

CHAPTER 52

AUTOBUS AND TROLLEY

Authority

N.J.S.A. 48:2-13 et seq.

Executive Order No. 66(1978) Expiration Date

Chapter 52, Autobus and Trolley, expires on November 3, 2000.

Chapter Historical Note

Chapter 52, Autobus and Trolley, was adopted as Chapter 4 of Title 14 by the Board of Public Utility Commissioners prior to September 1, 1969. Subchapter 6 was adopted as new rules by R.1973 d.185, effective July 11, 1973. See: 5 N.J.R. 91(a), 5 N.J.R. 291(e). Chapter 4 was recodified as Chapter 52 of Title 16 by an administrative change. See: 27 N.J.R. 4906(a).

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SUBCHAPTER 1. SERVICE

16:52-1.1 Commencement of operation

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

Case Notes

Limousine operator services not subject to jurisdiction of Board of Public Utilities; Autocabs statute not impliedly repealed by statute giving Board full jurisdiction over charter and special buses. In re: Application of Wilmer's Livery Service, Inc., 159 N.J.Super. 226, 387 A.2d 1202 (App.Div.1978).

Plaintiff had statutory authority to establish charges for bus company's use of facility; Public Utilities Commission cannot supervise establishment of charges; city authorized to eliminate bus stops without Commission review; bus companies entitled to a hearing on charge amounts; fee established proper. Port Authority Trans-Hudson Corp. v. Baum Bus Co., Inc., 156 N.J.Super. 585, 384 A.2d 213 (Law Div.1977), affirmed 156 N.J.Super. 578, 384 A.2d 209 (App.Div.1978).

16:52-1.2 Change of route

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

Case Notes

Plaintiff had statutory authority to establish charges for bus company's use of facility; Public Utilities Commission cannot supervise establishment of charges; city authorized to eliminate bus stops without Commission review; bus companies entitled to a hearing on charge amounts; fee established proper. Port Authority Trans-Hudson Corp. v. Baum Bus Co., Inc., 156 N.J.Super. 585, 384 A.2d 213 (Law Div.1977), affirmed 156 N.J.Super. 578, 384 A.2d 209 (App.Div.1978).

16:52-1.3 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 Department of Transportation, which petition shall give the reasons for such discontinuance. Such proposed discontinuance shall not become effective until approved by the Department of Transportation.

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

Case Notes

No carrier can abandon or otherwise discontinue its route operations without prior Department of Transportation approval; service found unlawful as being directly competitive with other authorized regular

route carriers (Department's Final Decision). In re: Fugazy Continental Corp., 5 N.J.A.R. 89 (1981).

16:52-1.4 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 Department of Transportation 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 telegraphic or other written report.

16:52-1.5 Emergency equipment

All autobus and trolley utilities shall maintain sufficient reserve equipment to insure the reasonable maintenance of the established routes and fixed time schedules.

16:52-1.6 Stops before passing over grade crossings

All autobus and trolley 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 permitting a view of approaching trains from the near rail of the tracks before proceeding from stop position.

Statutory References

N.J.S.A. 39:4-128

16:52-1.7 Doors to be closed

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

Statutory References

N.J.S.A. 39:4-68

16:52-1.8 Drivers conversing

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

16:52-1.9 Filling fuel tanks

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

SUBCHAPTER 2. PUBLIC LIABILITY INSURANCE

16:52-2.1 Certificate or evidence

(a) Any person operating motor vehicles carrying passengers for hire in accordance with the applicable statutes shall file with the Department of Transportation two copies of a certificate of insurance, or evidence of self-insurance, which certificate or evidence shall be in a form prescribed by the Department of Transportation.

(b) Said certificate or evidence shall be signed by the issuing insurance company, or in the case of a self-insurer, by an officer or agent thereof, and shall state that the autobuses enumerated thereon are insured in compliance with N.J.S.A. 48:4-19 and 48:4-35 through 48:4-55, inclusive, under the standard form of insurance policy adopted by the Department of Transportation and, in addition thereto, they shall furnish the following information:

1. Name and address of operating company, corporation or individual;
2. Number, manufacture, year and rated seating capacity of each autobus together with the motor and chassis numbers.

