

# Hudson County Jitney Study

## Final Report



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**North Jersey Transportation Planning Authority**

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The North Jersey Transportation Planning Authority (NJTPA) is the federally authorized Metropolitan Planning Organization (MPO) for the 13-county northern New Jersey region. Each urbanized region of the country is required to establish an MPO in order to qualify for the receipt of federal transportation funding. The NJTPA serves a region of 6.5 million people, one of the largest MPO regions in the country. The NJTPA evaluates and approves proposed transportation improvement projects. It also provides a forum for cooperative transportation planning efforts, sponsors transportation and planning studies, assists county and city planning agencies and monitors the region's compliance with national air quality goals.

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## Table of Contents

<b>Executive Summary</b> .....	<b>1</b>
<b>Data Collection Methodology</b> .....	<b>1</b>
<b>SECTION 1: Existing Non-Jitney Public Transportation Services in Hudson County</b> .....	<b>2</b>
Rail Transit Services.....	2
Fixed Route Bus Transit Services .....	4
NJ Transit.....	4
Bergenline/Palisade/Newark Avenues Corridor .....	7
JFK Boulevard West Corridor .....	7
JFK Boulevard East Corridor .....	7
River Road Corridor .....	8
New York City-Paterson Corridors .....	8
Union City - 30th/31st Streets Corridor .....	8
Other Operators .....	9
Ferry Operators.....	11
NJ Transit Access Link.....	11
Summary .....	11
<b>SECTION 2: Hudson County Jitney Network Operations</b> .....	<b>12</b>
Jitney Network .....	14
Routes and Corridors .....	15
Bergenline Avenue Corridor.....	16
JFK Boulevard Corridor.....	20
Boulevard East Corridor .....	22
River Road Corridor .....	24
New York-Paterson Routes.....	26
Discontinued or Limited Routes .....	28
Operators.....	30
Ownership and Operating Structures .....	33
Termini, Passenger Pick-up Locations and Layovers .....	34
Port Authority Bus Terminal (PABT).....	34
Journal Square Transportation Center .....	36
George Washington Bridge Bus Station (GWBBS) .....	37
Nungessers .....	38
Levels of Service .....	39
Ridership Estimates.....	39
<b>SECTION 3: Jitney Network Impacts on the Transit System</b> .....	<b>42</b>
Supply/Availability of Bus Service .....	42
Summary.....	42

Operating Standards .....	43
Safety Concerns .....	43
Jitney Service Impacts on Fixed Route Bus Operations .....	45
Service Frequency and Span of Service .....	45
Americans with Disabilities Act (ADA) Issues .....	46
Fare Issues .....	46
Historical Impacts on NJ Transit Bus Operations.....	48
Removal of Rider Restrictions.....	48
NJ Transit Bergenline/Palisade/Newark Avenues Corridor Historical Trends .....	49
Other Impacts.....	50
Impacts on Other Transit Operators.....	51
Replacement of Other Fixed Route Operators with NJ Transit Services.....	51
NJ Transit Rail Services and PATH Impacts .....	51
Summary.....	51
<b>SECTION 4: Regulatory Framework Provisions Impacting Jitney Service.....</b>	<b>53</b>
Federal Regulation .....	53
Commerce Clause .....	53
Interstate Commerce Commission .....	53
Federal Motor Carrier Safety Administration .....	55
Direct Compensation Carriers .....	57
New Jersey’s Regulatory Framework.....	58
Summary .....	58
<b>SECTION 5: Recommendations.....</b>	<b>60</b>
Establish New Regulatory Framework .....	60
Establish a jitney medallion system.....	61
Operational suggestions for implementation: .....	61
Likely Benefits of a Medallion Program.....	61
Potential Downsides of a Medallion Program .....	62
Medallion Program Format .....	63
Next Steps: Implementation Task Force .....	66
Recommendations for Improvement of Jitney Operations.....	67
Distinct Bus Stops .....	67
Training for Local Inspections .....	68
Public Information .....	69
Jitney Operators’ Use of Terminal Facilities.....	70
Coordination with New York City Department of Transportation .....	70
Administrative and Organizational Assistance for Jitney Operators.....	71
Conclusion: The Implications of Doing Nothing .....	72
<b>Addendum.....</b>	<b>74</b>
River Road.....	74

Fairview Avenue .....	76
NJ 495 Corridor .....	78
Journal Square .....	79
Additional Operators .....	80
<b>APPENDIX A: Other Jitney Services in the United States .....</b>	<b>81</b>
New York City .....	81
Atlantic City .....	81
Atlanta Suburbs .....	82
Miami-Dade .....	83
San Diego .....	83
<b>APPENDIX B: Jitney Operators (September 2010) .....</b>	<b>84</b>
<b>APPENDIX C: Jitney Inspections by Operator (September 2008-10) .....</b>	<b>86</b>
<b>APPENDIX D: Historical Synopsis of Regulation of Jitney Services in the United States .....</b>	<b>87</b>
<b>APPENDIX E: Overview of Common Carrier Regulatory Issues .....</b>	<b>88</b>
Regulatory Categories .....	88
Market Entry Regulation .....	88
Pricing Regulation .....	88
Service Characteristic Regulation .....	88
Liability Insurance Regulation .....	89
Fitness Standards Regulation .....	89
Potential Service Benefits and Concerns .....	89
Service Benefits .....	89
Service Issues and Concerns .....	90
<b>APPENDIX F: Applicable Federal Motor Carrier Safety Regulations .....</b>	<b>92</b>
<b>APPENDIX G: Petition Letter for Certificate of Public Convenience and Necessity (CPCN) .....</b>	<b>130</b>

## List of Figures

Figure 1: PATH Rail System .....	2
Figure 2: NJ Transit Rail Services in Hudson County.....	3
Figure 3: NJ Transit Bus Routes and Jitney Services in Hudson County.....	6
Figure 4: Jitney Route Network - 2010 .....	14
Figure 5: Hudson County Jitney Network - 2010 .....	15
Figure 6: Bergenline Avenue Corridor .....	17
Figure 7: Journal Square Area Distribution Loop.....	19
Figure 8: JFK Boulevard Corridor .....	21
Figure 9: Boulevard East Corridor .....	23
Figure 10: River Road Corridor.....	25
Figure 11: Paterson Routes .....	27
Figure 12: Discontinued or Limited Services .....	29
Figure 13: Jitney Operator Locations.....	31
Figure 14: Port Authority Bus Terminal (New York City) .....	35
Figure 15: Journal Square Transportation Center (Jersey City).....	36
Figure 16: George Washington Bridge Bus Station (New York City) .....	37
Figure 17: Nungessers (North Hudson County Park, North Bergen) .....	38
Figure 18: NJ Transit Bergenline/Palisade/Newark Avenues Corridor Historical Ridership Trend .....	50
Figure A-1: River Road Corridor - May 2011 .....	75
Figure A-2: Palisades Park Service - May 2011 .....	77
Figure A-3: Journal Square Jitney Stop Locations .....	80

## List of Tables

Table 1: NJ Transit Bus Routes in Hudson County (Fall 2010) .....	4
Table 2: Other Hudson County Fixed Route Bus Operators .....	10
Table 3: Operator Proportion of Service for Select Routes .....	32
Table 4: Headways by Route .....	39
Table 5: Estimated Passengers per Hour by Route and Time of Day at Surveyed Location.....	40
Table 6: Jitney Fare Structure.....	47
Table 7: Summary Table of Major Provisions of the Federal Motor Carrier Safety Regulations .....	55
Table A-1: River Road Services.....	74
Table A-2: Palisades Park Service .....	76
Table A-3: NJ 495 Corridor Point Check.....	78
Table A-4: Additional Jitney Operators .....	80
Table A-5: Additional Operator Safety Records.....	80

## **Executive Summary**

Hudson County, the most densely-populated county in the State of New Jersey, enjoys an extensive transportation network including several major transit hubs, rail and ferry services, and a variety of public and private bus operators. A type of low-fare privately-operated transit services, commonly referred to as jitneys, operate along fixed corridors or routes throughout Hudson County, into Bergen and Passaic Counties, and link New Jersey with New York City.

Jitneys generally run without a published schedule and most operators use vehicles that are smaller than those used by fixed route bus services but larger than minivans, often similar to vehicles used for paratransit services. Jitneys represent a substantial proportion of the public transportation services operated within Hudson County.

Over the past two decades, numerous jitney corridors have proliferated in Hudson County. These services reflect, and have contributed to, changing public transportation needs in Hudson County. These services provide an important means of mobility for Hudson County residents and visitors, while also exposing safety and operational concerns that have emerged as their popularity has increased. Many of these safety concerns have been similarly highlighted after several deadly crashes of interstate buses, often the result of poor vehicle maintenance, driver fatigue, and other deficiencies. Oversight of operations at the federal level and inspection of vehicles and drivers at the state level have struggled to keep pace with the rapid growth of low-cost bus services.

### **Study Process**

The North Jersey Transportation Planning Authority (NJTPA), together with Hudson County, commissioned the Hudson County Jitney Study to specifically evaluate the role of jitneys and provide recommendations for improved integration into the broader transportation network.

The objectives of the Hudson County Jitney Study were to better understand current jitney services and provide recommendations to benefit jitney customers, operators, and Hudson County as a whole. This was accomplished through an inventory of jitney and non-jitney operations in Hudson and the surrounding counties, and an evaluation their impacts on the overall transportation network. The study also examined the regulatory framework governing jitneys and developed recommendations to address operations, safety, and other jitney-related issues.

This report synthesizes the work completed throughout the study (2010–2011) and incorporates valuable feedback from the Technical Advisory Committee (TAC) that was formed to guide the project. The TAC included a variety of stakeholders from Hudson County and local municipalities, jitney operators, NJ Transit, the Port Authority of New York and New Jersey, Hudson TMA, the Hudson County Prosecutor's Office, the New Jersey Motor Vehicle Commission, and other stakeholders, including the Passaic County Planning Department. Jitney



services were identified through primary data collection and field work conducted by the study team in 2010 and supplemented by invaluable input from the Technical Advisory Committee.

### **Jitney Impacts**

A number of issues pertaining to jitney operations were highlighted through the study process and formed the basis for subsequent recommendations, including:

- Excessive competition between operators on certain routes leading to potential safety concerns and roadway congestion
- Inadequate vehicle maintenance and repeated inspection failures
- The frequency of current vehicle and operator inspections
- Access to insurance represents for smaller jitney operators Lack of jitney compliance with Americans with Disabilities Act (ADA) requirements for public transit operators
- Varied ownership structure of jitney operators and lack of accountability
- Lack of public information for jitney services
- Imbalanced service (oversupply of service in some corridors versus lack of service in others)

### **Existing Regulatory Framework**

Federal jurisdiction of common carrier transportation issues begins with the Commerce Clause of the United States Constitution. Today the requirements of that clause, along with the statutory law, case law and regulation that developed from it, are enforced through the Federal Motor Carrier Safety Administration (FMCSA) for vehicles engaged in interstate commerce. FMCSA regulations provide the process and requirements for vehicle maintenance, inspection, operation and insurance. These regulations also provide standards for drivers operating interstate.

The New Jersey Department of Motor Vehicles (DMV) has responsibility for monitoring the safety of intrastate common carrier operations through review and approval of Certificates of Public Convenience and Necessity (CPCN). DMV also assists with the enforcement of federal safety provisions within New Jersey.

The existence of state and federal regulations does not preclude a municipal or county entity from imposing requirements on vehicles or drivers operating on local or county roads in areas that are not addressed in the federal or state regulation. Local entities are able to review, inspect and enforce safety provisions on both inter- and intra-state vehicles and drivers, provided that those provisions are consistent with the requirements of the federal or state provisions, as applicable<sup>1</sup>. Local entities are also able to enforce traffic control provisions such as speeding and illegal passing.

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<sup>1</sup> If an interstate common carrier is domiciled in New Jersey, New Jersey is able to place additional requirements on that carrier as a New Jersey business consistent with similar businesses domiciled in the state. Massachusetts

Therefore a program or set of regulations developed for local entities, such as Hudson County, can be implemented to regulate jitney operation provided that it is applied for a legitimate purpose(s) (e.g., safety) and in a manner that is consistent with applicable federal or state requirements. Such a program could be applicable for interstate and intrastate operators<sup>2</sup>.

### **Study Recommendations**

Following the completion of the fieldwork and regulatory review components of the Hudson County Jitney Study, recommendations were developed including a proposed regulatory framework as well as other recommendations that can be implemented independently or in conjunction with the regulatory framework. Recommendations were based on the following key issues:

- Safety
- Public transportation supply and coordination of services
- Competition among and between carriers
- Access and accessibility for customers

The regulatory framework is based on creating a medallion system for jitneys in Hudson County, similar to that used by taxicabs (or jitneys in Atlantic City). This program could be crafted in a number of different ways, with three of the most feasible methods being 1) Creation of a public utility; 2) Establishment of a multi-jurisdictional memorandum of understanding between Hudson County and its municipalities; or 3) Specific state-enabling legislation. The core of the recommended regulatory framework would establish a jitney medallion system as a new regulatory framework for Hudson County transit operation (or possibly a larger region) to address needs and issues on a regional basis. A “revenue neutral” jitney medallion program would be an effective mechanism to accomplish this purpose.

The likely benefits of a medallion program would include improved vehicle safety for riders and drivers, decreased congestion, collaborative decision-making on jitney service provision and an overall better-coordinated transportation system within the county. Additional benefits would likely include an improved, less disruptive inspection system, a more-level playing field for jitney operators and better allocation of county and state transportation resources. Potential downsides include resistance by some jitney operators, particularly related to the initial costs of

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provides an example of a state with a bus safety and inspection program that exceeds federal standards for Massachusetts-domiciled operators.

<sup>2</sup> An example of a New Jersey state entity placing requirements and restrictions on interstate common carriers is the operation by the South Jersey Transportation Authority of a Casino Bus Registration program that requires all private common carriers entering Atlantic City to register, and obtain approval for travel on identified travel routes and passenger stop locations.

the program. Also, some residents could perceive the program as adding to bureaucracy and county administrative costs or duplicating state and federal efforts.

- Additional benefits from a medallion program would include
- Identify and monitor intercity transit routes and future needs
- Authorize operations on identified routes
- Maintain ongoing communication between the county, municipalities and operators regarding regional transportation needs and issues
- Improve safety by identifying vehicles and drivers on recognized routes and ensure that they are in compliance with existing state and federal requirements
- Coordinate and provide information for users of jitney services
- Provide assistance to jitney operators including training, coordination with state and federal program officials, etc.

### **Ancillary Recommendations**

In addition to a framework for proposed regulatory responses, this report also includes a number of recommendations applicable to a variety of parties to improve the overall delivery of jitney service, focusing on safety, efficiency, public information and awareness, and engagement of the jitney operators' community to better respond to the needs of both providers and users of public transportation services. These recommendations include the following:

- Encouraging local, inter-municipality coordination of bus stop policies to address conflicts and choke points in congested corridors
- Designating a specific location for jitney layovers and staging at route termini
- Coordination with the New York City Department of Transportation to maximize available resources and knowledge in the registration and oversight of interstate carriers
- Vehicle inspection training for local law enforcement staff to assist in on-street inspections
- Hudson TMA, an effective repository of transit operator information in Hudson County, may be able to assist jitney operator groups in organizing their membership, following appropriate safety and maintenance training programs, and improving communication with regulatory and enforcement authorities.

## Summary

As jitney service proliferates each year, the safety concerns caused by unsafe driving, increased congestion and questionable maintenance practices become more widespread. Areas such as Journal Square and Bergenline Avenue become choke points with jitney drivers competing with each other and with NJ Transit for passengers and curb space, passenger drop-offs occurring outside of the curb lane, and passengers riding in what often are revealed to be poorly maintained and even uninsured vehicles.

These problems will only increase without regulation and/or coordination as the number of jitneys operating throughout Hudson and the surrounding county increases. As a result, the pattern of unpopular vehicle inspections affecting paying customers will likely continue, addressing over-arching concerns only in the short-term while inconveniencing passengers and, at times, unsuspecting drivers who may have been unaware of infractions.

Contrary to the beliefs of many officials, local governments are empowered to provide oversight and regulation above and beyond the existing federal interstate commerce regulations, so long as they are designed to serve a public benefit (e.g., safety) and do not discriminate between operators and types of service.

This study recommends that a well-designed medallion program serve as the new regulatory framework for jitney operations in Hudson County that will address the safety issues surrounding jitney operations, and rationalize the competition among and between public transportation services in the county. The benefits of such a program include facilitating the identification and monitoring of jitney-operated intercity transit routes and improve public safety by ensuring their compliance with existing state and federal requirements. In addition, this study recommends administrative and organizational assistance for jitney operators, including improving access to vehicle insurance policies and providing vehicle maintenance training programs that could be offered to jitney operators who participate in the medallion program.

Implementing this new regulatory framework and the other recommendations from this study will require additional research to identify the key issues and considerations necessary to make the medallion program operational. To that end, this study recommends the establishment of a Jitney Task Force comprised of Hudson County officials and other relevant stakeholders, including involvement from Hudson County municipalities, the NJ Motor Vehicle Commission, and representatives from the surrounding counties. The Jitney Task Force will be authorized to determine the appropriate way to structure the medallion program and how to fund it. Ultimately, this approach will enable Hudson County to finally address the various safety issues surrounding jitney operations, improve regional mobility, and minimize traffic conflicts associated with excessive service volumes on several of the county's roadways.

