Treasury Department's registration stamp;

3. The total number of shares of the petitioner's capital stock issued and outstanding (if applicable);

4. The names and addresses of officers, directors and shareholders that have five percent or more voting control, LLC members, partners or owners, as the case may be, of the petitioner and the extent of their respective interests in the petitioner;

5. The petition filing fee as prescribed by statute;

6. The street address and telephone number of the petitioner's principal place of business;

7. The names and addresses of all interested parties known to the petitioner, including, but not limited to, the petitioner and all entities from which the petitioner seeks relief; and

8. Copies of existing certificates, including all schedules, attachments and amendments, if any, that form the basis for the relief sought.

Amended by R.1989 d.144, effective March 20, 1989.

See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).

(e)6.ii, added (j) and (k) added.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (c), substituted "seven days" for "one week" in 1, deleted "charter and/or" in 1vi, rewrote 6, added a new 13 and recodified former 13 as 14; in (e), rewrote 2 and 3; in (g), deleted "charter and/or"; in (h), deleted "charter and/or" in the introductory paragraph and 2; in (j), rewrote 2 and 3.

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 "Petitions for the granting of a certificate of public convenience and necessity to conduct autobus operations; complaint petitions". Rewrote the section.

### **16:51-3.2 Petitions for the granting of Certificates of Public Convenience and Necessity to Conduct Autobus Operations**

(a) In addition to the information required pursuant to N.J.A.C. 16:51-3.1(a)1 through 7, all petitions for the granting of certificates of public convenience and necessity to conduct autobus operations shall include the following:

1. A brief statement as to how the proposed service will serve the public convenience and necessity;

2. A schedule of equipment, including, but not limited to, the type, passenger capacity, year, make, model and VIN of each vehicle to be used in the proposed service; in the event that a vehicle has not yet been acquired by the petitioner, the VIN may be supplied after the filing of the petition at any time during the pendency of the action thereon;

3. A copy of petitioner's current income statement if petitioner is in operation at the time of filing;

4. Copies of petitioner's current balance sheet and pro forma balance sheet and pro forma income statement for the first year of operation;

5. A list of proposed passenger pickup and/or drop-off locations together with the following:

i. Proof that all such locations on public property are State, county or municipally approved pickup or drop off points in accordance with N.J.S.A. 27:1A-44, 39:4-197, 39:4-198 and 39:4-201; said proof shall be furnished by the following:

(1) Appending a copy of the municipal or county ordinances, resolutions or regulations governing omnibus stops, stations or standards; or

(2) If providing proof pursuant to (A) of this subparagraph is not possible, then an affidavit explaining why such proof cannot be provided accompanied by photographs of all proposed stops for which proof pursuant to (A) of this subparagraph cannot be provided, which photographs demonstrate that no signage exists that would prohibit the use of such location as a pickup or drop-off location; and

ii. Except as provided in (c)3 and (d)4 below for all proposed pickup and drop-off locations on private property, written proof of permission for such use by the owner or other individual or entity with the right of possession of said property; and

6. A proposed tariff, tariff filing fee and schedule of fares, if different from the tariff.

(b) In addition to the information included in (a) above, the following information shall be included in all petitions for the granting of a certificate to conduct regular route operations or regular route in the nature of special operations:

1. An accurate and complete street-by-street description of the route for which authority is sought along with a map of that route; and

2. A copy of the proposed schedule of operations.

(c) In addition to the information included in (a) and (b) above, the following information shall be included in all petitions for the granting of a certificate to conduct restricted regular route operations:

1. An explanation of the nature of the restriction to be accepted by the petitioner;

2. Copies of all documents, including, but not limited to, contracts for service, which documents form the basis of the restrictions;

3. In the event that the restriction is embodied in a contract that provides for closed door service between or among pickup and drop-off locations, all of which locations are under the control of the contractor, the petitioner may omit the information required pursuant to (a)5i and ii above, provided, however, that petitioner shall provide such information if requested by the Commission.

(d) In addition to the information included in (a) above, the following information shall be included in all petitions for the granting of a certificate to conduct special autobus operations:

1. The nature of the special operation, including any restrictions upon the service, including an indication as to whether the service will be door-to-door or medical transport;
2. A list of any special premiums, coupons, vouchers or discounts to be furnished as part of the service;
3. Copies of any documents, including, but not limited to, contracts, which documents embody restrictions or otherwise govern the provision of the service; and
4. In the event that a restriction is embodied in a contract that provides for closed-door or door-to-door service between or among pickup and drop-off locations, any of which are controlled by the contractor, the petitioner may omit the information required pursuant to (a)5i and ii above with regard to those locations, provided, however, that petitioner shall provide such information if required by the Commission.

Recodified in part from N.J.A.C. 16:51-3.1 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the section.

Former N.J.A.C. 16:51-3.2, Petition for the approval of modification of a certificate of public convenience and necessity, recodified to N.J.A.C. 16:51-3.3.

#### Case Notes

The Department of Transportation has no statutory or regulatory authority to force private or public landowners to place or continue a bus stop on their land. In the Matter of the Complaint Petition of Five Mile Beach Electric Railway Co., 775 A.2d 708 (2001).

Fitness to operate routes and show of need justified permanent certificate for routes favoring senior citizen bus service. In the Matter of the Petition of Henry Bus Company, 96 N.J.A.R.2d (TRP) 1.

#### 16:51-3.3 Petition for the approval of modification of a certificate of public convenience and necessity

(a) Petitions for the approval of the modification or removal of operating restrictions contained in a certificate, and petitions whose purpose is to extend or enlarge upon operating authority granted by the Department, shall conform to the provisions of N.J.A.C. 16:51-2 (Pleadings) to the extent applicable, and shall in the body thereof, or attached thereto, also provide the information required by this Section.

(b) In addition to the information required pursuant to N.J.A.C. 16:51-3.1(a)1 through 8, the following information shall be included in such petitions:

1. A specific reference to petitioner's pertinent existing authority;
2. If the purpose of the petition is a modification or removal of restrictions, a statement showing existing restrictions;

3. If the purpose of the petition is a modification of a route or of pickup and drop-off locations, a street-by-street description and map of the current route and of the proposed modified route (if regular route), along with a current list of pickup and drop-off locations;

4. A statement that describes the proposed restriction removal or other change in existing operating authority, and gives the reason(s) for any of the changes proposed; and

5. In the case of proposed modification of regular route authority, a copy of the currently effective schedule of operations and the schedule of operations to be put into effect if the modification is approved.

(c) The Department may impose restrictions as public convenience and necessity requires.

(d) The Commission may, in its discretion, approve without the necessity of a filed petition a minor modification of a route if the modification is necessitated by a change in route or pickup or drop-off location of less than 1,000 feet, which change is required by a municipality, or other circumstances beyond the control of the operator, and the change will not adversely affect any other autobus utility.

1. For approval of a minor modification without filing a petition, the autobus utility seeking the modification shall request the same by letter to the Commission, in which letter the minor modification is set forth.

2. In the event that the Commission does not deem the change to be a minor modification, the Commission will advise the utility to file a petition for modification.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (b)6, substituted "seven days" for "one week"; in (d), deleted "charter and/or".

Recodified from N.J.A.C. 16:51-3.2 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the introductory paragraph of (b), (b)2 and (b)3; deleted former (b)4 through (b)7; recodified former (b)8 and (b)9 as (b)4 and (b)5; and rewrote (d).

Former N.J.A.C. 16:51-3.3, Petitions for approval of the transfer of a certificate of public convenience and necessity for autobuses, recodified to N.J.A.C. 16:51-3.4.

#### 16:51-3.4 Petitions for approval of the transfer, including merger or consolidation, of a certificate of public convenience and necessity for autobuses

(a) Petitions for approval of the transfer, merger or consolidation of a certificate shall conform to the requirements of N.J.A.C. 16:51-2, Pleadings, to the extent applicable, and shall in the body thereof or in the attached exhibits, also provide the information required by this section.