16:52-2.2 Autobuses

(a) All autobuses shall be insured covering operation in the State of New Jersey in the business of their owners and/or others, and whether in regular or other service, and whether on or off their regular routes.

(b) The driver of each autobus shall at all times when such autobus is in operation, exhibit a certificate in the form adopted by the Department of Transportation, showing that the autobus is insured in conformity with the applicable statutes. Such certificate shall disclose the name of the company in which the autobus is insured, the number of the insurance policy, or in the case of a self-insurer, a certificate signed by an officer or agent that it has qualified as a self-insurer, the manufacture, year and rated seating capacity of the autobus, together with the motor and chassis numbers, and it shall state the date to which the insurance premium has been actually paid. Said certificate shall be posted in a conspicuous place in the autobus on the right-hand side of the driver above the windshield.

16:52-2.3 Binder insurance

Binder insurance coverage shall not be accepted unless it originates at the home office of the issuing insurance company.

SUBCHAPTER 3. SEEING EYE DOG

16:52-3.1 Muzzle

Any "seeing eye" dog or any guide dog, when transported pursuant to N.J.S.A. 48:3-33, is required to wear a muzzle.

SUBCHAPTER 4. TACHOGRAPHS

16:52-4.1 Charts

On autobuses equipped with tachographs, where daily charts are used in New Jersey, such charts will be kept available for inspection for a period of three months.

SUBCHAPTER 5. DEFECT CARDS

16:52-5.1 Retention; signatures

All defect cards or reports submitted by autobus drivers shall be retained by the utility for at least three months, with an indication thereon of the corrective measures taken. The cards or reports must be signed by the driver and the person taking the corrective measures.

SUBCHAPTER 6. REIMBURSEMENT OF AUTOBUS OPERATORS FOR STUDENT FARES

16:52-6.1 Scope

Unless otherwise ordered or permitted by the Department of Transportation of the State of New Jersey, the following rules and regulations shall apply in billing the State of New Jersey for reimbursement in accordance with applicable statutes.

16:52-6.2 Submission of bills; form

(a) Bills for reimbursement of a portion of student fares are to be submitted monthly, bi-monthly, or quarterly at the option of the bus operator.

(b) The request for reimbursement shall be made on New Jersey voucher form # 100, to which shall be attached a report on a form required by the Department of Transportation.

16:52-6.3 Definitions

The following words and terms when used in this Subchapter shall have the following meanings unless the context clearly indicates otherwise:

“Bus operators” means any individuals, partnerships, associations or corporations under the jurisdiction of the Department of Transportation operating one or more vehicles, commonly called autobuses, for the transportation of passengers over regular routes between stated termini over the public avenues, roads, streets, alleys, lanes or other public ways, for such fares as may be set forth in their

tariffs, which tariffs are on file with and accepted by the Department of Transportation.

“School—public or nonpublic” means any institution of learning with a course of instruction approved by the New Jersey State Department of Education, offering education, for grades kindergarten thru 12, or any combination of them, wherein any student may legally fulfill compulsory school attendance requirements and which meets the requirements of Title VI of the Federal Civil Rights Act of 1964 (P.L. 88-352).

“Student” means any person who is required by law to attend a certain number of hours or days of class instruction which fulfills the compulsory school attendance to meet the requirements for certificates or diplomas.

“Tariff” means an official filing with the Department of Transportation setting forth the bus operator’s terms of service, including service rules and regulations, fares and routes. Each bus operator shall maintain, at reasonable times, for public inspection, a copy of the complete tariff that has been filed with and accepted by the Department of Transportation.