## **Data Collection Methodology**

Data on existing jitney routes was collected using three different strategies: field observation, riding vehicles, and on-street stationary checks. Primary data collection was conducted during the late summer and fall of 2010. Field observation was used to determine on which streets jitneys were operating, where vehicles lay over at the ends of routes, and where passengers board and/or alight from vehicles, particularly near major network hubs such as the Journal Square Transportation Center and the Port Authority Bus Terminal (PABT). Operator names and vehicle markings were also recorded during field observation.

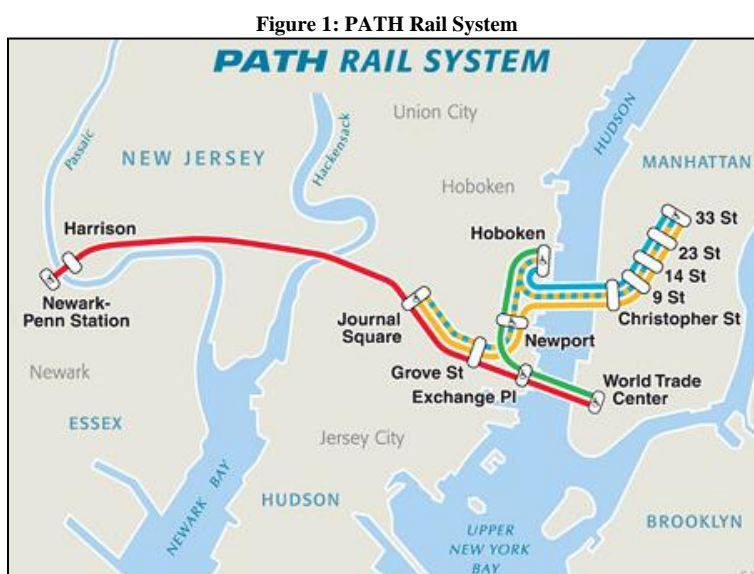
After a basic understanding of routes and corridors was developed and boarding locations were determined, surveyors were discreetly placed on buses to record specific routing information as well as a general understanding of ridership and fare structures. Finally, surveyors were placed on the street at several key locations to determine which companies operate on which routes as well as the frequency of service during the peak and midday periods. This information was then synthesized through the production of GIS maps of routes and operators and the compilation of information regarding operators. A majority of data collection was focused on weekday peak and midday periods with limited weekend field observation focused on key routes.

## SECTION 1: Existing Non-Jitney Public Transportation Services in Hudson County

The various providers of the non-jitney public transportation services throughout Hudson County operate rail, fixed route bus, and paratransit service.

### Rail Transit Services

The rail transit services are provided by the Port Authority of New York and New Jersey and NJ Transit. The Port Authority of New York and New Jersey operates the Port Authority Trans-Hudson (PATH) rail transit service, which connects New York City with Hoboken, Jersey City and Newark, and is shown in Figure 1.



Source: Port Authority of New York & New Jersey, January 2011

NJ Transit operates two rail services in Hudson County: the easternmost portion of its Rail System and the Hudson-Bergen Light Rail system. The NJ Transit Rail System's Main Line, Bergen Line, Pascack Valley Line and Meadowlands Rail Line all enter Hudson County from the west (i.e., Bergen County) and operate through the Secaucus Junction station, terminating at Hoboken Terminal, where transfers with the aforementioned PATH service can be completed. The Northeast Corridor Line operates from the southwest (i.e., Essex County) to New York City's Penn Station via Secaucus Junction (thus allowing for transfers with the other rail lines serving Secaucus Junction). The North Jersey Coast Line, Montclair-Boonton Line and Morris & Essex Lines also enter Hudson County from the southwest and either operate to New York City's Penn Station via Secaucus Junction, or operate directly into Hoboken Terminal.

The NJ Transit Hudson-Bergen Light Rail system operates service along the Hudson County waterfront and connects Bayonne with North Bergen via Jersey City, Hoboken, Weehawken and Union City. These NJ Transit rail services are all shown in Figure 2.

Figure 2: NJ Transit Rail Services in Hudson County



Source: NJ Transit, January 2011

## Fixed Route Bus Transit Services

The fixed route bus transit services in Hudson County are provided by NJ Transit (either directly or under contract) and by several privately operated services who receive a capital equipment funding subsidy from New Jersey.

### NJ Transit

NJ Transit operates several bus routes to, through and within Hudson County. The NJ Transit bus routes can be classified as either intrastate routes (which remain in New Jersey and do not enter New York City) or interstate routes (which cross the Hudson River and serve New York City). In this document, the jitney service corridor which these bus routes serve in Hudson County will also be indicated (jitney corridors are described in further detail in the next section). Table 1 lists the NJ Transit bus routes in Hudson County, also illustrated in Figure 3, along with the jitney services. As shown in Figure 3, several NJ Transit bus routes operate along the same corridors as jitneys, or closely parallel them.

**Table 1: NJ Transit Bus Routes in Hudson County (Fall 2010)**

Route	Service Area		Weekday Span	Peak Frequency (Minutes)
<b>Intrastate Routes</b>				
<b>Bergenline/Palisade/Newark Avenues Corridor</b>				
22	North Bergen	Hoboken	5:30AM-12:00AM	17
84	North Bergen	Journal Square	4:30AM-2:20AM	13
86	Union City	Newport Centre Mall	5:40AM-10:28PM	30
89	Hoboken	North Bergen	5:35AM-12:46AM	30
<b>JFK Boulevard West Corridor</b>				
2	Secaucus Junction	Journal Square	3:30AM-12:55AM	11
88	North Bergen	Journal Square	5:00AM-12:55AM	12
<b>JFK Boulevard East Corridor</b>				
23	North Bergen	Hoboken/Weehawken	AM in/PM out only	15
<b>River Road Corridor</b>				
751	Edgewater	Paramus	5:50AM-11:41PM	90
755	Edgewater	Paramus	5:30AM-11:08PM	90
<b>Other Routes</b>				
1	Newark	Jersey City	24 hours	4
6	Journal Square	Merritt Street	5:35AM-10:43PM	15
30	Newark	North Arlington	5:00AM-1:13AM	20
40	Kearny	Jersey Gardens	4:53AM-12:26AM	15
43	Newark	Jersey City	6:15AM-12:14AM	2 trips AM, 2 trips PM
63	Weehawken	Lakewood	AM in/PM out only	2 trips AM, 2 trips PM
64	Weehawken	Lakewood	AM in/PM out only	10
67	Newark	Toms River	5:15AM-10:32PM	22
68	Weehawken	Old Bridge	AM in/PM out only	10
76	Newark	Hackensack	4:39AM-1:22AM	12
78	Newark	Secaucus	peak periods only	23
80	Exchange Place	Gates Avenue	4:12AM-12:58AM	4
81	Exchange Place	Bayonne	5:10AM-1:15PM	7
82	Exchange Place	Union City	peak periods only	20
83	Journal Square	Hackensack	5:00AM-12:30AM	30
85	Hoboken	Secaucus	5:15AM-1:49AM	30
87	Jersey City	Hoboken	3:02AM-12:57AM	3



Route	Service Area		Weekday Span	Peak Frequency (Minutes)
<b>Interstate Routes</b>				
<b>Bergenline/Palisade/Newark Avenues Corridor</b>				
156	New York City (PABT)	Englewood Cliffs	5:06AM-2:51AM	20
159	New York City (PABT)	Fort Lee	24 hours	3
181	New York City (GWBBS)	Union City	peak periods only	60
<b>JFK Boulevard West Corridor</b>				
125	New York City (PABT)	Journal Square	6:10AM-1:08AM	33
154	New York City (PABT)	Fort Lee	5:25AM-11:40PM	13
<b>JFK Boulevard East Corridor</b>				
128	New York City (PABT)	North Bergen	peak periods only	2
165	New York City (PABT)	Westwood	3:56AM-1:22AM	30
166	New York City (PABT)	Cresskill	24 hours	3
168	New York City (PABT)	Paramus	5:09AM-1:36AM	no peak service
<b>River Road Corridor</b>				
156R	New York City (PABT)	Englewood Cliffs	AM in/PM out only	10
158	New York City (PABT)	Fort Lee	5:32AM-2:07AM	5
159R	New York City (PABT)	Fort Lee	5:51AM-10:37PM	8
188	New York City (GWBBS)	West New York	5:15AM-1:23AM	45
<b>Paterson-New York City Corridor</b>				
161	New York City (PABT)	Paterson	4:55AM-1:49AM	6
190	New York City (PABT)	Paterson	24 hours	4
<b>Other Routes</b>				
120	New York City	Bayonne	AM in/PM out only	24
122	New York City (PABT)	Secaucus	6:00AM-7:49PM	13
126	New York City (PABT)	Hoboken	5:10AM-2:20AM	2
319	New York City (PABT)	Atlantic City/Cape May	limited service	2 trips out, 1 trip in
320	New York City (PABT)	Secaucus	5:20AM-1:21AM	6
<b>Union City Service (30<sup>th</sup> &amp; 31<sup>st</sup> Streets)</b>				
107	New York City (PABT)	Irvington	AM out/PM in only	60 (Union City)
108	New York City (PABT)	Newark	5:10AM-1:33AM	36
111	New York City (PABT)	Jersey Gardens	8:15AM-10:23PM	24
115	New York City (PABT)	Rahway/Avenel	no peak service	90 (Union City)
121	New York City (PABT)	North Bergen	AM in/PM out only	30
123	New York City (PABT)	Jersey City	5:57AM-1:26AM	9
124	New York City (PABT)	Secaucus	3:00AM-10:48PM	5 trips out, 4 trips in
127	New York City (PABT)	Ridgefield	5:25AM-12:45AM	11
129	New York City (PABT)	Secaucus	6:00AM-12:07AM	10
144	New York City (PABT)	Elmwood Park	6:15AM-7:05PM	15
160	New York City (PABT)	Elmwood Park	AM out/PM in only	4 trips out, 5 trips in
163	New York City (PABT)	Upper Ridgewood	AM out/PM in only	17 (Union City)
167	New York City (PABT)	Harrington Park	6:32AM-1:43AM	15 (Union City)
191	New York City (PABT)	Wayne	8:08AM-11:08PM (Sat/Sun)	120 (Union City)
192	New York City (PABT)	Clifton	AM out/PM in only	15 (Union City)
195	New York City (PABT)	Wayne	10:08AM-10:08PM (Sat/Sun)	120 (Union City)
199	New York City (PABT)	Clifton	5 AM trips in only	20 (Union City)

Source: NJ Transit public timetables, Fall 2010

Figure 3: NJ Transit Bus Routes and Jitney Services in Hudson County



Source: NJ Transit, 2009

### Bergenline/Palisade/Newark Avenues Corridor

In the Bergenline/Palisade/Newark Avenues corridor, NJ Transit operates intrastate bus routes 22, 84, 86 and 89, and interstate bus routes 156, 159, and 181. As indicated in Table 1, some of these routes operate very frequently during the peak periods.

However, this corridor is also home to the most frequent jitney service in Hudson County, with service operating in each direction almost every minute within Hudson County, and approximately every two to four minutes to the Port Authority Bus Terminal during the peak periods.



Bergenline/Palisade/Newark Avenues corridor jitneys serve the George Washington Bridge Bus Station less frequently, but it should be noted that the NJ Transit bus route that serves this corridor and operates to the GWBBS instead of the Port Authority Bus Terminal (i.e., route 181) operates hourly and only during the weekday peak periods.

A notable difference between the two types of services (jitney vs. traditional fixed route bus) is that jitney operators will only cross the George Washington Bridge to New York City when passengers have boarded and requested such a trip. If no passengers are riding through to New York City, drivers radio their dispatchers and inform them that they will turn around in Fort Lee and begin a new southbound run. Conversely, all NJ Transit trips cross into New York City regardless of ridership onboard a given bus.

### JFK Boulevard West Corridor

This corridor sees intrastate transit service provided by NJ Transit on routes 2, 64 and 88, as well as interstate service on NJ Transit routes 125 and 154, and Coach USA routes 10, 99S and X99S. However, jitneys operate service within Hudson County approximately every 10 minutes north of Journal Square and approximately every 20 minutes south of Journal Square (i.e., serving Bayonne), as well as service approximately every two to five minutes to the Port Authority Bus Terminal in New York City.

### JFK Boulevard East Corridor

This corridor is served by one intrastate NJ Transit bus route – route 23 – and interstate service is provided by NJ Transit routes 128, 155, 157, 165, 166 and 168. Some of these NJ Transit bus routes operate frequent service during the peak periods, as shown in Table 1. However, jitney service along this corridor is also frequent, with service every four to five minutes throughout the day. All of the jitney service in this corridor operates through the Lincoln Tunnel and serves New York City.

### River Road Corridor

This corridor is also served by one intrastate NJ Transit bus route – route 755 – and interstate service is provided by NJ Transit routes 156, 158, 159 and 188. As indicated in Table 1, service is relatively frequent, and NJ Transit route 188 serves the George Washington Bridge Bus Station instead of the Port Authority Bus Terminal. Jitney service along this corridor operates approximately every 20 minutes.

### New York City-Paterson Corridors

Paterson, located in Passaic County, attracts a relatively high level of jitney service that operates between Paterson and either the Port Authority Bus Terminal or the George Washington Bridge Bus Station. The communities of Clifton and Passaic are also major jitney markets. Jitney service is frequent, with service to the Port Authority Bus Terminal operating approximately every four minutes and service to the George Washington Bridge Bus Terminal operating approximately every two minutes.

The service to the Port Authority Bus Terminal is mirrored by NJ Transit interstate bus routes 161 and 190, which operate frequently during the peak periods (see Table 1). Service to the George Washington Bridge Bus Station is mirrored by NJ Transit interstate bus route 171, although this route operates only approximately every 40 minutes. In addition, on the western end of the State Route 4 corridor, NJ Transit route 770 operates via Garden State Plaza and also mirrors jitney service on this end of the corridor.

### Union City - 30th/31st Streets Corridor

Although not a distinct jitney corridor, 30<sup>th</sup> and 31<sup>st</sup> Streets in Union City see very frequent service provided by jitneys operating along the Bergenline/Palisade/Newark Avenues, JFK Boulevard West and Paterson corridors. These jitneys use 30<sup>th</sup> and 31<sup>st</sup> Streets in Union City (located in Hudson County) for travel to and from the Lincoln Tunnel, as these streets function as “service roads” for State Route 495 (i.e., the limited access roadway serving the Lincoln Tunnel).

Along this segment of their route, the jitney service is mirrored by several NJ Transit interstate bus routes. Although some NJ Transit routes remain on State Route 495, others operate via 30<sup>th</sup> and 31<sup>st</sup> Streets when traveling to and from the Lincoln Tunnel. However, some specific trips on the NJ Transit routes that operate via the local streets may instead be scheduled to operate via State Route 495 instead of 30<sup>th</sup> and 31<sup>st</sup> Streets.



Table 1 indicated which interstate NJ Transit bus routes that do not serve other parts of Hudson County may operate via Union City's local streets. However, five of these NJ Transit bus routes – 163, 167, 191, 195 and 199 – serve Union City's local streets in the inbound direction (i.e., towards New York City) only upon request to the driver when the passenger boards the bus.

#### Other Operators

New York State's Metropolitan Transportation Authority (MTA) operates one bus route in Hudson County. The S89 is operated by MTA New York City Transit and connects Eltingville on Staten Island (in New York City) with the Hudson-Bergen Light Rail station at 34<sup>th</sup> Street in Bayonne via the Bayonne Bridge. Service operates approximately every 12 minutes only during the peak periods on weekdays.

There are several other fixed route bus services in Hudson County, operated by private operators which receive a subsidy for capital equipment funding from the State of New Jersey. Additionally, shuttles such as the Meadowlink-EZ Rider services take advantage of Job Access Reverse Commute funding to provide access to key employment sites such as the Harmon Cove area of Secaucus. These operators are described in Table 2 on the following page.

**Table 2: Other Hudson County Fixed Route Bus Operators**

Route	Service Area		Weekday Span	Peak Frequency (Minutes)
<b>Coach USA</b>				
10	Journal Square or New York City (PABT)	Bayonne	24 hours	9
99S	New York City (PABT)	Bayonne	3:20AM-8:16AM	21
X99S	New York City (PABT)	Bayonne	5:20AM-9:34AM	19
4	Newport Centre Mall	Merritt Street	5:10AM-11:27PM	10
<b>DeCamp Bus Lines</b>				
32	New York City (PABT)	Nutley	6:08AM-7:28PM	45
99	New York City (PABT)	Harrison/Kearny	AM in/PM out only	24
<b>Broadway Bus</b>				
--	Broadway-Bayonne	1 <sup>st</sup> Street	6:00AM-11:00PM	12
<b>Bergen Avenue Bus</b>				
--	Journal Square	Mulcahy Street	unknown	unknown
<b>Montgomery &amp; Westside Bus</b>				
West Side	Exchange Place	Danforth Avenue	unknown	unknown
Newport Mall	Newport Centre Mall	Danforth Avenue	unknown	unknown
Society Hill	Droyer's Point	Journal Square	unknown	unknown
440 Shopper	Hudson Mall	Journal Square	unknown	unknown
<b>Trans-Bridge Lines</b>				
Jersey City	Newport Centre Tower	Bethlehem	AM in/PM out only	2 trips in, 2 trips out
<b>Academy Bus</b>				
Parkway Express	Newport/Paine Webber	Lincroft	AM in/PM out only	3 trips in, 3 trips out
<b>Meadowlink – EZ Rider</b>				
Lyndhurst	Avalon Lyndhurst	Chubb Avenue	AM in/PM out only	30
Harmon Meadow	Secaucus Junction	Plaza Drive	AM in/PM out only	12
Harmon Cove	Secaucus Junction	Rosebrand	AM in/PM out only	10
Meadowlands	Rutherford Station	Orient Way	AM in/PM out only	20
Airport Express	Newark Liberty Airport	Carlstadt	5:00AM-10:00PM	60

Source: Operator public timetables, Fall 2010

### Ferry Operators

Another transit mode serving Hudson County is the ferryboat service operated by NY Waterway. Service operates between eight ferry landings in Hudson County (i.e., Port Imperial and Lincoln Harbor in Weehawken, 14<sup>th</sup> Street and the NJ Transit Hoboken Terminal in Hoboken, and Newport, Paulus Hook, Liberty Harbor and Port Liberte in Jersey City) with four ferry landings in Manhattan (i.e., West 39<sup>th</sup> Street, World Financial Center, Battery Park and Wall Street). These services operate at various frequencies throughout the service day, and because of their nature as commuter-oriented services to and from New York City that use an entirely different infrastructure than the jitney services, the impact of the jitney services on the ferry services is limited.