(b) In addition to the information required pursuant to N.J.A.C. 16:51-3.1(a)8 and 3.2(a)1 through 4 and 6 con-

cerning the proposed transferee, the petition shall contain the following:

1. A copy of the signed assignment(s), contract(s), lease(s), or other written agreement(s) by which the proposed transfer is to be made;
2. An affidavit by the transferor detailing all judgments, tax claims or liens against the transferor or against property or equipment involved in or associated with the proposed transfer; and
3. In the case of a proposed transfer of regular route authority, a copy of:
  - i. The currently effective schedule of operations; and
  - ii. The proposed schedule of operations of the proposed transferee.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (b), substituted "seven days" for "one week" in 3, deleted "charter and/or" in 3v, deleted "and county" in 6, deleted "charter and/or" in 7 and substituted "Department of the Treasury" for "Office of the Secretary of State, State of" in 15.

Recodified from N.J.A.C. 16:51-3.3 and 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 "Petitions for approval of the transfer of a certificate of public convenience and necessity for autobuses". Rewrote (a) and the introductory paragraph of (b); deleted former (b)1 through (b)7; recodified former (b)8 and (b)9 as (b)1 and (b)2; deleted former (b)10 through (b)17; and recodified former (b)18 as (b)3.

Former N.J.A.C. 16:51-3.4, Ex parte or emergency relief; and minor modification of regular route, recodified to N.J.A.C. 16:51-3.6.

### 16:51-3.5 Procedure upon filing of petitions for granting, modification or transfer of Certificates of Public Convenience and Necessity

(a) Except as provided in (b) and (c) below, upon receipt of a completed petition accompanied by the appropriate fee, the Commission will assign and advise the petitioner of the docket number and will provide the petitioner with a service list of entities to be served pursuant to N.J.A.C. 16:51-2.5 with a copy of the entire petition, including the docket number and including all attachments, exhibits, schedules and amendments, but not including a copy of the check or money order by which fees were remitted to the Commission, as follows:

1. If the subject of the petition is unrestricted regular route or regular route in the nature of special authority, the petition shall be served upon the clerks of all municipalities in which pickup and drop-off service is proposed to be conducted and all other carriers operating similar service or seeking to operate similar service in the proposed service area.
2. If the subject of the petition is restricted regular route authority, the petition shall be served upon the clerks

of any municipalities in which pickup and drop-off service is proposed to be conducted.

3. If the subject of the petition is special authority, the petition shall be served upon the clerk of the municipality in which the petitioner's terminal is located and upon the clerks of the counties in which the petitioner proposes to conduct pickup and drop-off service.

4. Regardless of the subject of the petition, the petition shall be served upon anyone who requests a copy within 25 days of publication of the notice published in accordance with (e) below.

(b) In the event that the information submitted in the petition is incomplete or unsatisfactory, the Commission will issue an exception letter to the petitioner and in lieu of the information set forth in (a) above, processing of the petition will not continue until the information sought in the exception letter is provided.

(c) In the event that the appropriate statutory fees (See N.J.S.A. 48:2-56) do not accompany the petition, no docket number will be issued and processing of the petition will not continue until the correct amount is paid.

(d) In the event that the petition is not completed within 90 days of the date of the exception letter, the petition will be dismissed without prejudice.

(e) Within 30 days of the receipt of the service list as set forth in (a), all petitioners shall publish the following public notice once in the newspapers indicated in the service list, as follows:

PLEASE TAKE NOTICE \_\_\_\_\_  
 \_\_\_\_\_  
 (petitioner's name)  
 has filed with the New Jersey Motor Vehicle Commission a petition for a [modification/transfer of a] Certificate of Public Convenience and Necessity for \_\_\_\_\_  
 \_\_\_\_\_  
 (type of operation) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (type of equipment) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (municipalities if regular route/counties if special)  
 Objections and other comments may be submitted within thirty days to the Office of Regulatory Affairs, P.O. Box 162, Trenton, NJ 08666-0162 and to this petitioner at \_\_\_\_\_  
 \_\_\_\_\_  
 (petitioner's address)  
 Docket No. \_\_\_\_\_  
 \_\_\_\_\_  
 (docket number)

(f) Original green certified receipt cards and an affidavit of publication shall be forwarded by the petitioner to the Commission upon receipt and shall be deemed proof of service; in the event that a certified mailing is returned undeliverable, the entire sealed envelope with green card shall be forwarded to the Commission.

New Rule, R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Former N.J.A.C. 16:51-3.5, Petitions for the approval of the sale or lease of property, recodified to N.J.A.C. 16:51-3.8.

**16:51-3.6 Ex parte or emergency relief**

(a) If a petitioner seeks ex parte action granting emergency relief, pending either the Commission's petition review process, receipt of notice by interested parties and the public or a full hearing, it shall particularize the necessity for emergency action. The request must be supported by affidavits sufficient to make a prima facie case that the public interest will be subject to irreparable harm if the requested emergency relief is not granted.

(b) Upon receipt of the emergency application accompanied by the appropriate fee, the Commission will forward to the petitioner a service list.

(c) In order to complete the emergency application, the petitioner must certify by affidavit that other interested parties as set forth in the service list were served copies of the petition by certified mail and must append copies of the post office receipts for payment of certified mail fees to the affidavit.

(d) In the event that the petition that forms the basis of the emergency authority is dismissed pursuant to N.J.A.C. 16:51-3.5(d), the emergency authority will be rescinded with prejudice.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (b), deleted the first sentence and deleted "and draft order" in the third sentence.

Recodified from N.J.A.C. 16:51-3.4 and 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 "Ex parte or emergency relief; and minor modification of regular route". In (a), substituted "Commission's" for "Department's" and "request" for "petition" and inserted ", receipt of notice by interested parties and the public"; added new (b); recodified former (b) as new (c); rewrote (c); deleted former (c) and (d); and added new (d).

Former N.J.A.C. 16:51-3.6, Petitions for authority to transfer capital stock, recodified to N.J.A.C. 16:51-3.9.

**16:51-3.7 Complaint petitions**

(a) In addition to the information required pursuant to N.J.A.C. 16:51-3.1, all complaint petitions shall include the following statement appended thereto:

"PLEASE TAKE NOTICE that, if an answer to the within petition is not filed with the New Jersey Motor Vehicle Commission Office of Regulatory Affairs within twenty days of your receipt of this petition, the Commission may, in its discretion, enter an Order granting the relief requested herein."

(b) Upon receipt of a completed petition accompanied by the appropriate fee, the Commission will assign and provide a docket number pursuant to N.J.A.C. 16:51-2.5 with instructions to serve the petition pursuant to N.J.A.C. 16:51-2.5 upon all interested parties.

New Rule, R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Former N.J.A.C. 16:51-3.7, Petitions for discontinuance of service, recodified to N.J.A.C. 16:51-3.10.

**16:51-3.8 Petitions for the approval of the sale or lease of property**

(a) Except for transactions deemed to be in the ordinary course of business, no real or personal property of a carrier may be transferred without the approval of the Commission.

(b) Petitions for the approval of the sale, conveyance or lease of real or personal property if, when combined with all sales of real or personal property within the preceding 12 months, the sale of personal property would comprise at least 60 percent of the property of the carrier, or the granting of an easement, or like interest therein shall conform to provisions of N.J.A.C. 16:51-3.1(a) and shall in the body thereof or in attached exhibits, also provide the following information:

1. Schedule "A" containing a description of the property (For real property, show the location by municipality and county, a metes and bounds or other adequate description of the property, together with a description of the property and rights, if any, reserved by the utility; and for personal property, include sufficient information to identify the property adequately);
2. Name of transferee or lessee, the consideration or rental and method of payment thereof, and rights reserved by the transferrer or lessor;
3. A copy of the written agreement if any (but if there is no written agreement, it shall be so stated);
4. A certified copy of the resolution of the board of directors or other authority authorizing the transfer or lease;
5. The purpose for which the property was originally acquired, the date of acquisition, the use made of the property for utility purposes, the date when the circumstances under which it ceased to be useful for such purposes, the present use, the possible prospective use and the identity of the official or officials who determined that the property is not now or prospectively required or useful for utility purposes;
6. The basis of the price or rental: assessed valuation, appraisal, comparable sales, or other basis; whether it is the best price or rental attainable (attach appraisal, if any, as exhibit);
7. Whether the proposed consideration or rental represent the fair market value of the property to be conveyed or leased;
8. What steps were taken to put this property on the market and accomplish its sale or lease (If bids were solicited, give names of bidders and the consideration or rental offered.);
9. Whether there is any relationship between the parties other than that of transferrer and transferee, or lessor and lessee;
10. The actual cost of date of acquisition, the cost and nature of any improvements;

11. The amount of which the property is now carried on the utility's books;

12. Copies of proposed journal entries to record the transaction when the consideration is more than \$50,000;

13. If property is income producing, give details, such as carrying charges, taxes, and assessed valuation;

14. If the property is encumbered by any mortgage, describe the mortgage, state the amount thereof, and the time required to obtain a release; and

15. When the property to be sold or leased has a net book cost or fair market value of more than \$100,000, the petitioner must attach to the petition copies of the advertisement required by (c) below, along with proof of publication.