16:52-6.4 Procedure as to correspondence

All correspondence relating to effectuation of the statute, N.J.S.A. 48:3-39 et seq. shall be addressed to the Department of Transportation at 1035 Parkway, CN 600, Trenton, New Jersey, 08625.

16:52-6.5 Remittance of money due the State

In the event any money is due the State, all checks shall be made payable to the order of “Treasurer, State of New Jersey” and delivered or mailed to the Secretary of the Department of Transportation, for processing to the account of the State Treasurer.

16:52-6.6 Accounting for student fares

(a) In accordance with Section 2 of the statute N.J.S.A. 48:3-39 et seq. every bus operator requesting reimbursement for service actually rendered for school fares shall establish a “ticket lift” system of accounting for student fares, as outlined in the text of Account 2080—Unredeemed Tickets—of the Uniform System of Accounts for Class A and Class B Autobus Utilities. Such a system shall include the recording of the serial numbers of student fare tickets printed, the number sold and the money amounts received therefor, the number and related money amounts of student fare tickets redeemed as rides or for cash. Tickets redeemed shall be cancelled. The number of issued and unredeemed student fare tickets outstanding on any date will represent the liability of the bus operator for future student fare rides or for student fare cash redemptions.

(b) The bus operator shall be liable for payment to the Treasurer of the State of New Jersey of an amount equal to the amount of unredeemed student fares upon discontinuance of the student fares, upon discontinuance of regular route bus operations, merger, consolidations, sale, lease, transfer of municipal consents or other operating rights, unless the successor bus operator accepts the liability for such unredeemed tickets subject to the Department of Transportation's approval. Such amounts as remain after expiration of a period, not to exceed 45 days, for redemption of unused tickets, shall be remitted to the State Treasurer in accordance with Section 4 of this Subchapter. The State Treasurer shall, thereafter, redeem such unused tickets as shall be presented by the purchasers thereof for redemption. Any funds remaining in the hands of the State Treasurer for a period of more than five years, shall be deemed to have been escheated to the State of New Jersey. Any funds which are not remitted by the bus operator under any of the conditions stated will be subject to collection as for any other unpaid debts owing to the State.

(c) The "ticket lift" method of accounting shall be established not later than the commencement of the school year beginning on or after September 1, 1973. Prior to said time, the bus operator shall establish the number of student fare rides by daily count of school tickets, tokens or cash fares collected. The methods of accounting shall be subject to such tests, examinations or audits by the Department of Transportation's staff or other qualified parties as may be authorized by the Department of Transportation.

(d) Any independent accountant certifying to the books, records and financial statements of the bus operator shall include in his certification a statement with regard to his examination of the "ticket lift" method of accounting.

(e) Bus operators accepting student fare tickets of other bus operators shall be deemed eligible for reimbursement for the service rendered on the basis of the fares of the accepting bus operators. The settlement of claims for fares between bus operators shall be in accordance with the procedures customarily used by bus operators for the settlement of such claims.

16:52-6.7 Certification of student fares

(a) The Department of Transportation, by its Secretary, shall file a certificate with the State Treasurer setting forth the names of the autobus operators, their adult and student fares, and certifying that the tariffs filed with and accepted by it provide for an approved student fare equal to $\frac{2}{3}$ of the approved adult fare.

(b) The certificate shall accompany each payment voucher and indicate any change which shall have been authorized in such fares during the period and the effective date of such authorized change.

(c) The certificate shall state that the tariff as filed and accepted contains provision for a program for the redemption, by the bus operator, of unused student fare tickets at the same fare for each unused ride as was paid by the purchasers of such student fare tickets.

16:52-6.8 Other rules and regulations

These rules and regulations shall be in addition to any other rules, regulations and orders of the Department of Transportation governing public utilities subject to its jurisdiction, including regular route bus operators.

16:52-6.9 Form R & A-73; Statement of students transported on regular routes at reduced student fares

For copies of form R & A-73, write: Department of Transportation, 1035 Parkway Avenue, CN 600, Trenton New Jersey 08625.