### **NJ Transit Access Link**

In addition to its fixed route bus transit service, NJ Transit also provides complementary demand responsive paratransit service within three-quarters of a mile of its fixed route bus network (at times when the bus is operating) to those passengers whose disabilities render them unable to utilize NJ Transit's accessible fleet. The provision of Access Link service satisfies the mandates of the Americans with Disabilities Act (ADA).

### **Summary**

Hudson County benefits from an extensive public transportation network, featuring bus, rail, and ferry services, both public and private. Jitney services have contributed to an overall enhancement of mobility in and through the county as they have both competed for existing transit riders and forged new ridership markets of their own.

Service levels of NJ Transit and other bus operators have been relatively stable in the past few years. Service cuts have related primarily to funding constraints stemming from the recent economic downturn, whereas a major restructuring of NJ Transit services in Hudson County was implemented subsequent to the opening of the Hudson Bergen Light Rail Line. Jitney services have continued to grow, focusing primarily on well-established transit corridors. Notably, new services have emerged linking Bayonne to Jersey City (Journal Square), whereas no jitney operations were present in Bayonne at the time of the 2007 Hudson County Bus Circulation and Infrastructure Study.

## **SECTION 2: Hudson County Jitney Network Operations**

Jitneys are privately operated transit services which operate along fixed corridors or routes, generally without an official schedule. Most jitney operators use vehicles that are smaller than those used by fixed route bus services but larger than minivans, often similar to vehicles used for demand responsive paratransit services. Each vehicle typically seats from 10 to 30 passengers. There are several impacts on the other public transportation services in Hudson County as a result of the provision of jitney services.

### **Data Collection Methodology**

Data on existing jitney routes was collected using three different strategies: field observation, riding vehicles, and on-street stationary checks. Primary data collection was conducted during the late summer and fall of 2010. Field observation was used to determine on which streets jitneys were operating, where vehicles lay over at the ends of routes, and where passengers board and/or alight from vehicles, particularly near major network hubs such as the Journal Square Transportation Center and the Port Authority Bus Terminal (PABT). Operator names and vehicle markings were also recorded during field observation.

After a basic understanding of routes and corridors was developed and boarding locations were determined, surveyors were discreetly placed on buses to record specific routing information as well as a general understanding of ridership and fare structures. Finally, surveyors were placed on the street at several key locations to determine which companies operate on which routes as well as the frequency of service during the peak and midday periods. This information was then synthesized through the production of GIS maps of routes and operators and the compilation of information regarding operators. A majority of data collection was focused on weekday peak and midday periods with limited weekend field observation focused on key routes.

Within Hudson County, the jitney system is focused along a few key corridors, including Kennedy Boulevard, Bergenline Avenue, Newark Avenue, Boulevard East and River Road. Approximately 20 operators provide service on eight jitney routes operating in these corridors. The routes connect key hubs at Journal Square, Nungessers (North Hudson County Park in North Bergen), the PABT (New York City) and New York City's George Washington Bridge Bus Station (GWBBS) with additional termini at Newport Mall, 5<sup>th</sup> Street and Kennedy Boulevard (Bayonne), and Main Street and Broadway (Paterson, Passaic County).

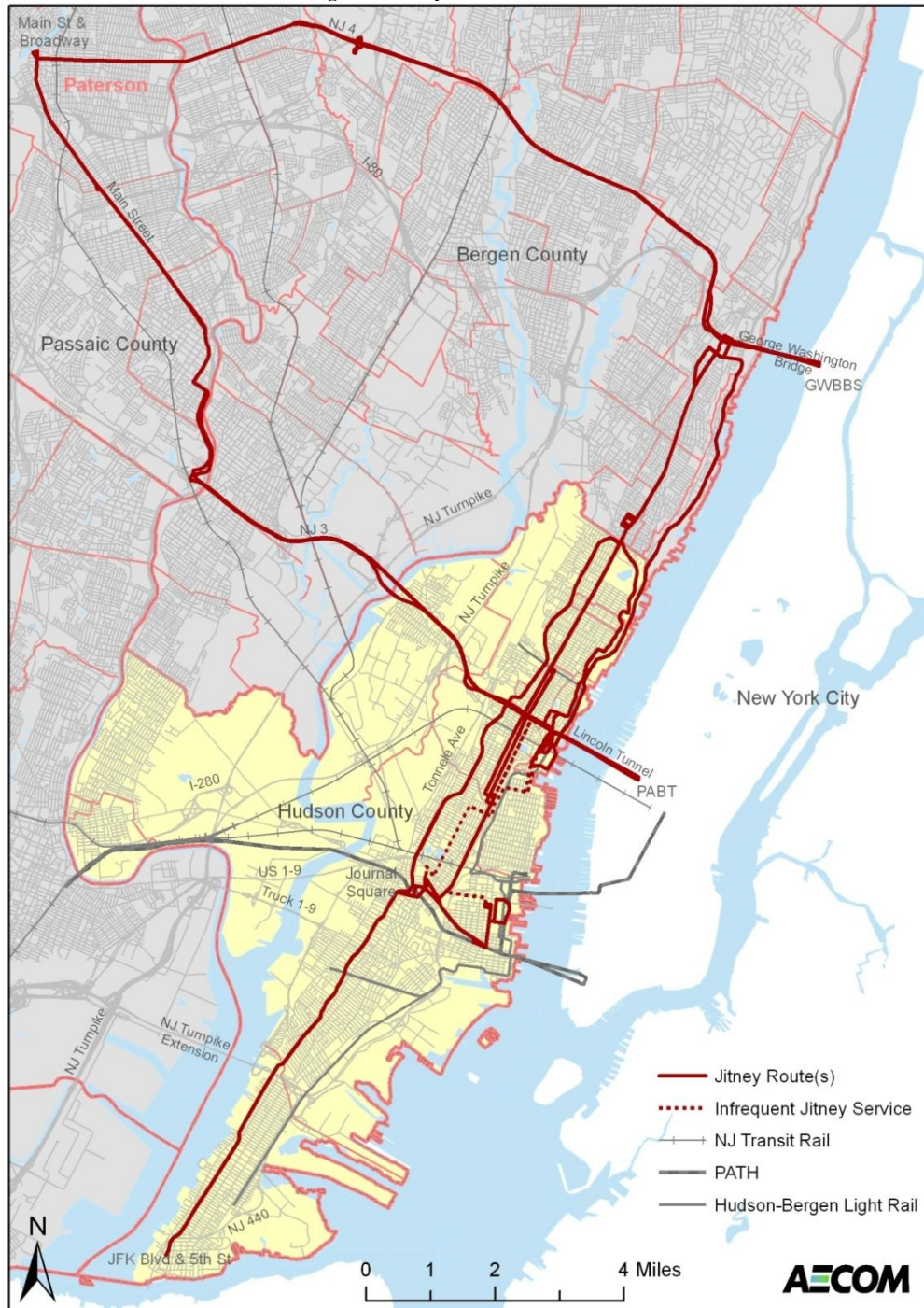




## Jitney Network

The jitney network in Hudson County consists of eight primary routes, with a ninth route connecting the GWBBS with downtown Paterson in Passaic County. This route network is shown in Figure 4 below and represents service as identified during the study's data collection phase during the summer and Fall of 2010.

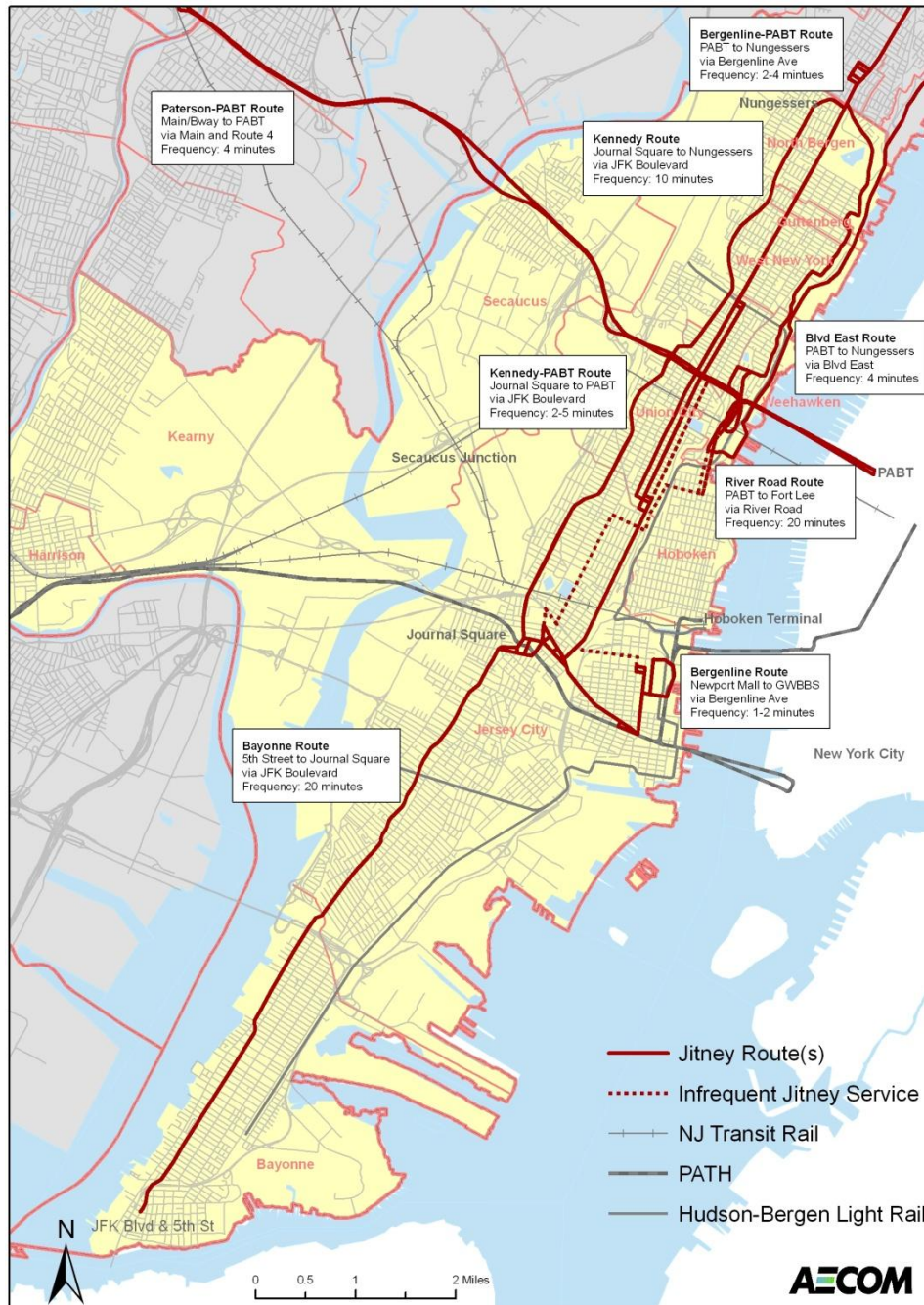
Figure 4: Jitney Route Network - 2010



## Routes and Corridors

The eight jitney routes serving Hudson County are focused within a few key corridors, including JFK Boulevard, Bergenline Avenue, Boulevard East, Newark Avenue, River Road/Port Imperial Boulevard, and the 30<sup>th</sup> Street/31<sup>st</sup> Street couplet. Each corridor is described in further detail below. Figure 5 shows the jitney routes within Hudson County, as observed in 2010, including basic route identifiers and estimated frequencies.

**Figure 5: Hudson County Jitney Network - 2010**



### Bergenline Avenue Corridor

The Bergenline Avenue corridor functions as the commercial spine of northern Hudson County and southeastern Bergen County. This corridor is actually comprised of several streets, including Anderson Avenue in Bergen County, Bergenline Avenue and the Bergenline Avenue/New York Avenue couplet through northern Hudson County, and Palisade Avenue through Jersey City. Two routes operate in the corridor; one serves the entire corridor, while another connects the northern portion of the corridor in Hudson County with the PABT in New York City. Following is further detail on the individual routes in the Bergenline Avenue corridor.

#### *Bergenline Avenue Route*

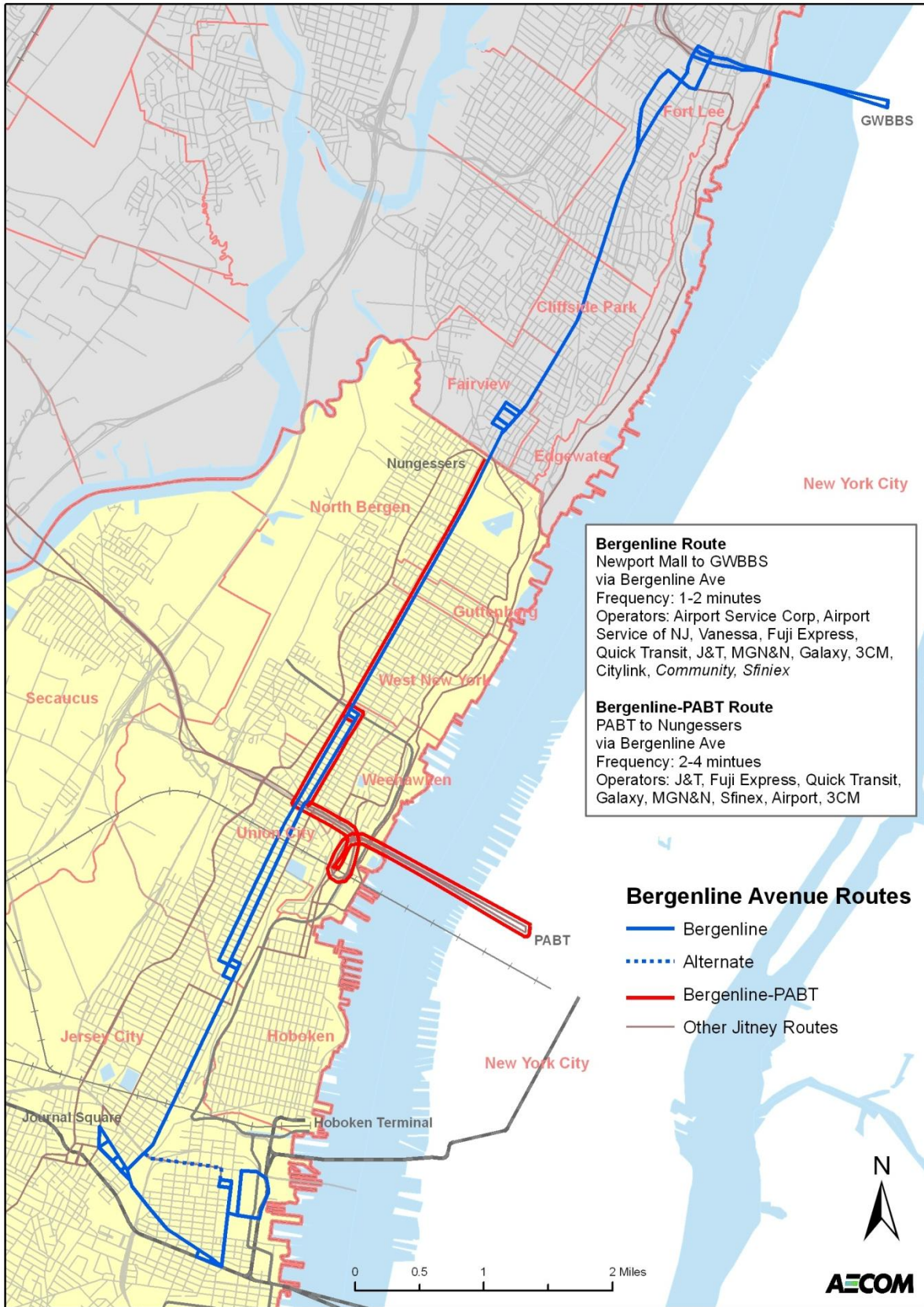
The most frequent jitney route in Hudson County with service operating in each direction nearly once per minute, the Bergenline Avenue route operates along the spine of the Hudson County/Bergen County palisades, connecting the Newport Mall in Jersey City to the George Washington Bridge in Fort Lee, with select trips (primarily those operated by New Service, Inc., Airport Service Corp. and Spanish Transportation Corp., collectively “Spanish Transportation”) continuing on to the GWBBS in New York City.