(c) Where the Commission's approval of sale or lease is required by law and property has a net book cost or fair market value of more than \$100,000, the property shall be advertised for sale or lease at least twice, one week apart, in a daily newspaper published or circulated in the county in which the property is located, within 90 days immediately prior to the filing of the petition for the approval of the sale or lease, except the advertising shall not be required for sales or leases of property for public utility purposes to another autobus utility or other person subject to any jurisdiction of the Commission. The advertisement shall contain the following:

1. A description of the property to be sold or leased and improvements thereon. In the case of land, this shall include the street address, if any, and a description sufficient to identify the location of the property and its approximate size, which may be a description by metes and bounds or lot and block numbers;

2. The place where the property is located or may be inspected, together with the street address, if any;

3. Conditions of the sale or lease, if any, together with a provision that the utility may reject any or all bids;

4. A statement that the sale or lease is subject to the approval of the Commission;

5. A statement of the place and final date for submitting sealed bids which shall not be less than 10 days after publication of the second advertisement together with a statement of the time and place of the opening of said bids, which shall not be more than five days following the final date for submitting bids, at a place in New Jersey;

6. A sealed bid, in accordance with the requirements of (b)5 above, must be submitted by a prospective purchaser or lessee. However, an offer or agreement to purchase or lease in writing received by the utility or executed before the first date of advertising and still in effect at such date, shall be considered as if it were a sealed bid, provided such offer or agreement is in writing and meets all other con-

ditions of sale or lease, if any, included within the advertising.

(d) The following transactions are deemed to be in the ordinary course of business and do not, therefore, require the approval of the Commission:

1. Any lease, grant or permission by a utility to occupy or to use its real property or any interest therein that is terminable at the option of the utility upon notice not to exceed 90 days, and any release, by lease, easement, or other permission to occupy or to use real property for a period of not more than one year;

2. Any revenue equipment of any age or any net book cost or sale price provided that the said equipment is being replaced by approximately similar equipment or is being upgraded and provided that the utility shall have given written notice thereof to the Commission, to be received not less than 20 days prior to the effective date of the proposed sale, lease, encumbrance or other disposition of such property. Such notice shall contain, to the extent applicable, the following:

i. Name of transferee or lessee, the consideration or rental and method of payment thereof, and rights, if any, reserved by the transferrer or lessor;

ii. A copy of the agreement or lease;

iii. A statement that the proposed consideration or rental represents the fair market value of the property to be conveyed, or the fair rental value of the property to be leased, giving the basis for the conclusion reached; or, if the consideration does not represent the fair market or rental value, a full explanation of the basis for the consideration;

iv. A statement of any relationship between the parties other than that of transferrer and transferee, or lessor and lessee, or a statement that there is no such other relationship, as the case may be;

v. The amount at which the property is carried on the utility's books;

vi. A statement as to whether or not the property is income producing and, if so, details as to whether the petitioner pays all carrying charges;

vii. A statement, in the case of a proposed sale, that the property is not used by or useful to the utility, and in the case of a proposed lease, grant or permission, that the transaction will not compromise the ability of the utility to render service; and

viii. A verification by a properly authorized officer, partner or proprietor of the statements contained in the notice.

(e) If, within 15 days after the filing of the notice, the Commission determines that the sale will not adversely affect the ability of the vendor to render safe, adequate and proper

service on its regular New Jersey intrastate bus routes, a copy of the notice will be returned to the utility with the Commission's approval noted thereon; however, if the Commission should determine that the sale would compromise the utility's ability to render service, the utility will be notified that Commission will withhold its approval pending the filing of a petition pursuant to (b) or (c) above.

Notice of Address for Petitions.

See: 24 N.J.R. 3183(b).

Amended by R.2001 d.384, effective October 15, 2001.

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

In (g), substituted "\$500,000" for "\$50,000".

Recodified from N.J.A.C. 16:51-3.5 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the section.

Former N.J.A.C. 16:51-3.8, Joinder of requests for relief, recodified to N.J.A.C. 16:51-3.11.

### 16:51-3.9 Petitions for authority to transfer capital stock

(a) Petitions for authority to transfer upon the books and records of any autobus company pursuant to N.J.S.A. 48:3-10 and N.J.A.C. 16:51-11 any share or shares of its capital stock shall conform to the provisions of N.J.A.C. 16:51-2.7 and 16:51-3.1 to the extent applicable, and shall, in the body thereof, or in attached exhibits, provide the following information:

1. The respective name and address of the proposed transferor and transferee;
2. A description of the capital stock proposed to be transferred, including the classification of shares; the number of shares of stock authorized for issuance; the par or stated value of the stock; and the total number of shares outstanding;
3. The percent and interest of the outstanding capital stock of the autobus company that, either by itself or in connection with other previous sales or transfers, will vest in the proposed transferee;
4. A detailed explanation of any reasonably expected changes to be made, if the petition is approved, in the subject autobus company's:
  - i. Board of directors;
  - ii. Officers and active managers; or
  - iii. Policies with respect to its operations, financing, accounting, capitalization, rates, depreciation, maintenance, service or any matters affecting the public interest.
5. A statement as to the transferee's ability to provide the regular route service that it would be responsible for if the transfer were approved (if applicable);
6. A description of the proposed transferee, including information as to whether the proposed transferee is a public utility, a holding company either separately or by affilia-

tion in a utility holding company system, or other domestic or foreign corporation or a natural person;

7. If applicable, the names and addresses of the officers, directors, and shareholders or partners or owners, as the case may be, of the proposed transferee and the extent of their respective interest in the proposed transferee. If the proposed transferee is a public corporation, the list of shareholders shall include only those persons that own five percent or more of the transferee's voting class of stock. If the transferee is a privately held corporation, the shareholders list shall include all persons owning the transferee's voting class stock.

8. A copy of the certificate of incorporation of the proposed transferee as filed with, and stamped by, the New Jersey Department of the Treasury (if applicable); and

9. Petition filing fee as prescribed by statute.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (a), substituted "twice, seven days" for "thrice, one week" in 4, deleted "charter and/or" in 4iv and 5i, substituted "municipality" for "county" in 5ii and substituted "Department of the Treasury" for "Office of the Secretary of State, State of" in 10.

Recodified from N.J.A.C. 16:51-3.6 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In the introductory paragraph of (a), substituted "pursuant to" for "under", deleted a comma following "stock", added a comma following "shall", deleted "also" preceding "provide", and amended the N.J.A.C. references; deleted former (a)4 and (a)5; recodified former (a)6 through (a)11 as (a)4 through (a)9; and deleted (b).

Former N.J.A.C. 16:51-3.9, Procedure of department on filing of petition, repealed.