From the Newport Mall, the route roughly follows Marin Boulevard, Newark Avenue, the distribution loop (described below), the New York Avenue/Bergenline Avenue couplet, Anderson Avenue, and Center Avenue to the George Washington Bridge. Trips entering Manhattan continue across the bridge and terminate at the GWBBS. Trips that do not enter Manhattan – including a majority of those operated by companies other than Spanish Transportation – make a loop around Bridge Plaza North, Lemoine Avenue and Main Street and return to the Newport Mall along roughly the same route.

Most jitneys turn around in Fort Lee and return in the southbound direction rather than serving the GWBBS in New York City. Vehicles operated by Spanish Transportation (“New Service, Inc.” or “Airport Service Corp.” on this route) serve the GWBBS. Past study has identified that some other vehicles may short turn at the 30<sup>th</sup> Street/31<sup>st</sup> Street couplet, at 48<sup>th</sup> Street, or at Nungessers – as jitneys are operated privately, drivers may be at liberty to either reverse direction or go out of service after all passengers have been dropped off (or requested to exit the vehicle).

The Bergenline Avenue corridor is shown in Figure 6 on the following page.

Figure 6: Bergenline Avenue Corridor



Operations along the Bergenline Avenue route vary the most at two locations: near the Newport Mall, and in the Jersey City distribution loop.

- At the Newport Mall, some operators (including Airport Service of NJ, Galaxy Towers, J&T, and MGN&N) travel northbound on Marin Boulevard and turn around by making a loop on 10<sup>th</sup> Street, Manila Avenue, and 9<sup>th</sup> Street, returning southbound on Marin Boulevard. Other operators, including Spanish Transportation, turn onto 6<sup>th</sup> Street and then Mall Drive West, laying over in front of the JC Penney. After departing JC Penney, these vehicles continue on Mall Drive West, Newport Parkway, either Mall Drive East or Washington Boulevard, and 6<sup>th</sup> Street from which they return southbound on Marin Boulevard.
- The Jersey City distribution loop, shown in Figure 7, provides a broader area for boardings and alightings around the Hudson County Courthouse. It also brings the Bergenline Avenue route within one block of the Journal Square Transportation Center. Jitney service travels around a two-way loop that is comprised of Newark Avenue, Summit Avenue, and Pavonia Avenue after leaving the Newport Mall (northbound trips) and before returning to the Newport Mall (southbound trips – except those that short-cut along Hoboken Avenue). Service operates, seemingly at random, in both directions around the loop, with some vehicles cutting the loop short at Chestnut Avenue, Baldwin Avenue, or Central Avenue.

The most frequent operators on this route include New Service Inc, Airport Service Corp., Airport Service of NJ, LLC (sometimes branded Pyramids Express), Vanessa Express Co Inc., Quick Transit Management Agency LLC, Fuji Express Inc., J&T Transit Corp., and MGN&N Transportation Inc. Less frequent service is operated by Galaxy Towers Inc. (branded as Sphinx), 3CM Solutions LLC, Citylink Express, Sfiniex Line Express Inc., and Community Lines, Inc.

Operations in this key corridor fall largely within the purview of a loosely-affiliated group of operators known as the *Choferes Unidos de Bergenline*. NJTPA and AECOM met with representatives from this group to discuss their operations during the course of the study. The Choferes Unidos de Bergenline represent, for the most part, individual vehicle owners or owners of multiple vehicles who rent them to drivers for a daily rate. There is no large, over-arching fleet owner providing service in the Bergenline Avenue corridor; however, smaller vehicle owners do purchase insurance policies through the larger fleet owners in the region.

The affiliation of drivers has established goals for operations and rules for driver conduct in the corridor in an effort to forge a more formal identity and improve practices. Furthermore, the group pays for several mobile dispatchers who assist with day-to-day operations.

Figure 7: Journal Square Area Distribution Loop



#### *Bergenline Avenue-PABT Route*

A second route serving the Bergenline Avenue corridor is the Bergenline Avenue–PABT route, which connects the PABT in New York City (where the bus stop is located on the south side of 42<sup>nd</sup> Street, west of Eighth Avenue) with the northern portion of Bergenline Avenue between 30<sup>th</sup> Street and Nungessers. This route provides a direct connection between West Midtown, Manhattan and the Bergenline Avenue Corridor in Union City, West New York, Guttenberg, and North Bergen. This route travels from the PABT through the Lincoln Tunnel, along 31<sup>st</sup> Street, New York Avenue, either 47<sup>th</sup> Street or 48<sup>th</sup> Street, and Bergenline Avenue to Nungessers (Bergenline Avenue and 91<sup>st</sup> Street/JFK Boulevard). In the other direction, the route travels from Nungessers along Bergenline Avenue, 30<sup>th</sup> Street, and through the Lincoln Tunnel to the PABT.

This route operates every two to four minutes during the peak periods and less frequently off-peak. Operators on this route include J&T Transit Corp., Quick Transit Management Agency LLC, Fuji Express Inc., Galaxy Towers Inc. (branded as Sphinx), MGN&N Transportation Inc., Sfiniex Line Express Inc., Airport Service of NJ and 3CM Solutions LLC.

### JFK Boulevard Corridor

JFK Boulevard is a major north–south arterial route that extends the length of Hudson County, extending from the Kill Van Kull beneath the Bayonne Bridge to Nungessers at the Bergen County line. Three jitney routes operate along JFK Boulevard, covering nearly the entire length of the corridor.

#### *Kennedy Boulevard Route*

This route follows JFK Boulevard between Nungessers (91<sup>st</sup> Street) and the Journal Square Transportation Center, and is identified by vehicles marked “Kennedy”. This route operates less frequently than those along parallel corridors such as Bergenline Avenue and Boulevard East, at an average of one vehicle every 10 minutes in each direction on weekdays. Service is also provided by fewer operators, primarily by J&T Transit Corp. (often branded as Van Go or Yellow Bus Service) with some service provided by Quick Transit Management Agency LLC, Fuji Express Inc. and Galaxy Towers Inc. (branded as Sphinx).

#### *Kennedy Boulevard-PABT Route*

This route connects the Journal Square Transportation Center in Jersey City with the PABT in New York City. From Bus Lane B at Journal Square, the route travels along JFK Boulevard, the 30<sup>th</sup>/31<sup>st</sup> Street couplet, and through the Lincoln Tunnel to Gates 51 and 56 at the PABT. Passengers traveling toward Journal Square generally alight just after the vehicles turn left from JFK Boulevard onto Pavonia Avenue, rather than riding into the Journal Square Transportation Center bus lanes.

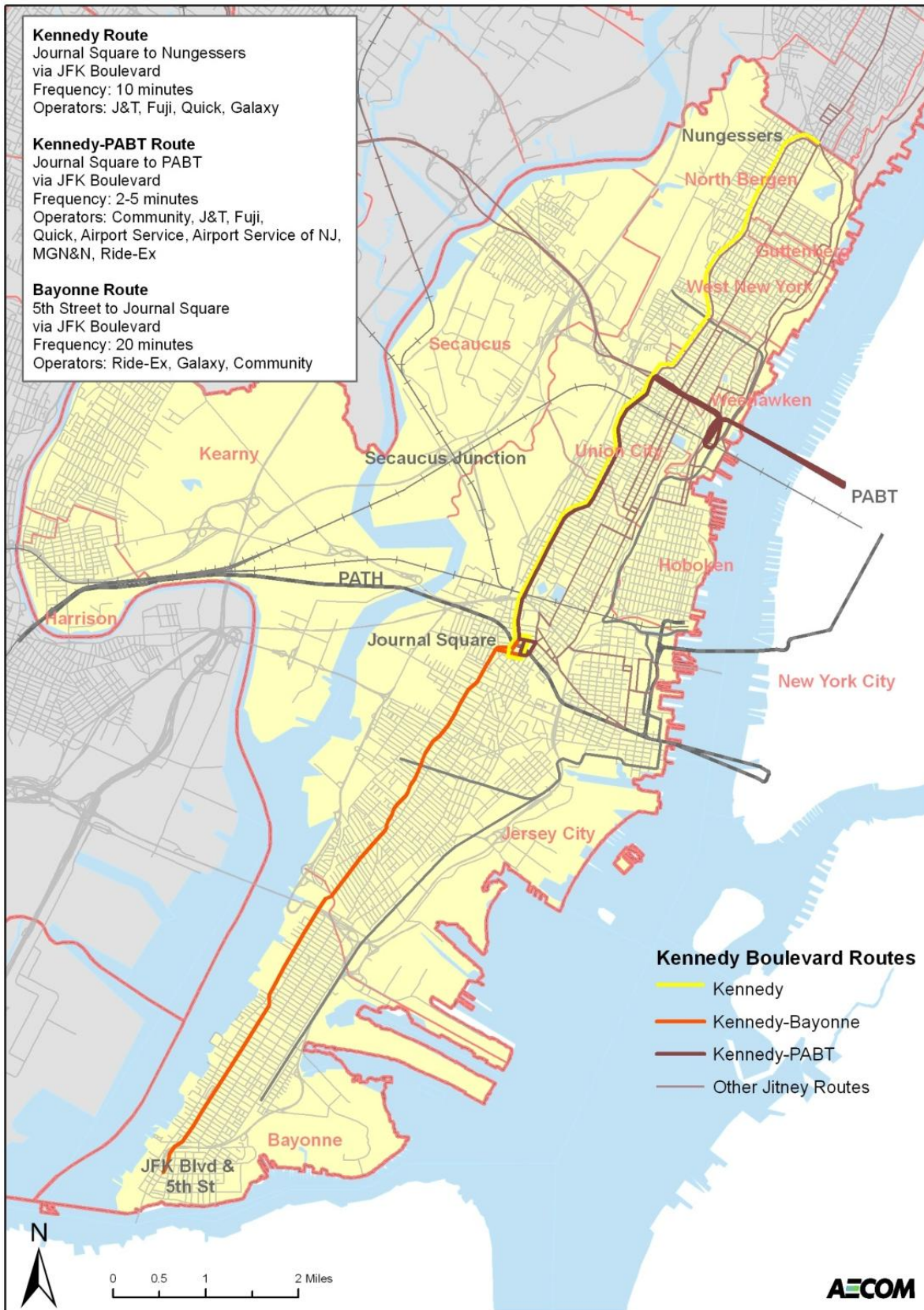
The Kennedy Boulevard–PABT Route operates every two to five minutes in each direction. It is primarily served by Community Lines, Inc. and J&T Transit Corp., with additional service provided by Airport Service of NJ, LLC (sometimes branded as Pyramids Express), Galaxy Towers Inc. (branded as Sphinx), Quick Transit Management Agency LLC, Fuji Express Inc., MGN&N Transportation Inc. and Ride–Ex Transportation LLC.

Some vehicles operated by Community Lines, Inc. include “via Central Avenue” on their destination signs. These vehicles were formerly operated on a route connecting Journal Square to the PABT via Central Avenue rather than via JFK Boulevard. The Central Avenue route, which has been discontinued, is described in further detail in a later section.

The three routes operating along JFK Boulevard, including the Kennedy route between Nungessers and Journal Square, the Kennedy–PABT route between Journal Square and the PABT in New York City, and the Bayonne route covering the southern end of JFK Boulevard, are shown in Figure 8 below.



Figure 8: JFK Boulevard Corridor



### *Bayonne Route*

The Bayonne route operates between Journal Square and 5<sup>th</sup> Street (Bayonne) along JFK Boulevard. This is the least frequent of the jitney routes, averaging 20 minute headways in each direction throughout the day. The Bayonne Route is almost entirely operated by Ride-Ex Transportation LLC with some additional service provided by Community Lines, Inc. The Bayonne route was formerly through-routed past Journal Square to the PABT in New York City (via Central Avenue), but at the time of writing this practice has all but ceased.

### Boulevard East Corridor

JFK Boulevard East, also known as Boulevard East, runs along the top of the cliff overlooking the Hudson River from the Lincoln Tunnel, where it meets Park Avenue toward Hoboken, to Nungessers, toward which it turns inland in North Bergen. One jitney route operates along Boulevard East.

Unlike the affiliation of independent operators in the Bergenline Avenue corridor, other corridors such as Boulevard East are the domain of single, large operators. The Sphinx company (and its subsidiary brands, Boulevard Lines, Galaxy Towers, and Van Pool) is the primary operating entity in this corridor.

### *Boulevard East Route*

This route connects the PABT in New York City (the bus stop is located on the north side of 42<sup>nd</sup> Street, west of Eighth Avenue) with the Boulevard East corridor north to Nungessers. From the PABT, it travels the tunnel, exiting at Park Avenue in Weehawken. The route continues onto Park Avenue, and Highwood Terrace, then turns northbound onto Boulevard East. In North Bergen, it follows Woodcliff Avenue to Nungessers. The return trip follows Woodcliff Avenue and Palisade Avenue to Boulevard East, from which it enters the Lincoln Tunnel and terminates on the north side of 42<sup>nd</sup> Street just west of Eighth Avenue.

This route operates approximately every four minutes during the peak periods and every five minutes during midday. The primary operators on the Boulevard East Route are Galaxy Towers Inc., Boulevard Lines Inc., and Van Pool Inc. (collectively branded as Sphinx) and J&T Transit Corp. Additional service is provided by Airport Service of NJ LLC (sometimes branded as Pyramids Express), Gladiator Tours & Travel LLC, Fuji Express Inc., Fuji Lines, Inc., Quick Transit Management Agency LLC and MGN&N Transportation Inc.

The Boulevard East Route is shown in Figure 9.

Figure 9: Boulevard East Corridor



### River Road Corridor

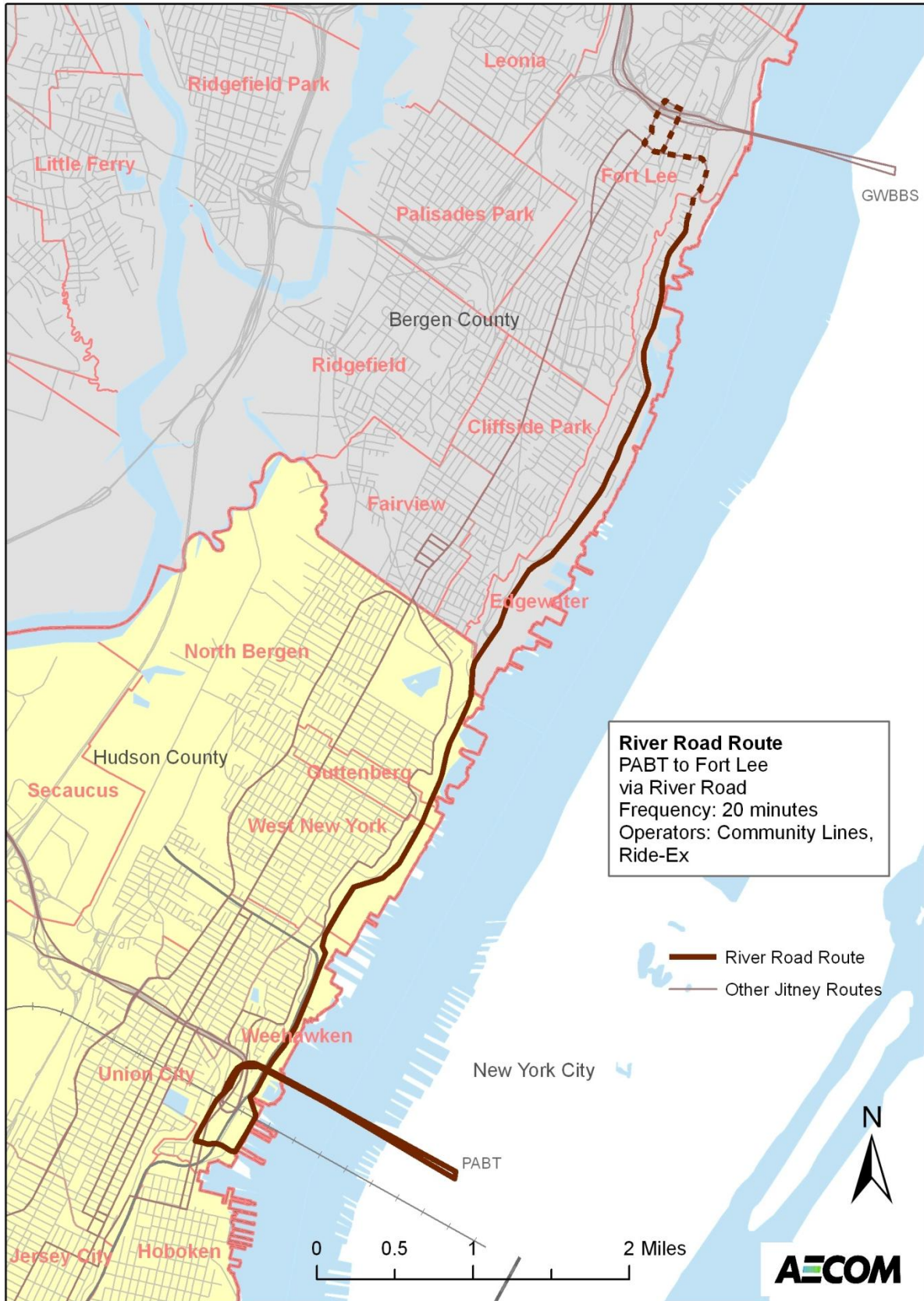
River Road (known as Port Imperial Boulevard in Weehawken and West New York) follows the western bank of the Hudson River just under the Palisade. This corridor has been host to a large amount of riverfront development over the past few decades, including new high-rise apartment complexes, multi-family dwellings and retail. One jitney route was observed to operate in this corridor during the 2010 data collection, while additional services from the GWBBS in upper Manhattan to 60<sup>th</sup> Street in West New York were observed in 2011, mirroring NJ Transit's 181 service.