### 16:51-3.10 Petitions for discontinuance of service

(a) A petition for discontinuance of service pursuant to N.J.S.A. 48:2-24 shall conform to the provisions of N.J.A.C. 16:51-2.7 and 3.1 to the extent applicable, and shall in the body thereof or in attached exhibits, also provide the following information:

1. Whether the service to be discontinued is the only one of its type in the subject service area;
2. Whether reasonable alternative transportation service to that service area is available;
3. The reason(s) for the proposed discontinuance; and
4. Proof of service of the petition upon the clerks of all municipalities and counties in which the petitioner proposes to discontinue service as well as publication of the following notice in newspapers of general circulation in all areas in which petitioner provides service:

PLEASE TAKE NOTICE that \_\_\_\_\_  
(petitioner)

has filed with the New Jersey Motor Vehicle Commission a petition for a discontinuance of the following \_\_\_\_\_ operations:

(type of operations)

(if regular or casino route: route number and pickup and drop-off points)

(if special, special number and counties) currently provided in \_\_\_\_\_  
(type of equipment)

Objections and other comments may be submitted within thirty days to the Office of Regulatory Affairs, P.O. Box 162, Trenton, N.J. 08666-0162 and to this petitioner at \_\_\_\_\_  
(petitioner's address)

(b) No petitions for discontinuance of service shall be granted before the expiration of 30 days from the filing of the petition unless the petitioner can demonstrate to the satisfaction of the Commission that another autobus utility in good standing is ready and able to assume operations of the service during the pendency of the petition.

(c) Discontinuance of service prior to or without the approval of the Commission may result in an order to continue service and may also result in the revocation of, or disqualification for, any other Certificate within the jurisdiction of the Commission.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (a), added 4.

Recodified from N.J.A.C. 16:51-3.7 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Rewrote the introductory paragraph of (a) and (a)4; and added (b) and (c).

Former N.J.A.C. 16:51-3.10, Tariff filings which do not propose increases in charges to customers, recodified to N.J.A.C. 16:51-3.12.

### 16:51-3.11 Joinder of requests for relief

(a) A petitioner may join in a single petition more than one independent or alternative request for relief subject, however, to the payment of the statutory filing fees applicable to each of the approvals sought.

(b) The Commission may in its discretion sever matters so joined for hearing and determination or take such other action as may be in the public interest.

Recodified from N.J.A.C. 16:51-3.8 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In (b), substituted "Commission" for "Department".

Former N.J.A.C. 16:51-3.11, Tariff filings or petitions that propose increases in charges to customers, recodified to N.J.A.C. 16:51-3.13.

### 16:51-3.12 Tariff filings that do not propose increases in charges to customers

(a) Except as provided in N.J.A.C. 16:53D, tariff filings for the purpose of making effective revisions, changes or alterations of existing tariffs and that are not filed because of the need for additional revenue from products or services covered by existing tariffs and that do not propose increases in charges to customers shall conform to the provisions of N.J.A.C. 16:51-2, Pleadings, and 16:51-3.1 to the extent applicable and shall, in the body thereof or in attached exhibits, also provide the following information:

1. Two copies of the proposed tariff or revision, change or alteration thereof, together with an explanation of the

manner in which the tariff or change differs from the existing or a prior tariff and the effect, if any, upon revenues;

2. A statement of the reasons why the tariff or change is proposed to be filed;

3. A statement as to the date on which it is proposed to make the tariff or change effective, which date shall not be earlier than 30 days after the filing; and

4. Proof of posting of notice containing the following information in every terminal and bus affected by this filing and proof of publication thereof in a newspaper of general circulation within the area served by the routes affected by this filing:

i. The information contained in (a)1 through 3 above; and

ii. Notice that objections and comments may be submitted within 15 days to the Office of Regulatory Affairs and to the utility.

(b) If within 25 days after the tariff filing, the Commission determines that the filing is in the public interest and will not adversely affect the ability of utility to render service, a copy of the filing will be returned with the Commission's approval noted thereon; however, if the Commission should determine that the filing is not in the public interest or would compromise the ability of the utility to render the service, the utility will be notified that the Commission will withhold its approval pending the filing of a petition pursuant to N.J.A.C. 16:51-3.13.

Recodified from N.J.A.C. 16:51-3.10 and 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 "Tariff filings which do not propose increases in charges to customers". Rewrote (a); and added (b).

Former N.J.A.C. 16:51-3.12, Petitions for permission to keep books and records outside the State of New Jersey, recodified to N.J.A.C. 16:51-3.14.

### Cross References

Exceptions to tariff filing requirements, see N.J.A.C. 16:53D-1.1.

### 16:51-3.13 Tariff petitions that propose increases in charges to customers

(a) Except as provided in N.J.A.C. 16:53D, filings for the purpose of making revisions, changes or alternations of existing tariffs that propose to increase any rate, fare, toll, rental or charge or to alter any classification, practice, rule or regulation so to result in such an increase (other than filings to effectuate the operation of an existing fuel adjustment clause) shall be by petition and shall conform to the provisions of N.J.A.C. 16:51-2 and 3.1 to the extent applicable and shall, in the body thereof or in attached exhibits, contain all applicable information and data set forth in N.J.A.C. 16:51-3.12, Tariff filings that do not propose increases in charges to customers, and in addition shall contain the following:

1. A comparative balance sheet for the most recent three-year period (calendar year or fiscal year);

2. Comparative income statement for the most recent three-year period (calendar year or fiscal year);

3. A balance sheet at the most recent date available;

4. A statement of the amount of revenue derived in the calendar year last preceding the institution of the proceedings from the intrastate sales of the product supplied, or intrastate service rendered, the rates, tolls, fares or charges which are the subject matter of the filing;

5. A pro forma income statement reflecting operating income at present and proposed rates and an explanation of all adjustments thereon;

6. Except as provided in (a)7 below, a calculation showing the indicated rate of return on the average net investment (for the same period as that covered by the pro forma income statement), that is, investment in plant facilities plus equipment, supplies and working capital to the extent claimed, less the reserve for depreciation and advances and contributions for facilities;

7. If the request for rate relief is based upon N.J.S.A. 48:2-21.2, there shall be included in lieu of the requirements of (a)6 above, a statement showing, that the facts of the particular situation meet the statutory requirements;

8. In providing the information required by this subsection, a company may also file, in addition to the new rates proposed to become effective, alternative rate changes designed to produce the full revenue request, which alternatives are illustrative of the application of other possible rate designs to the filing; and

9. An itemized schedule showing all payments or accruals to affiliated companies or organizations and to those who own in excess of five percent of the utility's capital stock regardless of the form or manner in which such charges are paid or accrued and an explanation of the service performed for such charges.

(b) Financial statements shall be prepared in accordance with the Uniform System of Accounts.

(c) In addition to the notice required pursuant to (a) above, each utility that makes a filing under (a) above shall, unless otherwise ordered or permitted by the Commission, give notice thereof as follows:

1. Serve a copy of the petition upon the municipal clerk in each of the municipalities in which there is rendered a regular route service, the charge for which is proposed to be increased; and

2. Serve a notice of the filing and two copies of the petition or tariff on the Director, Division of Ratepayer Advocate, Department of the Treasury, or its successor agency.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (c), rewrote the introductory paragraph and 2.

Recodified from N.J.A.C. 16:51-3.11 and 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 "Tariff filings or petitions that propose increases in charges to customers". Rewrote the introductory paragraph of (a); rewrote (a)5 as new (a)5 through (a)8; recodified former (a)6 as (a)9; deleted former (a)7; rewrote the introductory paragraph of (c) and (c)1; in (c)2, substituted a period for a semicolon at the end; and deleted (c)3 and (d) through (f).

Former N.J.A.C. 16:51-3.13, Filing or petition that proposes a change of name, recodified to N.J.A.C. 16:51-3.15.

#### Cross References

Exceptions to tariff filing requirements, see N.J.A.C. 16:53D-1.1.