### *River Road*

This route connects Gate 51 of the PABT with Fort Lee via River Road/Port Imperial Boulevard, serving the municipalities of Weehawken, West New York, Guttenberg, North Bergen, and Edgewater. On exiting the PABT, the route travels through the Lincoln Tunnel, exits onto Park Avenue towards Hoboken, and then follows 19<sup>th</sup> Street, Harbor Boulevard, Port Imperial Boulevard, and River Road.

Service on the River Road route operates less frequently than other routes – similar to the Bayonne route – at headways of approximately every 20 minutes. Service is provided by Community Lines, Inc. and Ride-Ex Transportation LLC. Vehicles were observed to be marked either “New York, Gate 51” or “River Road, Edgewater, W.N.Y.” The River Road Route is shown in Figure 10.

Figure 10: River Road Corridor



### New York-Paterson Routes

Two routes connect New York City with Paterson, New Jersey, serving several corridors in Bergen, Passaic, and Hudson Counties en route. Major corridors include NJ-4 through Bergen County, Broadway through Fairlawn and Paterson, and Main Avenue/Street through Passaic, Clifton and Paterson. Passengers can connect between the Paterson routes and Hudson County routes in Fort Lee and along 30<sup>th</sup>/31<sup>st</sup> Streets in Union City.

#### *Paterson-PABT*

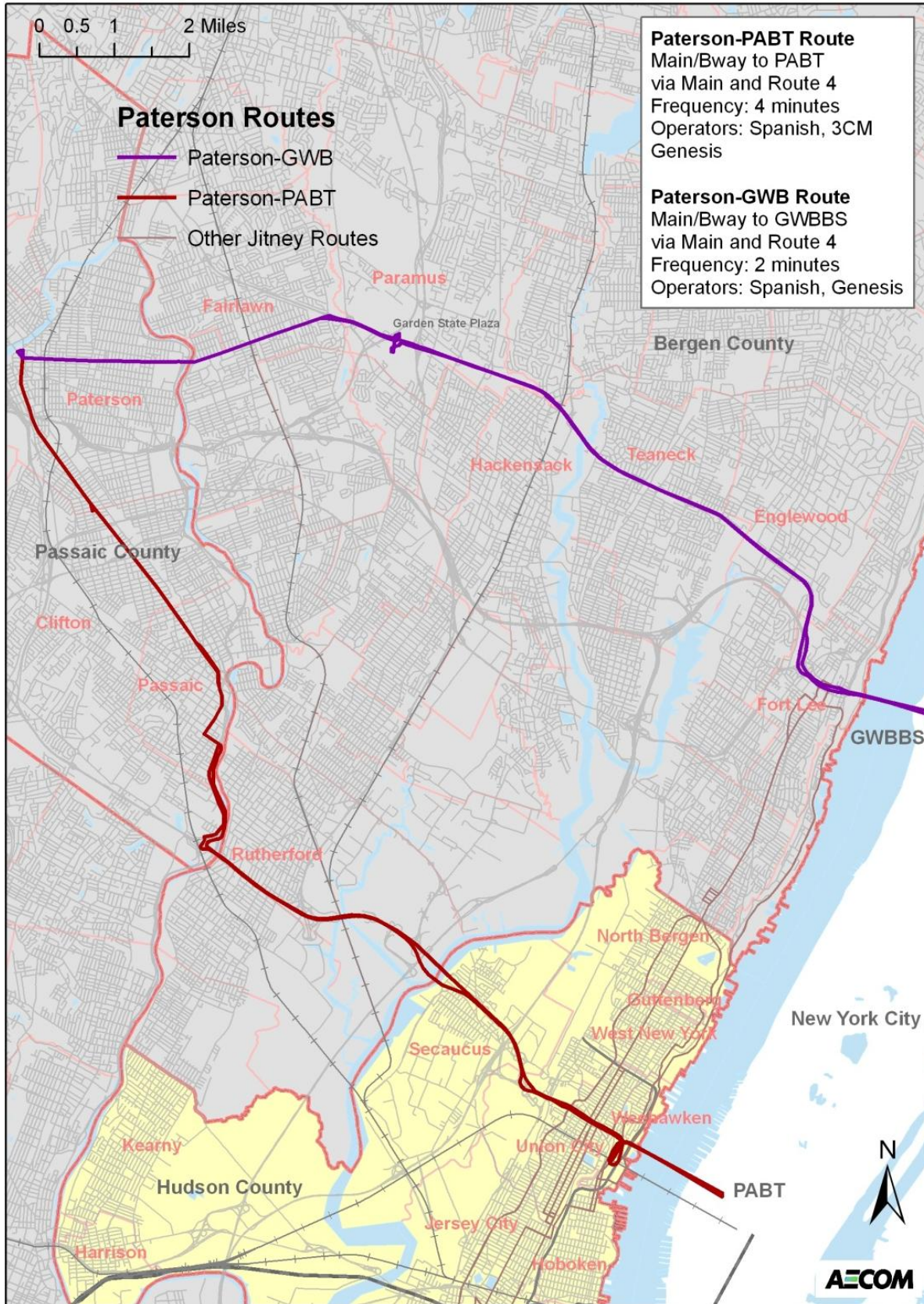
This route connects the PABT in New York City (stopping at a bus stop on the east side of Eighth Avenue between 40<sup>th</sup> and 41<sup>st</sup> Streets or Gate 56) with downtown Paterson, New Jersey (corner of Main Street and Broadway). It operates approximately every four minutes during the peak period and somewhat less frequently off peak, depending on demand. From the PABT, the route travels through the Lincoln Tunnel and along 31<sup>st</sup> Street, allowing for transfers to the Kennedy and Bergenline routes. It continues along NJ-495 and NJ-3 to Clifton. In Clifton, the route exits onto NJ-21 northbound, then leaves the highway at Van Houten Avenue, where it continues westbound to Main Avenue in downtown Passaic. From Passaic, the route follows Main Avenue/Main Street to Broadway in downtown Paterson.

On the return trip, the route follows Main Street outbound, making a brief diversion on Eagle Avenue and Crooks Avenue, returning to Main Street. It continues on Main Avenue through Clifton and Passaic, turning onto Van Houten Avenue and River Road where it accesses NJ-3. The route follows NJ-3 to NJ-495, serves 30<sup>th</sup> Street through Union City where transfers are available at JFK Boulevard and Bergenline Avenue, then returns to the PABT via the Lincoln Tunnel.

The primary operator on this route is Spanish Transportation, which is branded as Express Service and includes Airport Service Corp., New Service, Inc. and Spanish Transportation Corp. There are some smaller operators on this route, including Genesis Bus Lines, LLC, which is also based in Paterson.

Figure 11 on the following page shows the Paterson jitney routes.

Figure 11: Paterson Routes



### *Paterson-GWBBS*

This route connects the GWBBS in Washington Heights, Manhattan with downtown Paterson via NJ-4, serving the Garden State Plaza mall along the way. Westbound from the GWBBS, the route crosses the George Washington Bridge and exits onto NJ-4, stopping at official bus stops along the NJ-4 expressway to Garden State Plaza. After serving the bus stop at Garden State Plaza (which requires exiting the highway), the route returns onto NJ-4, exiting the expressway at Broadway. It follows Broadway across the City of Paterson to Main Street, where it terminates. The return trip is identical: eastbound on Broadway, eastbound on the NJ-4 expressway with a stop at Garden State Plaza, and eastbound on I-95 to the GWBBS. This route operates approximately every two minutes in each direction.

The primary operator on this route is Spanish Transportation, which as with the Paterson-PABT Route is branded as Express Service and includes Airport Service Corp., New Service Corp. and Spanish Transportation Corp. There are some smaller operators on this route, including Genesis Bus Lines, LLC, and 3CM Solutions LLC.

### Discontinued or Limited Routes

A few jitney routes have been modified over the past few years in response to such factors as low ridership and/or operational challenges. Two major changes include the discontinuation of service on Central Avenue in Jersey City by Community Lines, Inc., as well as the elimination of most through service from Bayonne to the PABT in New York City.

#### *Central Avenue (Discontinued)*

This service was operated by Community Lines, Inc. and provided an alternative routing between Journal Square Transportation Center and the PABT in New York City. Northbound, the route traveled from Journal Square on Summit Avenue, Hoboken Avenue, north on Central Avenue, and east on Congress Street. The route then accessed the PABT either by traveling along Palisade Avenue, to 30<sup>th</sup> Street and through the Lincoln Tunnel, or by traveling on the South Wing Viaduct, 14<sup>th</sup> Street, and Willow Avenue to access the Lincoln Tunnel. Southbound trips followed the reverse of this routing.

Some vehicles operated by Community Lines, Inc. between Journal Square Transportation Center and the PABT still are marked “via Central Avenue” in blue paint on the front; however, according to dispatchers at Journal Square, this service has been discontinued as of August 2010. It is not conclusive whether this service was discontinued due to low ridership; however the close proximity to Bergenline Avenue with frequent northbound service and to JFK Boulevard for frequent service into New York City may have deterred passengers from catching the jitney on Central Avenue, which presumably operated on a less frequent headway.

Figure 12 shows the discontinued or limited services.



Figure 12: Discontinued or Limited Services



### *Through Service from Bayonne to PABT (Limited)*

This service is operated by Ride-Ex Transportation LLC and was sometimes routed via Central Avenue between Journal Square Transportation Center and the PABT. It is unclear whether this service also operated on JFK Boulevard north of Journal Square. Some supplemental service on this route was provided by Community Lines, Inc. While a few Ride-Ex vehicles continue to operate along Central Avenue (at most one per hour), the service has all but been discontinued. Passengers wishing to travel between Bayonne and New York City now generally must transfer between vehicles at the Journal Square Transportation Center.

### **Operators**

A total of 20 different operators were identified in Hudson County. Each operator is listed in Appendix B along with US DOT number, common “brand” names, location (as listed with the US DOT), and observed routes operated.



Some companies were observed to share branding and/or were listed at the same location. For example, “Spanish Transportation Corp.,” “Airport Service Corp.” and “New Service Inc.” share the “Express Service” branding and common logo on vehicles, are listed at the same address, and share a website and berths at the GWBBS and PABT. Similarly, Quick Transit Management Agency LLC, Fuji Express Inc. and Fuji Lines Inc. each can be found listed as “operator” on some vehicles, but many vehicles show various combinations of these company names. For example, a vehicle may have “Quick Transit Management Agency LLC” listed as the operator on the side, but it may be marked with “K&T” or “Fuji Express” on another part of the vehicle. Additionally, some vehicles were observed with the Community Lines Inc. USDOT number and “Ramstar Transportation” as the operator.

In addition to the individual operators, several of the jitney companies have independent brand names, or “DBA’s” (“doing business as”). These DBA’s can create a more recognizable brand: “Express Service”, as described above, appears on nearly all vehicles operated by “Spanish Transportation”, which is generally understood to include the three operator names listed above. The “Sphinx” brand is used on vehicles operated by Galaxy Towers Inc., Boulevard Lines Inc. and Van Pool Inc., all of which are listed at 1099 Hendricks Causeway in Ridgefield. Below left: operator name and USDOT number from the side of a jitney; below right: “Sphinx” branding on a jitney. Figure 13 shows known locations of jitney storage lots/garages.



Figure 13: Jitney Operator Locations

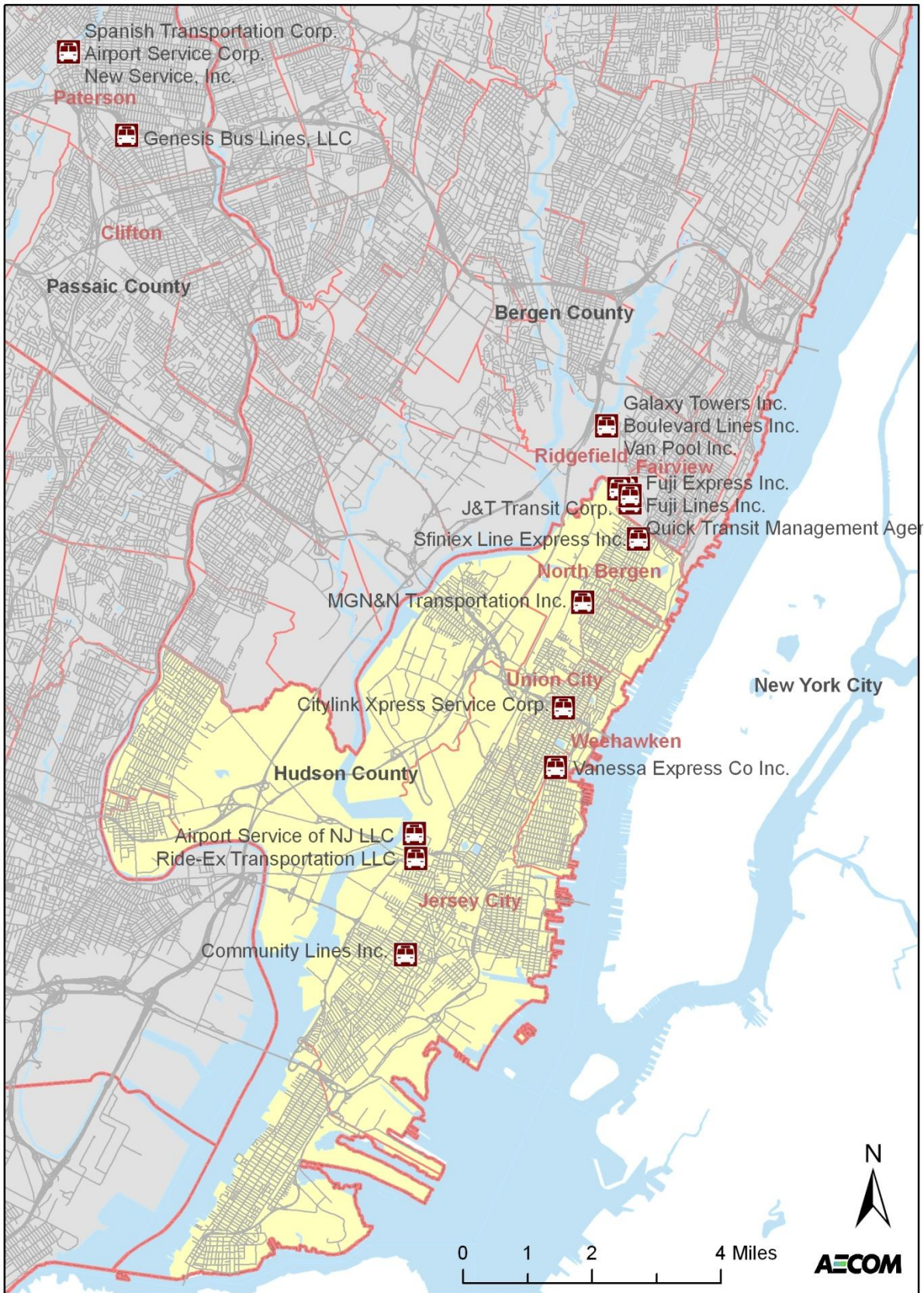


Table 3 shows the proportion of service on select routes provided by each operator, as observed during the primary data collection phase of the study. While some routes are dominated by one or two operators, such as Community Lines Inc., which provides 87 percent of service on the Kennedy–PABT route, others include a more diverse selection of operators. There are no proportions for operators on the Bergenline–PABT route, as this was indeterminate given point checks on Bergenline Avenue – many vehicles on this route are indistinguishable from those operating on the Bergenline Avenue (Newport Mall to GWBBS) route. Additionally, no specific point checks were conducted on either Paterson route; however, based on observation, more than 95 percent of service on each Paterson route is provided by Spanish Transportation Corp. Point checks were not conducted on the River Road Route either – that route is served by Ride–Ex Transportation LLC and Community Lines Inc.

**Table 3: Operator Proportion of Service for Select Routes**

Route	Location	Operator(s)	Proportion of Service
Bergenline	Palisade Ave & Hoboken Ave	J & T Transit Corp.	25%
		Quick Transit Management Agency LLC	17%
		MGN & N Transportation Inc.	15%
		Vanessa Express Co Inc.	12%
		New Service Inc.	10%
		Airport Service of NJ	7%
		Galaxy Towers Inc.	4%
		3CM Solutions LLC	2%
		Airport Service Corp.	1%
		Fuji Express Inc.	1%
		Sfiniex Line Express Inc.	<1%
		Citylink Express	<1%
		Community Lines Inc.	<1%
Kennedy	JFK Blvd & 48 <sup>th</sup> St	J & T Transit Corp.	79%
		Quick Transit Management Agency LLC	17%
		Galaxy Towers Inc.	3%
Kennedy-PABT	JFK Blvd & Newark Ave	Community Lines Inc.	87%
		Airport Service Corp.	6%
		J & T Transit Corp.	1%
		Quick Transit Management Agency LLC	1%
		MGN&N Transportation Inc.	<1%
Bayonne	JFK Blvd & Sip Ave	Ride-Ex Transportation LLC	73%
		Community Lines Inc.	27%
		Galaxy Towers Inc.	<1%
Blvd East	Boulevard East & 48 <sup>th</sup> St	Fuji Express Inc.	42%
		Galaxy Towers Inc.	27%
		J & T Transit Inc.	10%
		Quick Transit Management Agency LLC	7%
		Boulevard Lines Inc.	4%
		Van Pool Inc.	4%
		Gladiator Tours & Travel LLC	3%
		Fuji Lines Inc.	1%
		MGN & N Transportation Inc.	1%

## Ownership and Operating Structures

A critical facet of jitney operations in the region is the varied ownership structure and how different owner-operator configurations affect service provision in specific corridors. While entity sizes differ considerably, jitney operators can be included in three primary classifications:

### Large Companies/Fleet Owners

The biggest jitney operators are those which own their own vehicle fleets, often substantial in size, and provide service directly. Examples of large fleet owners include Spanish Transportation and Sphinx, each of which includes several subsidiary brands (e.g., Sphinx includes Boulevard Lines, Galaxy Towers, and Van Pool Inc.). A key representative from Sphinx provided valuable stakeholder input to the study process.

### Small Fleet Owners

Some operators own or more vehicles, who either operate one directly or rent each vehicle to individual drivers on a daily or weekly basis. Some of these small or mid-size owners have formed operating affiliations, such as the *Choferes Unidos de Bergenline*, discussed earlier in this section. These affiliations have attempted in recent years to formalize operations in the manner of a more structured organization, including driver rules and procedures, dispatching, and other policies in an effort to gain more recognition as viable, legitimate transit providers. These mid-size entities have indicated that they are unable to directly procure insurance policies, and thus obtain insurance for vehicles through larger fleet owners. The USDOT number on their vehicles typically refers to the insurance policy-owner rather than the individual operator's identity.

### Individual Vehicle Operators

On any given day, an unknown number of individual drivers operate jitney service by renting vehicles from owners and operating a prescribed route (such as the Bergenline Avenue corridor). Drivers typically pay a daily fee for use of the vehicle (and insurance) and keep the [cash] passenger fares. Individual drivers may also rent vehicles from larger fleet owners.

### Sedans

While not studied in this effort, anecdotal evidence also points to a newer business model emerging, possibly tied to the economic downturn of recent years. Private sedans, operating as unsanctioned taxis, have been observed soliciting passengers near key transit locations, such as the intersection of Bergenline Avenue and 31<sup>st</sup> Street in Union City. This class of vehicle, smaller, less costly, and less visible than jitneys, may in effect represent an overflow of supply

from drivers who cannot or are not inclined to operate larger vehicles yet see a money-making opportunity in specialized for-hire transportation.

### **Termini, Passenger Pick-up Locations and Layovers**

This section describes overall operations at the major jitney route termini as observed during field observations. Included are boarding locations at the PABT in New York City, boarding locations at Journal Square Transportation Center, observed operations and the GWBBS in New York City, and layover locations at Nungessers at the Hudson-Bergen County Line.

#### Port Authority Bus Terminal (PABT)

The PABT is a major terminus for Hudson County jitneys and a major transfer point to the New York City Subway, New York City Transit Bus, and other local and intercity bus service to points throughout the region. Five jitney routes serve the PABT – service is available from the PABT to Journal Square via JFK Boulevard, Nungessers via Boulevard East, Nungessers via Bergenline Avenue, River Road, and Paterson via Passaic and Clifton. While official signage at on-street bus stops near the PABT refers to specific operators and does not specify destination (other than “NJ”), jitney stops at the PABT are organized by route for boarding passengers. Some jitneys allow or force passengers to alight at locations other than those shown below. Boarding locations are shown in Figure 14.

Figure 14: Port Authority Bus Terminal (New York City)

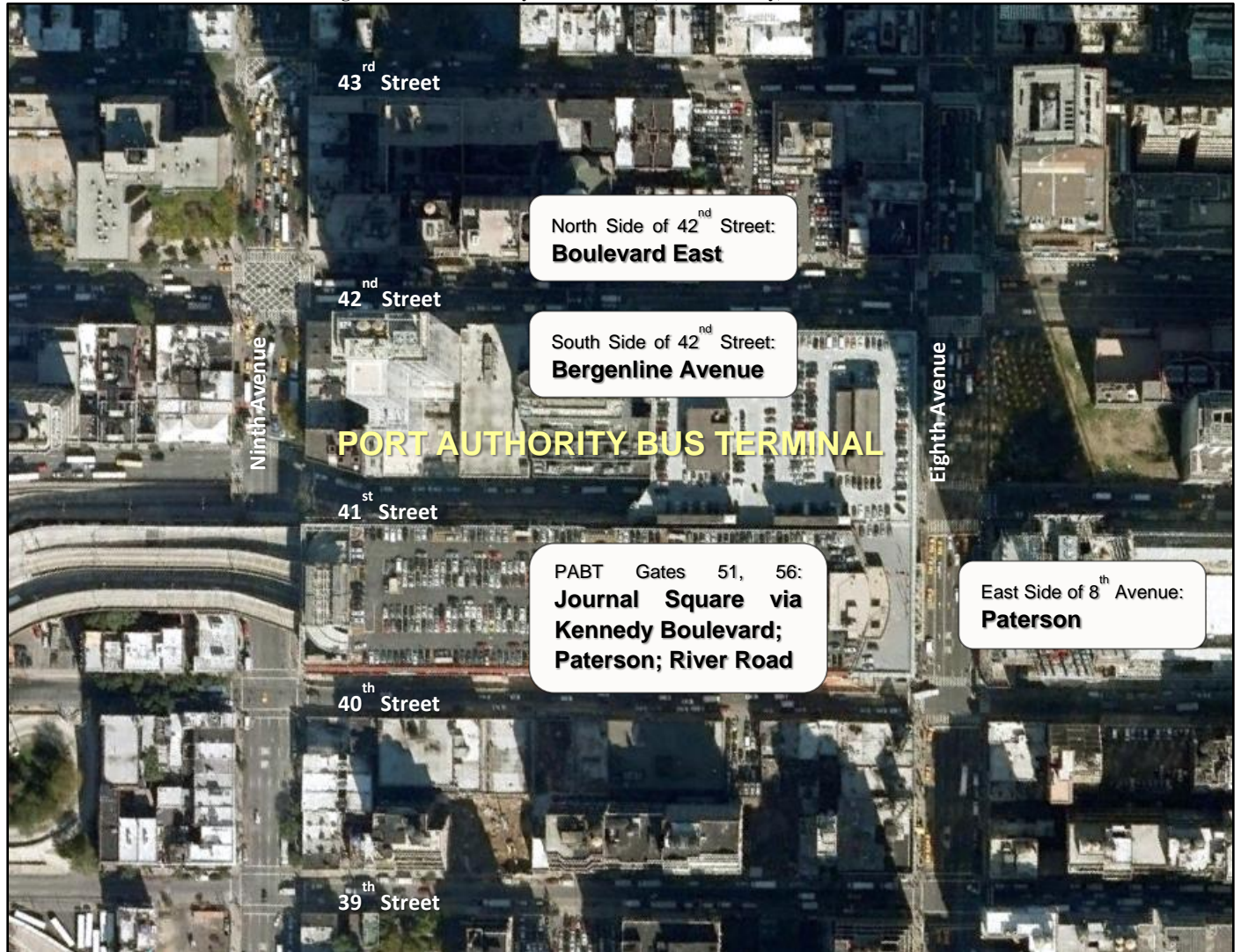


Image: 2010Digital Globe

### Journal Square Transportation Center

The Journal Square Transportation Center is a hub for jitney service in the southern portion of Hudson County, with connections available to NJ Transit, A&C, and Coach USA bus service as well as Port Authority Trans-Hudson (PATH) rail service. Jitneys use two lanes in the transportation center: Lane B is used for boarding vehicles toward the PABT (via JFK Boulevard), while Lane D is used for u-turns and layovers. Jitney service to Nungessers via JFK Boulevard is available outside the transportation center on the northbound side of JFK Boulevard, and service to Bayonne is available on the southbound side of JFK Boulevard. Additionally, service to the Newport Mall and towards the George Washington Bridge via Bergenline Avenue is available just east of Journal Square on Summit, Central, and Pavonia Avenues.

Figure 15 shows jitney operations at the Journal Square Transportation Center. Unlike at the PABT, operations in the Journal Square area appear less organized, with boarding and alighting occurring at multiple locations and not just at marked stops. There is no single place to catch the Kennedy, Bayonne or Bergenline Routes – each of these routes operates along streets adjacent to the Journal Square Transportation Center and passengers board and alight along these streets.

Figure 15: Journal Square Transportation Center (Jersey City)

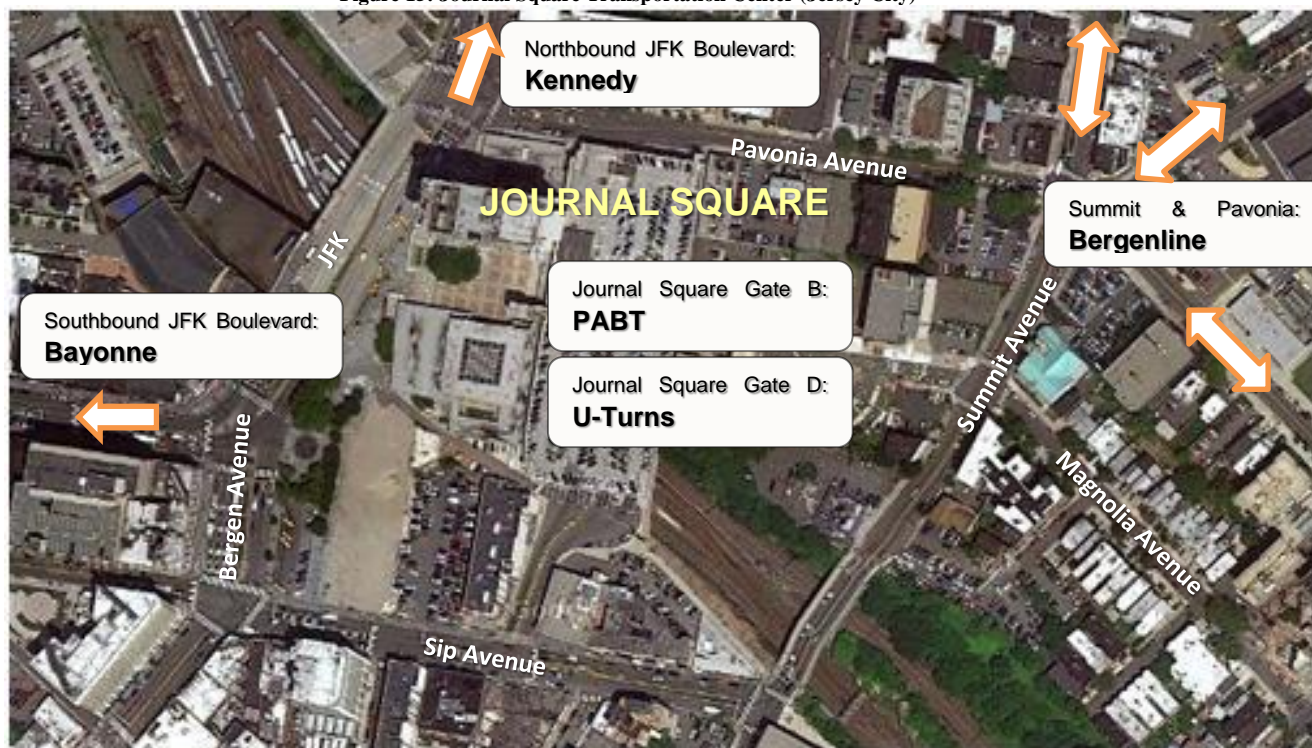


Image: 2010Digital



George Washington Bridge Bus Station (GWBBS)

The GWBBS in northern Manhattan serves as a terminal for jitney service between New York and Paterson and for Bergenline Avenue (Newport Mall to GWBBS) service. All jitney service for both Paterson and Bergenline Avenue departs from the lower level of the GWBBS, while a portion of the upper level is used for passenger alightings and for vehicle layovers. Most jitney service observed at the GWBBS was operated by Spanish Transportation (Spanish Transportation Corp., Airport Service Corp. and New Service Inc.), in addition to a few vehicles operated by 3CM Solutions LLC and Genesis Bus Lines LLC.

Most other vehicles on the Bergenline Avenue Route, which is host to numerous operating companies, turn around in Fort Lee near the George Washington Bridge. Additionally, two signed stops exist for Pyramids Express, one on W 178<sup>th</sup> Street at Fort Washington Avenue and one on Broadway between W 178<sup>th</sup> Street and W 179<sup>th</sup> Street, but no vehicles were observed using the stops and no vehicles marked Pyramids Express were observed at the GWBBS. Figure 16 shows the GWBBS.

Figure 16: George Washington Bridge Bus Station (New York City)



Image: 2010Digital Globe

### Nungessers

Nungessers refers to the area where JFK Boulevard, Boulevard East, Bergenline Avenue, Fairview Avenue, Anderson Avenue, and Woodcliff Avenue converge, at the northwest corner of North Hudson County Park. Shown in Figure 17, Nungessers is the terminus for three different jitney routes (Boulevard East, Kennedy Boulevard, and Bergenline Avenue – PABT) and is served by a fourth (Bergenline Avenue). It is also near several jitney operator garages.

Many jitney operators take layover at Nungessers before returning in the opposite direction on their routes. The most popular layover location observed was the east side of Bergenline Avenue along the park, with some also laying over on the north side of JFK Boulevard (heading west/south), and the north side of Woodcliff Avenue (although parking is somewhat limited there). One vehicle was also observed laying over on 90<sup>th</sup> Street, and several vehicles lingered for several minutes at stops along Woodcliff Avenue when beginning the Boulevard East Route. Observed regulations included widespread “no idling” signs in the area and “bus parking prohibited” signs on Boulevard East through the park.

Figure 17: Nungessers (North Hudson County Park, North Bergen)



Image: 2010Digital Globe

## Levels of Service

Part of the survey effort included calculating the average frequency of jitney service during the peak and off-peak periods and on weekends. Table 4 below shows each route, locations surveyed and average frequencies for peak, midday, Saturday and Sunday service. In many instances, ranges are shown rather than set frequencies, reflecting variability in the schedule on different days or at different locations, as well as some uncertainty (particularly along Bergenline Avenue) that vehicles are actually operating on the routes for which they are marked. There were occurrences of vehicles marked for one route operating on another. Frequencies were estimated for the Paterson routes based on observations made while riding as well as at the Port Authority Bus Terminal and GWBBS.

Table 4: Headways by Route

Route	Surveyed Locations	Peak	Midday	Saturday	Sunday
Bergenline	Bergenline Ave & 48 <sup>th</sup> St Bergenline Ave & Woodcliff Palisade Ave & Hoboken Ave Marin Blvd & 6 <sup>th</sup> St New York Ave & 30 <sup>th</sup> St	1-2 minutes	1-2 minutes	1-2 minutes	1-2 minutes
Bergenline-PABT	Bergenline Ave & 48 <sup>th</sup> St Bergenline Ave & Woodcliff	2-4 minutes	5+ minutes	5+ minutes	5+ minutes
Kennedy	JFK Blvd & Newark Ave JFK Blvd & 48 <sup>th</sup> St	10 minutes	10-15 minutes	15 minutes	20 minutes
Kennedy-PABT	JFK Blvd & Newark Ave	2-5 minutes	2-5 minutes	2-5 minutes	3-5 minutes
Bayonne	JFK Blvd & Sip Ave	20 minutes	20 minutes	-	-
Blvd East	Boulevard East & 48 <sup>th</sup> St	4 minutes	5 minutes	-	-
River Road	River Rd & Gorge Rd	15 minutes	20 minutes	-	-
Paterson-PABT	PABT	4 minutes	5+ minutes	-	-
Paterson-GWB	GWBBS	2 minutes	2 minutes	-	-

The most frequent routes were Bergenline Avenue, Bergenline-PABT, the Paterson routes, and Kennedy-PABT, all of which operated more frequently than once every five minutes in each direction. The least frequent routes were Kennedy Boulevard and Bayonne, both of which operated every ten minutes or more, often less frequently than regularly scheduled NJ Transit or Coach USA bus service. Routes serving the PABT showed significantly more peaking than other routes, which was corroborated by field work conducted by the Port Authority of New York and New Jersey during summer 2010.

Off-peak service provision was not a major focus of primary data collection. Services vary considerably by corridor and time of day outside of traditional peak periods (and the midday). In the absence of printed timetables and a formal schedule, individual operators are able to use their discretion to determine the extent to which evening service must be provided to cover costs.

## Ridership Estimates

Ridership was estimated during field observations by recording “full”, “some” or “empty” for each passing vehicle during the point check surveys. While vehicle sizes vary among jitneys, “full” was estimated to represent approximately 16 passengers, while “some” was estimated to

represent approximately 6 passengers, allowing for a very rough estimation of ridership volumes. Table 5 below shows the average number of passengers observed traveling along each corridor at the surveyed location indicated, per hour of service. For example, the “Peak” column represents the average number of jitney passengers estimated to pass through the surveyed location per hour during the peak period. Weekend surveying was limited to select locations and represents the midday period.