#### 16:51-3.14 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents and other writings, outside the State of New Jersey, as required under N.J.S.A. 48:3-7.8, shall conform to the provisions of N.J.A.C. 16:51-2 and 3.1 to the extent applicable, and shall in the body thereof or in attached exhibits also provide the following information:

1. Complete description of the specific books, records, accounts, documents and other writings proposed to be kept outside the State of New Jersey;

2. The exact location where the books and records will be kept;

3. If all books and records will not be kept outside the State, what remaining records will be kept at the New Jersey location;

4. The reason for proposing to keep its books and records at a location outside the State;

5. The availability of adequate required space, facilities and experienced personnel at the new location;

6. The cost to the petitioner of maintaining the books and records at the new location as compared with that of maintaining the records at the New Jersey location;

7. The extent of the financial advantage to the customers and other benefits to the public utility which will result from keeping the books and records outside the State;

8. A statement that the books and records that will be kept at the location outside the State will be, on notice in writing of the Commission, produced at such time and place within the State as the Commission may designate;

9. A statement that the petitioner will pay to the Commission any reasonable expenses or charges incurred by the Commission for any investigation or examination thereby if the Commission grants said permission;

10. The location where the petitioner will continue to maintain an office within the State of New Jersey for the convenience of its customers to pay bills, file complaints and conduct other business with the utility;

11. The name and address of the petitioner's statutory agent.

Recodified from N.J.A.C. 16:51-3.12 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In the introductory paragraph of (a), deleted "filed with the Department" preceding "as required" and updated the N.J.A.C. references; and rewrote (a)8 and (a)9.

### 16:51-3.15 Filing that proposes a change of name

(a) Filings solely for the purpose of changing the name of an existing autobus public utility shall provide the following information at least 20 days prior to the change of name:

1. A statement as to which of petitioner's operations will assume the new name; and

2. A copy of the amendment changing the corporate name, if applicable, filed pursuant to the provisions of the New Jersey Business Corporation Act, which copy displays the registration stamp of the New Jersey Department of the Treasury.

(b) In the event that the name to be assumed by the autobus utility is so similar to a name used by another utility as to create confusion in the public, prior to the expiration of the 20-day period, the Commission will withhold approval of the change of name pending the filing of a petition.

(c) In the event that no objection from the Commission is received within 20 days after notification of the proposed name change, the utility shall, upon filing the notification with the municipal and county clerks in the areas in which pickup and drop-off service is provided, assume the new name.

(d) In the event that the change of name is incidental to a change in ownership or control, a change in business structure or any other change that may affect operations, the utility must request the name change by petition.

New Rule, R.2001 d.384, effective October 15, 2001.

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

Recodified from N.J.A.C. 16:51-3.13 and 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 "Filing or petition that proposes a change of name". Rewrote the introductory paragraph of (a); deleted former (a)1 through (a)4; added new (a)1; recodified former (a)5 as (a)2; in (a)2, inserted "if applicable," and "copy" following "which"; and added (b) through (d).

### 16:51-3.16 Procedure upon completion of filing and service or petition or notice of filing

(a) If no response, objection or comment is received to a petition or notice of filing within the time set forth in the petition or in these rules, the Commission may, in its dis-

cretion, accept the allegations in the petition or filing as true and may grant the relief requested.

(b) Responses to complaint petitions shall be made by way of Answer.

1. The Answer to a Complaint petition shall address all allegations made in the Complaint petition and shall set forth all facts and legal arguments the respondent intends to raise.

2. In the event that an Answer raises issues of material fact, the matter shall be scheduled for a hearing, which shall be conducted in accordance with N.J.A.C. 1:1.

3. In the event that a respondent fails to file an Answer within time, the allegations of the Complaint shall be deemed admitted.

(c) Responses to petitions and filings other than complaint petitions shall be by comment, objection or motion to intervene.

1. If a comment or objection raises an issue of material fact, the Commission may, in its discretion schedule the matter for hearing pursuant to N.J.A.C. 1:1, without the participation of the commenter or objector.

2. Motions to intervene will be decided pursuant to N.J.A.C. 16:51-4.

New Rule, R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

## SUBCHAPTER 4. MOTIONS: INTERVENTION

### 16:51-4.1 Motions; generally

(a) Where a party other than a petitioner seeks an order of the Commission, the party shall apply by motion.

1. A movant shall make each motion in writing.

2. No technical forms of motion are required. In a motion, a party shall state the grounds upon which the motion is made and the relief or order being sought.

(b) A party shall submit a proposed form of order with each motion, unless this requirement is waived by the Director.

(c) A party shall file each motion with the Director.

1. If the party provides an extra copy of the motion and a self-addressed stamped envelope, the Director shall mark the copy filed and mail it to the movant.

(d) If a motion for substantially the same relief as that previously denied, a party shall specifically identify the previous proceeding and its disposition.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In the introductory paragraph of (a), substituted "Commission" for "Department"; in (a)1, deleted ", unless it is made orally during an informal department hearing" from the end; and in the introductory paragraph of (c), deleted ", except for motions made during an informal Department hearing and emergency motions" from the end.

#### **16:51-4.2 Motions in writing with no oral argument, generally; time limits**

(a) With the exception of emergency applications made under (i) below, no action shall be taken thereon until at least 20 days have expired from the date of service upon the opposing party unless an expedited schedule is ordered for good cause shown.

(b) The moving papers shall establish a submission date at least 20 days from the date of service upon the opposing party, when the matter will be submitted to the Commission for disposition. Proof of service shall be filed with the moving papers or promptly thereafter. No motion shall be submitted for disposition until proof of service has been provided.

(c) The opposing parties shall file and serve responsive papers, that is, an answer, no later than 10 days after receiving the moving papers.

(d) The movant may file and serve further papers, that is, a reply, responding to any matter raised by the opposing party and shall do so no later than five days after receiving the responsive papers.

(e) All motions shall be submitted for decision on the papers unless a settlement conference is arranged for by the Director.

(f) All motions shall be deemed denied if not decided within 60 days from the filing thereof, except as otherwise specified in these rules.

(g) A motion to intervene against a petition for approval, modification or transfer of a Certificate must be filed with the Commission no later than 30 days after the date of service of the petition upon the movant or 30 days after the date of publication, of the notice pursuant to N.J.A.C. 16:51-3.5(e), whichever is later.

(h) The time requirements of the rule may be modified in the discretion of the Commission for good cause.

(i) In the event that an immediate order of the Commission is necessary to prevent irreparable harm, the movant shall set forth the nature of the emergency in this moving papers.

1. Upon delivery of the motion to the Commission and to the respondent, the movant shall schedule a conference call with the respondent and a representative of the Commission.

2. In the event that a conference call cannot be scheduled within two working days, the Commission may, in its discretion, issue an Order granting interim relief.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In (a), deleted "relief" preceding "applications" and substituted "(i) below," for "N.J.A.C. 16:51-3.4, when a motion is in writing"; in (b), substituted "Commission" for "Department" and added the last sentence; in (e), deleted "in writing" following "motions" and "or an informal Department hearing" following "conference"; rewrote (g); in (h), substituted "Commission" for "Commissioner" and deleted "shown" from the end; and added (i).

#### **16:51-4.3 Affidavits, briefs and supporting statements**

(a) Motions and answering papers, that is, answers and replies, shall be accompanied by all necessary supporting affidavits and briefs or supporting documents, clearly delineating material facts in contest. All motions and answering papers shall be supported by affidavits for facts relied upon which are not of record or which are not the subject of official notice. Such affidavits shall set forth only facts to which the affiants are competent to testify. Properly verified copies of all papers or parts of papers referred to in such affidavits may be annexed thereto.

(b) In the discretion of the Commission, a party or parties may be required to submit briefs or supporting statements pursuant to the schedule established in N.J.A.C. 16:51-4.2 or as ordered by the Commission.

Amended by R.1989 d.144, effective March 20, 1989.

See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).

At (a). . . "documents, clearly delineating material facts in contest.", added.

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 "Affidavits; briefs and supporting statements". In (b), substituted "Commission" for "Commissioner" twice.

#### **16:51-4.4 Disposition of motions to intervene generally**

(a) If a movant demonstrates, through the introduction of documentary evidence clearly delineating material facts, that it has a substantial and specific interest in the subject matter, which interest will be affected by the proceeding, and that such interest with respect to the proceeding would not otherwise be adequately represented, the Director may grant the motion to intervene by written order or decision on such terms as the Director may prescribe.

(b) A substantial and specific interest may be demonstrated by the specific facts supporting the following allegations:

1. That the movant holds a Certificate to operate service in the proposed service area and that the granting of the relief sought may jeopardize the profitability of the service; or

2. That the movant is a user of transportation services or a resident in the proposed service area, and that the movant's quality of life may be jeopardized by the proposed service.

(c) Allegations of material facts that may justify intervention include the following:

1. There is insufficient public need for the proposed service;
2. The petitioner lacks the requisite equipment or personnel to provide the proposed service;
3. The petitioner is unfit to conduct the proposed service by reason of a history of illegal or unsafe operations, unreliable or inconvenient service or conviction of an offense listed in N.J.S.A. 5:12-86(c);
4. The proposed service would create excessive traffic or noise or is otherwise unsuited to the proposed service area; or
5. The petition lacks veracity.

(d) Whenever it appears during the course of a proceeding that an intervenor has no substantial and specific interest that would be affected by the proceeding, the Director may dismiss the intervenor from the proceeding.

(e) Timely filed motions to intervene shall be considered prior to any disposition of the petition to which they are directed.

Amended by R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).

Language added regarding evidence clearly delineating material facts.  
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 "Disposition of motions to intervene; generally". Rewrote (a); added new (b) and (c); recodified former (b) and (c) as (d) and (e); and in (d), substituted "that" for "which" following "interest" and deleted "Commissioner or the" preceding "Director".

#### 16:51-4.5 (Reserved)

Amended by R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).

Language added regarding evidence clearly delineating material facts.  
Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Disposition of motions to intervene in proceedings involving regular route operations petitions".

#### 16:51-4.6 (Reserved)

Amended by R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).

Language added regarding evidence clearly delineating material facts.  
Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

In (a), deleted "charter and/or" in the introductory paragraph.  
Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Disposition of motions to intervene in proceedings involving charter and/or special operations petitions".

#### 16:51-4.7 (Reserved)

New rule: R.1989 d.144, effective March 20, 1989.  
See: 20 N.J.R. 2635(a), 21 N.J.R. 776(a).  
Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Disposition of motions to intervene in proceedings involving regular route in the nature of special or casino bus operations petitions".

### SUBCHAPTER 5. REHEARING OR RECONSIDERATION

#### 16:51-5.1 Motions for rehearing or reconsideration

(a) A motion for rehearing or reconsideration of a proceeding may be filed by any party within 10 days after the issuance of any final decision or order by the Commission.

1. Such motion shall state in separately numbered paragraphs the alleged errors of law or fact relied upon and shall specify whether reconsideration, rehearing or further hearing is requested and whether the ultimate relief sought is reversal, modification, vacation or suspension of the action taken by the Commission, or other relief.

2. Where opportunity is also sought to introduce additional evidence, the evidence to be adduced shall be stated briefly together with reasons for failure to previously adduce said evidence.

(b) The Commission at any time may order a rehearing or reconsideration on its own motion and extend, revoke or modify any decision or order made by it.

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 "Method of instituting". Substituted "Commission" for "Department" throughout; in the introductory paragraph of (a) and in (b), deleted "reargument" following "rehearing"; and in (a)1, deleted "reargument," preceding "rehearing" and deleted a comma following "rehearing".

#### 16:51-5.2 Motions and answers on rehearing

(a) A copy of the motion shall be served by the moving party upon all other parties or their attorneys of record; forthwith upon the filing hereunder the moving party shall also give such notice as the Commission may direct of the filing of the motion to all other persons to whom notice of the original proceeding had been given.

(b) Any answer to the motion shall be filed within 10 days following the service of the motion. Failure to file an answer shall be deemed to be a waiver of any objection to the granting of the motion.

(c) Any motion hereunder which is not granted or otherwise expressly acted upon by the Commission within 60 days after the filing thereof, shall be deemed denied.

(d) The filing or granting of any motion under this rule shall not operate as a stay of the Commission's decision or order. A stay will be granted only for good cause shown.

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

In (a) and (c), substituted "Commission" for "Department"; in (a), substituted a semicolon for a comma following "record" and deleted commas following "such notice" and "direct"; in (c), substituted "60" for "30"; and in (d), substituted "Commission's" for "Department's".

## SUBCHAPTER 6. CONFERENCES

### 16:51-6.1 Purposes

(a) Informal conferences of parties or their attorneys may be held at any time.

(b) Unaccepted proposals of settlement and proposed stipulations not agreed to shall not be taken into account in the Commission's disposition of a petition or other pleading.

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); and in (b), substituted "Commission's" for "Department's".

## SUBCHAPTER 7. REPORTING ACCIDENTS

### 16:51-7.1 Procedures

(a) Accidents resulting from the operations, use or maintenance of autobuses shall be reported as follows:

1. Report by mail to the Commission's Commercial Bus Inspection Unit, P.O. Box 680, Trenton, NJ 08666-0680, on the form prepared for this purpose within 48 hours of the occurrence of the accident. (Forms may be obtained from the Commercial Bus Inspection Unit); and

2. Notify the Unit immediately by telephone between 8:30 A.M. and 4:30 P.M. and at all other times notify one of the persons listed in the Commission's Autobus Accident Contact Persons List (available from the Commercial Bus Inspection Unit) immediately by telephone in the case of any of the following:

- i. Grade crossing accidents;
- ii. Overturning of buses;
- iii. Runaway buses and other accidents of an unusual nature, whether or not bodily injury results;
- iv. Accidents involving serious bodily injury, for example, broken limbs or severe lacerations; or
- v. Accidents involving a fatality.

(b) If at the time of the submission of the written report, the autobus company is unable to state the corrective measures taken or make recommendations to avoid a recurrence of the accident, the autobus company shall, within 30 days of the date of the accident, file a report which shall set forth the aforementioned corrective measures and recommendation.

This report shall show the same accident report number as the original accident report.

(c) The autobus company shall not take corrective measures prior to the inspection of said utility's vehicle involved in the accident by an employee of the Commission trained to perform post accident autobus inspection, if the accident is of a type described in N.J.A.C. 16:51-7.1(a)2.

Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

In (a), rewrote 1 and substituted "Commercial Bus Inspection" for "Regulatory Affairs" in 2.

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

Rewrote the introductory paragraph of (a), (a)1, and the introductory paragraph of (a)2; in (c), substituted "Commission" for "Department"; and deleted (d).

## SUBCHAPTER 8. PROVISION OF SERVICE

### 16:51-8.1 Commencement of operations

(a) The operation of a route that has been approved by the Commission shall be inaugurated within 60 days from the date of said approval. Failure to do so shall terminate the Commission's approval and make the same inoperative and void.

(b) The appropriate Certificate of Public Convenience and Necessity or other authority shall be maintained on every vehicle subject to this chapter during the operation of that vehicle.

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

Inserted designation (a); in (a), substituted "that" for "which", "Commission" for "Department" and "Commission's" for "Department's"; and added (b).

### 16:51-8.2 Change of route

There shall be no deviation from the approved route without the approval of the Commission except in emergency, in which case the Commission shall be promptly notified of such change. The approved route must be resumed immediately upon removal of the cause for temporary rerouting.

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

Substituted "Commission" for "Department" twice and "removal" for "approved".

### 16:51-8.3 Discontinuance of service

(a) No autobus or trolley utility shall discontinue the operation of a route or routes, or a portion thereof, without first filing a petition with the Commission pursuant to N.J.A.C. 16:51-3.10.

(b) Should any utility discontinue operation without the permission of the Commission, the Commission may summarily invoke the sanctions provided by law.

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); and in (b), substituted "Commission" for "Department" twice.

#### 16:51-8.4 Interruption of service

Where service on a route or routes has been interrupted and such interruption appears likely to continue for a period in excess of four hours, a report shall be made to the Commission by the speediest means of communication available, with a full statement of the cause and probable duration. The public along the route or routes shall be promptly notified of service interruptions by such means as are feasible and practicable including announcements and notices at terminals and ticket offices, if any, and notification to news disseminating agencies and municipalities affected. Telephone reports shall be promptly confirmed by a telefacsimile, an electronic mail or a written report.

Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

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

Substituted "Commission" for "Department" and "telefacsimile, an electronic mail or a" for "telefax or other".