**Table 5: Estimated Passengers per Hour by Route and Time of Day at Surveyed Location**

Surveyed Location (Direction)	Route(s)	Passenger Volumes per Hour			
		Morning (8-9 AM)	Afternoon (2-3 PM)	Saturday (11-Noon)	Sunday (11-Noon)
JFK Boulevard & Newark Avenue (NB)	Kennedy Kennedy-PABT	76 (9-10 AM)	58	172	96
Bergenline Avenue & 48 <sup>th</sup> Street (SB)	Bergenline Bergenline-PABT	260	252	206	108
Boulevard East & 48 <sup>th</sup> Street (NB)	Boulevard East	42	18	-	-
Bergenline Avenue & Anderson Avenue (NB)	Bergenline	182	88	-	-
Palisade Avenue & Hoboken Avenue (SB)	Bergenline	304	156	-	-
Marin Boulevard & 6 <sup>th</sup> Street (NB)	Bergenline	150	132	-	-
JFK Boulevard & 48 <sup>th</sup> Street (NB)	Kennedy	16	70	-	-
New York Avenue & 30 <sup>th</sup> Street (NB)	Bergenline	276	186	-	-
JFK Boulevard & Sip Avenue (NB)	Bayonne	16	32	-	-
River Road & Gorge Road (NB)	River Road	-	32	-	-



## **SECTION 3: Jitney Network Impacts on the Transit System**

Over the past two decades, several jitney corridors have proliferated in Hudson County. These services both reflect and have contributed to changing public transportation needs throughout the county. This section examines the impact of the jitney services operating throughout Hudson County on the transportation system. The impact of the jitney services identified in this study on the NJ Transit public transportation system is examined in detail, as are the impacts on other aspects of the county's transportation network.

### **Supply/Availability of Bus Service**

One of the key competitive advantages of Hudson County is that its overall population and development densities allow it to be effectively served by a variety of public transportation services. This – and its proximity to New York City – has also made Hudson County an attractive location for jitney operators.

However, the provision of jitney service has created areas in Hudson County where transit service may be oversupplied. This is primarily the case along the jitney corridors where service is supplied by both a variety of jitney operators as well as by NJ Transit or other transit service providers. The frequency and span of the existing non-jitney transit operations were presented in Table 1 on page 4 of this document; this table organizes bus service into the jitney service corridors, so that the peak period frequencies of the NJ Transit services in those corridors can be easily discerned.

In the aggregate, an oversupply of transit service exists in the jitney corridors, especially during the peak periods. This is supported by discussion with jitney operators who indicated that reducing the supply of jitney services would help them remain profitable.

### Summary

The service descriptions of the various jitney service corridors provided in Section 1 served to illustrate the relatively high level of supply of public transportation service that exists in these corridors. However, in terms of those areas of Hudson County which have significantly less transit service available, Figure 3 showed that fixed route transit service is relatively sparse in some portions of Kearny in western Hudson County, which is consistent with its lower density of development and the areas of undevelopable wetlands in that portion of Hudson County. Finally, in terms of route alignments and system structure, it would appear that several Hudson-Bergen Light Rail Stations – especially those south of Jersey City – lack connecting bus services; however, the bus services in Hudson County appear to have good intermodal connections with the PATH system.

## Operating Standards

At the present time, there is no policy whereby a consistent set of minimum operating standards for jitney operators has been developed, maintained and enforced. Such operating standards might, for example, be applied in terms of both customer services (including operational practices, such as designated jitney stops on congested corridors, frequency and span of service policies, and customer information availability standards) as well as in terms of safety and vehicle inspections procedures.

The basis for developing more formal standards already exists, with some jitney operating groups (e.g., *Choferes Unidos de Bergenline*) already having developed internal disciplinary regulations which can form the foundation of developing a series of standards aimed at providing passengers with a more unified and cohesive jitney experience.

Safety standards for jitney operations might, for example, model themselves on the vehicle inspection and maintenance procedures used by the various private operators that provide NJ Transit Access Link's service, as these services use "cutaway" minibuses similar to those used by most jitney services.

## Safety Concerns

The nature of jitney service is unique; jitneys have a distinct service model which differs greatly from both traditional fixed route transit services (such as NJ Transit's) as well as from taxicab services. While jitneys operate along a fixed route, they may pass each other (if they are already full or if they have no passengers intending to alight) in order to reach the next stop and board intending passengers. Therefore, jitneys do not "platoon" behind one another and they do not operate on a fixed schedule. Jitney operating practices (i.e., jockeying for passengers from stop to stop) pose potential safety concerns for NJ Transit operators, pedestrians, and motorists if running alongside or in competition with their more traditional transit operating model.



The intense competition among the jitney drivers themselves – and the competition with NJ Transit and other fixed route bus services – typically exacerbates the level of congestion in Hudson County, along with the sheer number of jitneys being operated in Hudson County. This is due in large part to the varied jitney ownership structures, particularly the large number of individual drivers who compete for customers to earn as much cash fare revenue as possible to defray vehicle costs. Even within larger operating entities, drivers may be hired on a similar

basis (whereby they pay for vehicle use and keep cash fares) and thus compete with each other despite the public perception of belonging to a single operating entity.

In addition, given that Hudson County has relatively narrow streets on some of its busiest jitney service corridors (e.g., Bergenline/Palisade/Newark Avenues), the congestion on these roadways is further exacerbated, especially when jitney operators drive their vehicles in an unsafe manner.

Such unsafe practices include picking up and dropping off passengers in travel lanes (or in intersections, if all the travel lanes are gridlocked), driving slowly to impede a trailing jitney operated by a competitor, and driving aggressively to poach other operators' passengers. NJ Transit drivers are at times forced to do the same, opening doors to customers from the travel lane when a jitney vehicle occupies a bus stop.



However, if some operating standards were to be adopted, the safety of jitney operations could be enhanced. One model to consider as a starting point would be the manner in which the Atlantic City Jitney Association monitors and enforces the operations of its jitneys. In terms of customer convenience and enhanced safety, an initial strategy in Hudson County may be the designation of jitney stops distinct from those bus stops served by NJ Transit at specific

locations that have high levels of service. Such a strategy was implemented in downtown Paterson. Only jitneys would be allowed to pick-up and drop-off passengers at these stops, and only NJ Transit would be allowed to load and unload riders at its bus stops. The result would be that customers would be forced to choose their carrier in advance, rationalizing on-street operations but effectively limiting the total frequency of service available at a given location.

Another manner in which safety could be improved is through the adoption of consistent vehicle maintenance standards for all of the jitney service operators in Hudson County, as was previously mentioned. Regulatory aspects of jitney services will also address how such standards could be effectively enforced and will be discussed in a later section.

An additional aspect of jitney operators' safety records are their data regarding inspections of vehicles and drivers. Appendix C indicates the percentage of vehicle inspections resulting in the removal of a vehicle from service, the percentage of driver inspections resulting in the removal of the driver from service, and the total number of crashes each jitney operator was involved in between September 2008 and 2010. A review of the inspection records show a significant proportion of jitney vehicles inspected by Hudson County and the MVC were pulled out of service due to violations. The percent of jitney vehicles that failed inspections differed among



jitney operators, but reached as high as 70% with an overall average of over 27%. The percentage of vehicles pulled out of service resulting from unlicensed and suspended drivers also differed among jitney operators, reaching as high as 32% with an overall average of approximately 17%. This data was gathered from the U.S. Department of Transportation's website.

Appendix C also shows how the results of the inspections vary greatly, depending on the jitney operator. Many variables may come into play when considering the condition of the vehicles used to provide jitney service, including the basic business model of jitney operators, which (in many cases) relies on the use of older, amortized equipment. These results would appear to support the argument for a consistent set of safety standards to be applied and enforced for all jitney operators.

Inspections at the local level are carried out by the New Jersey Motor Vehicle Commission (NJ MVC) and the Hudson County Prosecutor's Office. Other agencies such as the Port Authority of New York and New Jersey participate in occasional "crack-downs" along with local municipalities in Hudson County. These inspections target jitney operators using poorly-maintained vehicles that constitute a safety risk for customers and other users of the roadway. Drivers are often implicated as well when they lack proper licensing, do not speak English (an operating requirement), or fail to present proper insurance documents.

Consistency in inspections has yielded a slow but steady improvement in operator compliance; however, it was noted during the study process that any lull in inspection is usually followed by a surge in violations. Follow-up inspections and assurance that violations are addressed remain a challenge for NJ MVC and the county.

### **Jitney Service Impacts on Fixed Route Bus Operations**

The provision of jitney service throughout Hudson County has impacts on several interrelated issues concerning the public transportation system.

#### Service Frequency and Span of Service

As described in section 2 of this report, jitney services often operate at a high frequency level, especially during the peak periods. However, outside of the peak periods, the frequency of jitney service is not as robust in certain corridors (although it still is relatively high when compared to some NJ Transit bus routes), and is less reliable in the evening and overnight hours.

The discrepancy in service frequency and reliability mean that NJ Transit is still expected to continue to provide bus service along jitney-serviced corridors with relative frequency as well as in some cases for relatively lengthy spans of service. The competition from jitney service means that some NJ Transit bus routes (e.g., intrastate route 86 in the

Bergenline/Palisade/Newark Avenues corridor) may not operate as often as they otherwise might as corridor demand is spread across numerous operators.

However, unlike NJ Transit and other transit operators, the nature of the jitney service (multiple operators, independent drivers, etc.) means that the precise schedule – in terms of frequency and span of service – is never completely known by a transit customer. Although there may be a safe expectation for frequent jitney service throughout most of the day, at other times jitney service may be less predictable, particularly in the evenings and on weekends.

#### Americans with Disabilities Act (ADA) Issues

Another important impact that must be considered regarding the various jitney services is that a significant majority of vehicles used by the jitney operators are not fully accessible to the disabled community. In addition, even when jitney vehicles have wheelchair lifts, they may not function. Disabled riders may be passed up and remain on the street, as the nature of the jitney service model means that taking as much time as it may require to load and unload a wheelchair passenger could significantly impact the amount of fare revenue collected by a driver. As public transportation providers (even if they are privately-operated), jitney operators are required by law to meet ADA provisions.

This aspect of the jitney service is important to recognize, as it particularly impacts NJ Transit's bus operations. This is because NJ Transit will be expected to provide ADA-compliant bus service along corridors which may otherwise be considered over-served by transit due to the level of jitney service they have. Although NJ Transit may wish to provide a minimal level of service in such a corridor (or even remove service entirely from such a corridor), it is nonetheless expected to continue to provide some service along these bus routes due to its typically being the only operator with accessible vehicles.

In addition, the private bus operators within Hudson County who participate in NJ Transit's Private Carrier Capital Improvement Plan (PCCIP) – Broadway Bus, Coach USA, Bergen Avenue Bus, Montgomery & Westside Bus, Academy Bus and Trans-Bridge Lines – lease publicly funded buses from NJ Transit to provide local and interstate services in Hudson County that are all ADA-accessible. They are required to provide ADA-compliant services.

#### **Fare Policies**

Jitney fare policies vary by route, operating company or vehicle. On some routes, such as Kennedy Boulevard and Kennedy Boulevard-PABT, fares are generally consistent, regardless of company. On other routes, such as Bergenline Avenue, fares vary depending on distance, operating company, and even by vehicle, as some identical trips on the same operator were observed to require different fare amounts. For example, two trips were taken on New Service,

Inc. between Fort Lee and Newport Mall; one cost \$3.00 and one cost \$4.00. Observed fares from surveyors riding on jitney vehicles are recorded in Table 6.

**Table 6: Jitney Fare Structure**

Route	Trip Start/End Points	Fare	Operator(s)
Bergenline	Newport Mall to Journal Square	\$1.25	Quick Transit Management Agency LLC
	Fort Lee to GWBBS	\$1.75	New Service, Inc.
	Newport Mall to Nungessers	\$2.00	Airport Service Corp.
	Journal Square to Nungessers	\$3.00	Vanessa Express Co Inc.
	NJ 495 to GWBBS	\$3.00	Galaxy Towers Inc.
	Newport Mall to Fort Lee	\$2.00	Galaxy Towers Inc., Airport Service of NJ
	Newport Mall to Fort Lee	\$3.00	New Service, Inc.
	Newport Mall to Fort Lee	\$3.75	Quick Transit Management Agency LLC
	Newport Mall to Fort Lee	\$4.00	New Service, Inc., J&T Transit Corp., Quick Transit Management Agency LLC
	Newport Mall to GWBBS	\$3.75/\$5.00	New Service, Inc.
Bergenline-PABT	PABT to Nungessers	\$2.50	J&T Transit Corp.
Kennedy	Journal Square to Nungessers	\$1.50	J&T Transit Corp., Galaxy Towers Inc., Quick Transit Management Agency LLC
Kennedy-PABT	PABT to Journal Square	\$2.50	Community Lines Inc., Airport Service Corp.
Bayonne	Journal Square to 5 <sup>th</sup> Street	\$1.50/\$1.75	Ride-Ex Transportation LLC
Blvd East	PABT to Nungessers	\$2.50	Fuji Express Inc.
River Road	-	-	-
Paterson-PABT	PABT to Paterson	\$5.50	Airport Service Corp.
Paterson-GWBBS	GWBBS to Paterson	\$4.50/\$5.00/\$5.50	Airport Service Corp.

Port Authority of New York and New Jersey employees noted that Spanish Transportation varies its fares depending on whether a passenger boards a route on the street or within the PABT. For example, service to Paterson is available both from the northeast corner of Eighth Avenue and 40<sup>th</sup> Street (across the street from the PABT), or from Gates 51–6 within the PABT. Passengers boarding on Eighth Avenue were observed paying \$4.00 to Passaic or \$5.00 to Paterson, while passengers boarding within the PABT were observed to pay \$3.50 to Passaic or \$4.00 to Paterson. This surcharge for boarding on the street may partially offset the cost of renting departure gates inside the PABT. Fares for the River Road route were unavailable at the time of writing. By Comparison, NJ Transit fares from New York City to central Hudson County are \$3.20 for a one-way trip (2-zone ride), and \$6.50 from New York City (PABT or GWBBS) to Paterson.

One reason that jitney service is so popular is that, in the aggregate, jitney fares are lower than fares charged by NJ Transit (although PATH fares may be lower than jitney fares for some similar trips). In addition, jitney service is popular because jitney operators tend to serve highly populated and busy travel corridors, while not providing much – if any – service to areas where there are relatively few potential passengers.

The main impact of the jitney fare structure is that it creates a disincentive for people along the jitney corridors to use NJ Transit, thus drawing riders away from the NJ Transit services. A negative impact of this phenomenon is that NJ Transit will have lower productivity on those bus routes where jitney service is operating than it would otherwise have had. What this does is reduce the amount of funding the agency can make available to operate bus service in areas

that are not as productive; in effect, the ability of NJ Transit to cross-subsidize poorly performing routes is minimized as the subsidy required to operate the better performing bus routes must also be increased.

In addition, due to the nature of the jitney service model, no multi-ride tickets or passes are available. Fare discounts for children, senior citizens and the disabled, which are offered by NJ Transit and other fixed route transit operators, are also typically not available on the jitney services.

### **Historical Impacts on NJ Transit Bus Operations**

Changes to the transportation system over the past two decades, including the growth of jitney services in northern New Jersey, has impacted the fixed route bus system. Though NJ Transit and other fixed route operators have faced competition and struggled to maintain ridership shifts to jitanies (in the initial years of direct competition), overall ridership is tied more toward system-wide trends rather than specific conditions in Hudson County. Furthermore, the amount of ridership lost to competition is somewhat finite; those losses don't continue with each passing year. The ability for jitney operators to tap into new transit riders and overall transit growth in parallel to NJ Transit and other operators is underscored by the increases in NJ Transit's ridership in the county in 2010.

#### Removal of Rider Restrictions

One example is in terms of rider restrictions. Prior to the advent of jitney services, the Bergenline/Palisade/Newark Avenues corridor had boarding restrictions on NJ Transit route 159. South of Nungessers, passengers boarding this interstate bus route could only be those riding through to New York City. Other passengers had to board the intrastate local route (i.e., NJ Transit route 84). The intent of these boarding restrictions was to ensure that passengers traveling a longer distance (i.e., to New York City) had a high likelihood of finding a seat.

However, this strict separation between intrastate and interstate functions is no longer NJ Transit's policy. In order to increase the attractiveness of their services in light of the proliferation of jitney services, NJ Transit has removed this restriction. Since April of 1995, the median weekday ridership has declined by about 14 percent on route 159 (with one major reason being the proliferation of jitney services in this corridor), but ridership has declined even more significantly on route 84 - by over 29 percent (i.e., by more than twice the percentage).

Another reason why the local intrastate bus route's ridership has declined so significantly is that route 84 is what NJ Transit refers to as an "exact change" bus route, meaning that exact change is required to board. The interstate bus route (i.e., route 159) will allow passengers to board without exact fare, and the driver will make change for the passengers (up to a \$20.00 bill).

Another reason ridership has declined on route 84 so significantly relative to route 159 is that it uses standard transit buses, while the buses on route 159 are motor coaches modified for use as NJ Transit suburban cruisers, with comfortable, high-back seating. Therefore, even for short intrastate trips along Bergenline Avenue, passengers will prefer to ride the route 159 service. Similar results were observed with NJ Transit bus routes in Passaic County (i.e., intrastate route 74/interstate route 190) when rider restrictions were removed there.

Because of the nature of NJ Transit bus service on JFK Boulevard East, where service is mostly provided by several interstate bus routes, no restrictions on boarding passengers were in place in this corridor.