#### 16:51-8.5 Emergency equipment

(a) All autobus utilities shall maintain sufficient reserve equipment to ensure the reasonable maintenance of the established routes and fixed time schedules.

(b) Autobus utilities may share reserve equipment with other utilities, provided that the equipment is so reported by the owner or lessee as available to lend to other utilities in an emergency as follows:

1. The report must be made at the time of the initial specification inspection;
2. The report must include the names of other utilities to which the equipment will be made available; and
3. The vehicle is properly insured and maintained in such a condition that it is at all times in full compliance with all safety specifications.

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

Inserted designation (a); in (a), deleted "and trolley" following "autobus" and substituted "ensure" for "insure"; and added (b).

#### 16:51-8.6 Stops before grade crossings

All autobus utilities shall have their vehicles come to a full stop before crossing the tracks of any railroad at grade: such stop to be made not less than 15 feet nor more than 50 feet from the nearest rail, the stopping point to be determined by

the physical conditions at the crossing, which conditions permit a view of approaching trains from the near rail of the tracks before proceeding from stop position.

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

Deleted "and trolley" following "autobus" and substituted ", which conditions permit" for "permitting".

#### 16:51-8.7 Doors to be closed

All autobus utilities shall keep the doors of the vehicles closed when the vehicles are in motion.

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

Deleted "and trolley" following "autobus".

#### 16:51-8.8 Drivers conversing

Autobus utilities shall not allow the drivers of any autobus to engage in any unnecessary conversation with the passengers.

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

Deleted "and trolley" following "Autobus" and "or trolley" following "autobus".

#### 16:51-8.9 Filling fuel tanks

(a) Fuel tanks on autobuses shall be filled from outside the autobus and shall not be filled or replenished with fuel while passengers are in said autobus.

(b) Fuel tanks shall not be filled or replenished while the motor is running.

#### 16:51-8.10 Certificate of public convenience and necessity of limited duration for emergencies

(a) Certificates of public convenience and necessity authorizing autobus operations by private or public entities or carriers for a specified period of limited duration may be granted by an order of the Commission for purposes of assuring that the transportation needs of the public are met with respect to emergency, extraordinary, unusual or very rare events. Because of the emergent or extraordinary transportation needs of the public, the provisions of such order may supersede for the period of its limited duration the autobus regulations of the Commission or portions thereof.

(b) The order of the Commission shall include the duration and extent of its applicability and controlling application, and shall establish such conditions and restrictions as the Commission deems necessary to protect the public interest. Conditions and restrictions specified in the order of the Commission shall include the following:

1. Vehicle and equipment limitations or specifications;
2. Requirements for vehicular or equipment inspections;

3. Requirements or procedures regarding evidence of insurance, including evidence of coverage in accordance with N.J.S.A. 17:28-1.6;

4. Conditions or limitations regarding any tariffs or charges;

5. Schedules or any other operational provisions;

6. Procedures, standards or criteria applicable to the selection, rejection or specification of vehicles, equipment or operators thereof; and

7. Any other condition, requirement or limitation deemed necessary by the Commission for the public interest.

(c) Each certificate of public convenience and necessity may include:

1. Limitations as to routes as permitted or prohibited areas of operation; and

2. Permitted places or conditions for passenger loading or unloading.

(d) The order may be issued by the Commission for the public interest, with or without a request or petition therefore.

Emergency New Rule, R.1995 d.543, effective September 18, 1995 (expires November 17, 1995).

See: 27 N.J.R. 3843(a).

Adopted concurrent proposal R.1995 d.645, effective November 15, 1995.

See: 27 N.J.R. 3843(a), 27 N.J.R. 5039(a).

Provisions of Emergency New Rule R.1995 d.543 adopted without change.

Amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Substituted "Commission" for "Commissioner" throughout; in (a), substituted the first occurrence of "Commission" for "Commissioner of Transportation"; in the introductory paragraph of (b), inserted "the following" at the end; in (b)7, deleted a comma following "requirement"; and in (d), deleted the former first sentence and substituted "Commission" for "Department".

### 16:51-8.11 Autobus leases

(a) Autobus leases filed by any autobus company shall contain the following information:

1. The name, address and telephone number of the vehicle owner (lessor);

2. The name, address, and telephone number of the authorized carrier/autobus company (lessee);

3. The Commission Docket Number and the charter number, special number or route file number of the autobus company (lessee) or the FHWA/USDOT number of the autobus company (lessee).

4. The term of the lease, that is, the lease effective date and expiration date;

5. An exclusive use clause, setting forth that the leased vehicle(s) will be for the lessee's exclusive use; if the lease does not provide for lessee's exclusive use, it must specify all others having use of the vehicle and the nature of said use. The lease must indicate any subleasing arrangements, if applicable;

6. An insurance clause providing that the autobus company (lessee) is responsible for maintaining the proper insurance coverage limits required by law;

7. A consideration clause showing the rental payment for the use of the vehicle;

8. A cancellation/amendment clause including provisions regarding the following:

i. The duty of parties to notify the Commission Office of Regulatory Affairs within five days of the cancellation and/or amendment of a lease;

ii. The duty of parties to return omnibus license plates to the State of New Jersey; and

iii. The duty of parties to present vehicle to the Commission for removal of inspection sticker and for return of certificate of inspection;

9. The fleet number, make, model, year, Vehicle Identification Number, seating capacity and Commission's vehicle number (if known) of each vehicle covered by the lease; and

10. The signatures of the owner/lessor and the operator/lessee and the date.

(b) No more than five vehicles, where the owner of the vehicle is the same, shall be included in each lease.

(c) Each lease submitted shall be accompanied by payment for the lease filing fee established by the Legislature at N.J.S.A. 48:2-56, specifically N.J.S.A. 48:2-56F(4) as amended and supplemented and incorporated herein by reference.

(d) A lease shall remain valid throughout its term unless cancelled in the method described in the body of lease, regardless of other circumstances concerning the vehicle, including, but not limited to, sale of the vehicle by the lessor or casualty loss of the vehicle.

New Rule, R.2001 d.384, effective October 15, 2001.

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

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 "Autobus Leases". In (a), substituted "Commission" for "NJDOT" throughout; in (a)3, inserted "and the" and deleted a comma following "special number"; in (a)8, inserted "the following" at the end; in (a)8iii, substituted "the Commission" for "NJDOT"; in (a)9, substituted "Commission's" for "NJDOT"; and added (d).

## SUBCHAPTER 9. OFFICES

**16:51-9.1 Location**

(a) Each utility shall maintain in, or within reasonable proximity of, its service area an office (that is, in addition to any post office box) where application for service, complaints, service inquiries, bill payments, and so forth, will be received. The utility shall furnish the street address and telephone number of the office and any changes thereto to the Commission.

(b) Each utility shall furnish the Commission with the current street address (not post office box) and telephone number and any changes thereto of the offices where maps and records covering the various service areas are available to supply, upon reasonable request, information to customers, governmental bodies and other utilities and contractors.

Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).

Rewrote the section.

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

Substituted "Commission" for "Department" throughout; in the second sentence of (a), deleted commas following "office" and "thereto"; and in (b), deleted commas following "number", "thereto" and "bodies".

**16:51-9.2 Personnel to be available**

(a) Each utility shall furnish to the Commission and keep current a list of names, addresses and telephone numbers of responsible officers or employees to be available in connection with routine matters during normal working hours.

(b) Each utility shall also furnish to the Commission and keep current a list of names, addresses and telephone numbers of responsible officers or employers who will be available in the event of emergency during other than normal working hours.

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 "Personnel to be contacted". In (a) and (b), substituted "Commission" for "Department" and "officers or employees" for "officials"; in (a), substituted "available" for "contacted"; and in (b), deleted a comma following "addresses", substituted "will be available" for "may be contacted" and inserted "the" preceding "event".

**16:51-9.3 Emergency telephone numbers**

(a) Each public utility shall maintain a listed emergency number in appropriate telephone directories, and file same with police departments, fire departments, municipal clerks and other appropriate governmental agencies.

records shall be open for examination by the Commission's inspectors.

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

Substituted "Commission" for "Department" and "Commission's" for "Department's".

**16:51-10.2 Periodic reports**

(a) Every utility shall file with the Commission on or before March 31 of each year a summary of its finances and operations for the preceding calendar year on forms prescribed and furnished by the Commission. In special instances, utilities may be required to submit reports quarterly and monthly as directed by the Commission. Other periodic reports shall be filed on or before the due date noted on the report form.

(b) In the event that any report required pursuant to (a) above cannot be filed within time, an extension of time for good cause may be granted by the Commission, provided that the extension is requested prior to the expiration of time within which the report is due.

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

Inserted designation (a); in (a), substituted "Commission" for "Department" throughout; and added (b).

**16:51-10.3 Records to be available to public**

Every autobus company shall keep open to public inspection, in each office where applications for service may be made, tariffs applicable to such territory, the business of which is commonly transacted at such office, which tariffs show all rates and charges made, established or enforced or to be charged or enforced, all rules and regulations relating to rates and charges or services used or to be used and all general privileges and facilities granted or allowed. The same shall be readily accessible to the public at all times during office hours and, on demand by any person, shall be produced for examination immediately.

Recodified from N.J.A.C. 16:51-11.1 and 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 "Filing with department access to public". Rewrote the section.

Former N.J.A.C. 16:51-10.3, Accidents, repealed.

**16:51-10.4 (Reserved)**

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

Section was "Public records".

## SUBCHAPTER 10. RECORDS

**16:51-10.1 Location and examination**

Each utility shall notify the Commission, upon request, of the office or offices at which various records are kept. These

## SUBCHAPTER 11. NOTICE REGARDING CHANGES IN FARES OR OPERATING SCHEDULES

**16:51-11.1 Notice regarding fares**

(a) In order that adequate and proper notice may be given to the public of any hearing, change in schedule or fares, or

any matter in which the Commission may require that public notice be posted, every public utility owning, operating, managing or controlling any bus service operation for public use within the State of New Jersey by the approval of the Commission shall post such notices in the vehicles and places required by the Commission so as to be plainly visible to the public.

(b) The heading of the notice which shall contain information as to the title of the notice, such as "Notice of Public Hearing," "Notice of Change in Fare," "Notice of Change in Schedule," and so forth, shall be printed and set forth in letters not less than 3/4 inch in size.

(c) The body of this notice which shall contain full information as to the matter or matters upon which notice to the public is required shall be printed and set forth in letters not less than 3/8 inch in size.

(d) Such notice or notices shall remain posted until after such hearing is had or such effective date or the occasion for such notice has passed.

Recodified from N.J.A.C. 16:51-12.1 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In (a), substituted "Commission" for "Department" throughout and deleted "or rail" following "bus" and a comma following "New Jersey".

Former N.J.A.C. 16:51-11.1, Filing with department access to public, recodified to N.J.A.C. 16:51-10.3.

### 16:51-11.2 Notices regarding operating schedules

(a) In order that adequate and proper service may be continuously assured, every public utility owning, operating, managing or controlling any autobus operation for public use within the State of New Jersey with approval of the Commission, shall, not less than 30 days before putting into effect any change or alteration in any existing operating schedule that would result in a reduction of service or change or alter headways and the arriving or leaving time of the vehicle, comply with the following:

1. File with the Commission, by mailing to the office or by delivery thereto a copy of the notice setting forth therein the proposed change or alteration;
2. File with the clerk of each municipality served and affected by the proposed changes or alteration, two copies of the aforesaid notice;
3. Post the notice of its intent to change or to alter its schedule in the vehicles operated by it. Such notice shall contain the following information:
  - i. From whom and where information of the extent of such change or alteration may be obtained;
  - ii. That notice has been filed with the clerk of each municipality served and affected by the proposed changes or alterations; and
  - iii. The date on which the notice has been filed with the New Jersey Motor Vehicle Commission and that

comments and objections may be addressed to the utility and to the Commission within 20 days of the posting of the notice.

(b) Unless denied by the Commission pending the receipt of a petition, the public utility may, 30 days after the posting of the aforesaid notice, place the change or alteration into effect and shall immediately notify the Commission in writing whether or not the proposed schedule change is being effectuated.

Amended by R.2001 d.384, effective October 15, 2001.

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

In (a)3, substituted "25" for "15"; in (b), substituted "20" for "10" and "25-day" for "15-day".

Recodified from N.J.A.C. 16:51-12.2 and amended by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

In the introductory paragraph of (a), deleted "or service" following "autobus", a comma following "New Jersey", "substantial" preceding "reduction" and "materially" preceding "change or alter"; also in the introductory paragraph of (a), substituted "Commission" for "Department", "30" for "20" and "that" for "which" following "schedule"; rewrote (a)1 and the introductory paragraph of (a)3; deleted (a)3ii; recodified former (a)3iii as (a)3ii; added new (a)3iii; and rewrote (b).

Former N.J.A.C. 16:51-11.2, Letter of transmittal, repealed.

### 16:51-11.3 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Statement of proposed changes".

### 16:51-11.4 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Timelines of filing".

### 16:51-11.5 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Separate series issuance; number; prefix".

### 16:51-11.6 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Complete document; references".

### 16:51-11.7 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Preparation; paper".

### 16:51-11.8 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Consecutively numbered pages".

### 16:51-11.9 (Reserved)

Repealed by R.2007 d.105, effective April 16, 2007.

See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).

Section was "Supplement or reissue".

**16:51-11.10 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Suspension; supplement form".

**16:51-11.11 (Reserved)**

Amended by R.1992 d.116, effective March 16, 1992.  
See: 24 N.J.R. 78(b), 24 N.J.R. 968(c).  
Revised (a).  
Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).  
In (a), substituted "20" for "19" in the Application.  
Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Less than 30 days' notice request; application".

**16:51-11.12 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Notification form".

**16:51-11.13 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Late filing; rejection".

**16:51-11.14 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Rules or classifications prescribed by department".

**16:51-11.15 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Passenger fares for named or limited period".

**16:51-11.16 (Reserved)**

Repealed by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Agent authorization".

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**SUBCHAPTER 12. COMPLIANCE WITH ORDERS AND DECISIONS**
**16:51-12.1 Extension of time limits**

In instances where the Commission's decision or order contains a specific time or date of compliance, and the petitioner desires extension of such time limit, petition to the Commission shall be made in writing at least five days before the expiration of the time limit.

Recodified from N.J.A.C. 16:51-13.3 and amended by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Substituted "Commission's" for "Department's" and "Commission" for "Department".  
Former N.J.A.C. 16:51-12.1, Notice regarding fares, recodified to N.J.A.C. 16:51-11.1.

**16:51-12.2 Answers to communications**

Unless otherwise specified, any letter or telefacsimile or other written communication from the Commission directing investigation of any matter under its jurisdiction must be complied with by the autobus company and a report received by the Commission within 15 days from the date of the letter. If circumstances prevent compliance with this rule, the autobus company must advise the Commission in writing, within the above prescribed period, of its inability to comply and the reasons therefor.

Amended by R.2001 d.384, effective October 15, 2001.  
See: 33 N.J.R. 2271(a), 33 N.J.R. 3665(a).  
Substituted "telefax or other written communication" for "telegram".  
Recodified from N.J.A.C. 16:51-13.4 and amended by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Substituted "Commission" for "Department" throughout; substituted "telefacsimile" for "telefax"; deleted "or telegram" from the end of the first sentence; and deleted the "Sample Accident Report Form".  
Former N.J.A.C. 16:51-12.2, Notices regarding operating schedules, recodified to N.J.A.C. 16:51-11.2.

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**SUBCHAPTER 13. (RESERVED)**
**16:51-13.1 (Reserved)**

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

**16:51-13.2 (Reserved)**

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

**16:51-13.3 (Reserved)**

Recodified to N.J.A.C. 16:51-12.1 by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Extension of time limits".

**16:51-13.4 (Reserved)**

Recodified to N.J.A.C. 16:51-12.2 by R.2007 d.105, effective April 16, 2007.  
See: 38 N.J.R. 4638(a), 39 N.J.R. 1489(b).  
Section was "Answers to communications".