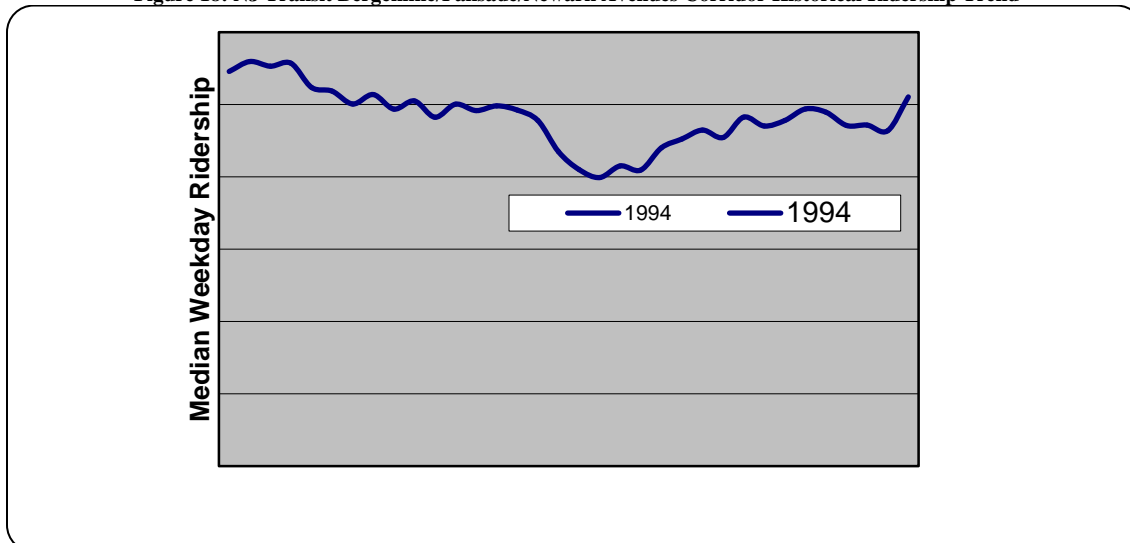
In the aggregate, the impact of the removal of rider restrictions is that the local intrastate bus routes in a given corridor will see the greatest declines in ridership, while the interstate bus routes along that corridor will not decline as precipitously, even though jitney service is also available. However, the decline in the viability of many of the local intrastate NJ Transit bus routes means that – in limited cases – interstate passengers may experience crowding where they did not previously, and the jitney operators' focus on the most desirable travel corridors means NJ Transit is less able to cross-subsidize more poorly performing bus routes.

#### NJ Transit Bergenline/Palisade/Newark Avenues Corridor Historical Trends

NJ Transit's bus service on the Bergenline/Palisade/Newark Avenues corridor is provided by four intrastate routes (routes 22, 84, 86 and 89) and three interstate routes (routes 156, 159 and 181). NJ Transit interstate route 159 operates between Fort Lee and the Port Authority Bus Terminal in New York City 24 hours a day; route 181 serves the George Washington Bridge Bus Station. Further detail on these services is provided in Table 7. These services operate via the Bergenline/Palisade/Newark Avenues corridor, where jitney operations are the most frequent in Hudson County. For this reason, historical ridership trends on this corridor are highlighted so that any impacts from jitney service can be more easily discerned.

Figure 18 shows how the ridership on the Bergenline/Palisade/Newark Avenues corridor has struggled to remain relatively steady, despite the growth of jitney services in the same corridor. It should be noted that NJ Transit's ridership data did not include data for intrastate Route 22 (which operates between North Bergen and Hoboken). Despite NJ Transit's recent marketing efforts, the fare advantage of the jitanes and their practice of operating very frequently, picking up potential passengers anywhere along the route, and operating non-stop into New York City once they are full (which some passengers find advantageous but others – especially those closer to the New York City end of the route – may not) has allowed the jitanes to contain NJ Transit's ridership growth in the corridor.

Figure 18: NJ Transit Bergenline/Palisade/Newark Avenues Corridor Historical Ridership Trend



Source: NJ Transit

Overall, it appears that ridership on the NJ Transit routes in this corridor has tracked the overall economic climate in the region, with ridership seeing its lowest levels in the post-9/11 recession. Given the apparently robust ridership on the jitney services, it would also appear that the jitney operators have created their own ridership market, with many new customers using the jitneys without ever having been NJ Transit riders to begin with.

In addition, in October of 2006 – and again in 2008 – some Bergenline/Palisade/Newark Avenues NJ Transit bus routes were restructured to accommodate the growth of the Hudson-Bergen Light Rail Transit service (see below), with route 181 being cut back to serve the Bergenline Avenue Station instead of Hoboken Terminal, and service levels being adjusted on routes 86 and 89.

#### Other Impacts

##### *Restructurings to Accommodate Rail System Expansion*

Over the last few years, NJ Transit has restructured its bus services in Hudson County in order to better accommodate the development of the Hudson-Bergen Light Rail Transit system (HBLRT). In October of 2006, several NJ Transit bus routes were restructured to better serve the HBLRT system, and pass flexibility was introduced between these two modes to allow for more seamless intermodal travel opportunities. In 2008, some additional bus routes were restructured in recognition of the growth of both the jitney services as well as the growth in light rail ridership and the need to provide intermodal connections to this service.

For example, NJ Transit interstate bus route 181 currently operates between the Bergenline Avenue HBLRT station and the George Washington Bridge Bus Station; prior to these

restructurings it operated as far south as the Hoboken Terminal. Jitney service from the GWBBS to West New York also terminates at 60<sup>th</sup> Street, exactly mirroring the NJ Transit route.

In the aggregate, the growth of the HBLRT system has had more of an impact on NJ Transit bus services – in terms of system design – than the growth of the jitney services, which have primarily impacted ridership growth, as NJ Transit must continue to provide bus service in jitney corridors for reasons discussed previously (i.e., the provision of fully accessible transit services to comply with the Americans with Disabilities Act).

### **Impacts on Other Transit Operators**

#### Replacement of Other Fixed Route Operators with NJ Transit Services

Over the last two decades, several traditional fixed route transit operators have stopped providing service along certain corridors, claiming that competition from the jitney operators has forced them out of the market. The impact on NJ Transit in these cases is that NJ Transit then has to step in as the “carrier of last resort” – especially in order to maintain ADA compliant services in these corridors. These private traditional fixed route operators were:

- **Hudson Bus Transportation** – This operator provided service along the JFK Boulevard West-Journal Square and JFK Boulevard West-Port Authority Bus Terminal corridors; service is now provided by NJ Transit routes 88, 125 and 154.
- **Number 22 Hillside Corporation** – This operator served the Bergenline/Palisade/Newark Avenues corridor, with service to Fort Lee and Hoboken; service is provided by NJ Transit route 22.
- **Central Avenue Independent Bus Owners Association (IBOA)** – This operator was purchased by Coach USA; however, Coach USA has eliminated Central Avenue service due to low ridership.

Therefore, in addition to the impacts on NJ Transit mentioned previously, the increase in jitney service has driven some private traditional fixed route operators out of some selected markets. The additional impact on NJ Transit is that it must now step in and provide ADA compliant services in these weakened corridors.

#### NJ Transit Rail Services and PATH Impacts

The proliferation of the various jitney services has had relatively little impact on NJ Transit’s Hudson–Bergen Light Rail Transit (HBLRT) service or its commuter rail system. Impacts on the PATH system are also relatively limited. This is primarily due to the fact that these rail services have greater spacing between stations, and tend to provide more of an “express” function in their respective corridors, thus serving a different function than the jitney services, which tend to more closely resemble fixed route bus operations.

#### Summary

Arguably the greatest impacts of the proliferation of jitney service on the existing public transit network pertain to overall access to transit and the ADA compliance and accessibility (or lack

thereof) of individual services. Jitney operators, with few possible exceptions, do not comply with ADA regulations for accessibility of vehicles (e.g., wheelchair lifts, automated announcements, etc.). As a result, NJ Transit bears the public burden for providing ADA compliant transit service despite the apparent illegality of the jitney operations in this respect.

Competition for ridership between NJ Transit and other fixed route operators and jitney operators has also weakened some traditional fixed route services, forcing difficult decisions on the part of the fixed route operators in terms of scheduled hours and locations of service. By the same token, jitney owners have successfully generated their own ridership as they expand their operations in well-established corridors. The ridership losses suffered by NJ Transit have for the most part leveled off, as many new riders choose jitneys or NJ Transit services but do not necessarily leave one for the other.

The fact that jitney operators have also cut back services in corridors such as Central Avenue reinforces the fact that private entities will continue to seek out the most profitable routes and will not maintain service when demand is weak.



## **SECTION 4: Regulatory Framework Provisions Impacting Jitney Service**

This section provides an overview of federal and state regulations impacting jitney service in Hudson County. Further regulatory background is included in Appendix D: Historical Synopsis of Regulation of Jitney Services in the United States and Appendix E: Overview of Common Carrier Regulatory Issues. Appendix F includes relevant sections of the Federal Motor Carrier Safety Regulations and Appendix G includes the Petition Letter for Certificate of Public Convenience and Necessity (CPCN).

### **Federal Regulation**

Federal jurisdiction of common carriers focuses on interstate carriers transporting goods and, in the case of Hudson County jitney operations, passengers between states.

#### Commerce Clause

Federal jurisdiction has its origin in Article I, Section 8, Clause 3 of the United States Constitution, often referred to as the “Commerce Clause,” which states in part:

“[The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;”

#### Interstate Commerce Commission

Using this provision as its authority, Congress passed the Interstate Commerce Act in 1887. This act created the Interstate Commerce Commission (“ICC”) which was given powers, inter alia, to be the sole authority to regulate monopolies such as the railroads. The Interstate Commerce Act was amended in 1935 through the Motor Carrier Act to give the ICC the power to regulate bus lines as common carriers. Under this act as amended through the years, ICC was given dual charges: to oversee the creation and operation of common carrier monopolies as public utilities, and to oversee the requirements for the safety of common carrier vehicles and operators.

In the 1940 Transportation Act and again in the Transportation Act of 1958, Congress directed the ICC to prepare a national transportation policy that would impartially regulate all modes of transportation and preserve the advantages of each. In 1966, this mission was shifted to the newly established Department of Transportation.

The ICC was abolished in 1995 after deregulation in the 1970s and 1980s removed the need for monopoly oversight. In 1999, Congress passed the Motor Carrier Safety Improvement Act which established the Federal Motor Carrier Safety Administration (FMCSA) to, inter alia, take over the common carrier safety functions that had been assumed by the USDOT in 1966 from the ICC.

The FMCSA has been charged by Congress to, inter alia:

- (a) Determine the safety fitness of motor carriers, assign safety ratings, direct motor carriers to take remedial action when required, and to prohibit motor carriers determined to be unfit from operating a commercial motor vehicle.
- (b) Establish the safety assurance program for a new entrant motor carrier initially seeking to register to conduct interstate operations and establish the consequences if a new entrant fails to maintain adequate basic safety management controls.
- (c) Establish procedures to perform a “roadability” review of intermodal equipment providers to determine their compliance with the applicable Federal Motor Carrier Safety Regulations (FMCSRs).

The FMCSA provides the State of New Jersey with grants each year to assist with safety inspections of common carriers within the state. State agents are required to receive training from FMCSA to perform inspections of interstate carriers.

Federal oversight of interstate commerce is limited to vehicle and driver requirements and does not address any requirements related to routing of carrier operations. Despite the fact that the monopoly public utility oversight powers of the ICC were not taken over by any other agency, those powers appear to persist through public perceptions and beliefs that interstate commerce carriers are “untouchable.”

**Federal Motor Carrier Safety Administration**

Table 7 highlights key federal safety regulations. The full applicable sections can be found in Appendix F.

**Table 7: Summary Table of Major Provisions of the Federal Motor Carrier Safety Regulations**

	Governing Authority	Interstate Carriers		Intrastate Carriers	
			Federal Motor Carrier Safety Administration		
Market Entry Standards	Permitting Process	USDOT # Application, Biennial Updates		Certificate of Public Convenience and Necessity (CPCN) application – requires a statement of: <ol style="list-style-type: none"> <li>1) How the proposed service will serve the public convenience</li> <li>2) The need for the service within the municipalities in which it is proposed to operate</li> <li>3) A list of all other passenger carriers operating similar services</li> </ol>	
Pricing Standards	Limitations on Common Carrier Fees	No Requirements		No limitations, but the CPCN applicant must include information on proposed tariff and schedule of fares	
Service Carrier Standards	Vehicle Size Parameters	Vehicles with 16 or More Seats	9-15 Seat Vehicles	13 or fewer passenger seats on routes where other operators run and the vehicle serves a regular route (otherwise falls under heading of autocab, livery service)	14 or more passenger seats on a route established under municipal consent that operates within one municipality
	When and Where a Vehicle May Operate	No Requirements		If applying for regular route, the following additional information is required: <ol style="list-style-type: none"> <li>1) An accurate street-by-street description of the route for which authority is sought</li> <li>2) A map of the route</li> <li>3) A list of all proposed passenger pick-up and drop-off locations along with proof that all are state or municipally approved</li> <li>4) A copy of the proposed schedule</li> </ol>	

		Interstate Carriers		Intrastate Carriers
Liability Insurance Standards	Insurance Requirements	\$5,000,000	\$1,500,000	For each vehicle having: 1) Fewer than 13 seats – min \$25k, max \$100k 2) Fewer than 21 seats – min \$25k, max \$200k 3) Fewer than 31 seats – min \$25k, max \$400k 4) 31 or more seats – min \$25k, max \$600k A NJ corp. may carry its own liability insurance if it can satisfy the Commissioner of Insurance and providing its paid up cash capital is not less than the following: 1) Class 1 – Fewer than 20 buses, paid capital exceeds \$400k 2) Class 2 – 30 or fewer buses, paid capital exceeds \$600k 3) Class 3 – 40 or fewer buses, paid capital exceeds \$800k 4) Class 4 – 50 or fewer buses, paid capital exceeds \$1m Class 5 – more than 50 buses, paid capital exceeds \$2m
	Admin	\$340		1) Petition filing fee - \$25 2) Tariff filing fee - \$25 plus 0.1% of projected revenues for the first year of operations.
	Violations	1) "Out-of-service order" issued: a) for vehicles with "unsatisfactory" safety rating; or b) for carriers issued intrastate out-of-service order 2) For driving an "out-of-service vehicle" – civil penalty in an amount not to exceed \$10k for each offense 3) For CDL violations – fines up to \$2,500 4) Revocation of operating authority if unsatisfactory rating is not corrected		1) Discontinuance of the operation of a non-complying vehicle 2) Removal or defacement of any notice of discontinuance (\$1k) 3) Operation of a vehicle subject to this section without a valid certificate of inspection (\$500/day) 4) Any violation that should have been picked up during a daily pre-trip inspection or during regular maintenance – i.e., category 1 violations (\$300 min - \$500 max) 5) A violation that could have occurred after the daily pre-trip inspection (\$500 max) 6) Failure to report for inspection (\$1k) 7) Failure to have inspection report (\$100) or providing false inspection information (\$5k)
Costs	Taxes	Interstate vehicles required to pay an excise tax of 0.5 cent for each mile or fraction thereof such vehicle travels on NJ roads unless it is a regular "commuter service" (service with discounted multiple fares) or vehicles with CPCN or under NJ Transit contract		Required monthly to file the required tax with a report that includes the number of miles and registration number of any bus that has operated over NJ highways during the previous month

In addition to its regulation of larger-size common carriers, the FMCSA has safety regulatory oversight of commercial van operations and for-hire operators of small passenger-carrying vehicles that engage in interstate commerce. Motor carriers are subject to regulatory oversight when their vehicles are used on a highway in interstate commerce to transport passengers if the vehicle is designed or used to transport nine to 15 passengers (including the driver) for compensation.

The safety regulations applicable to a particular common carrier operation depend on the form of the compensation received by the operator for the transportation services provided. A carrier receives direct compensation if payment is made to the motor carrier by the passengers or the individual acting on behalf of the passengers for the transportation services provided. If the operator receives payment that has been included in a total package charge or other assessment for highway transportation services, that payment is considered indirect compensation.

#### Direct Compensation Carriers

Motor carriers operating nine to 15 passenger-carrying commercial motor vehicles for direct compensation, regardless of the distance traveled, are subject to the safety standards in Part 385 and Parts 390 through 396 of the Federal Motor Carrier Safety Regulations<sup>3</sup>. Direct compensation carriers are required to file a motor carrier identification report (Section 390.19) and mark their commercial motor vehicles with the USDOT identification number and the legal name or single trade name of the operator (Section 390.21).

Among other requirements, direct compensation carriers are also subject to safety fitness procedures and new entrant safety assurance procedures (Part 385), accident register recordkeeping (Section 390.15), driver qualification and medical examination requirements (Part 391). Carriers are required to maintain and update driver qualification files (Section 391.51), comply with maximum driving time standards (either Section 395.1(e)(1) or Section 395.5), maintain records of duty status (Section 395.8) or time records (for drivers covered by the short-haul exemption in Section 395.1(e)(1)), and maintain records for inspection, repair, and maintenance (Part 396). Motor carriers are subject to these same regulations when their vehicle has a gross vehicle weight or gross vehicle weight rating of 10,001 or more pounds and is used on a highway in interstate commerce to transport passengers, even if the vehicle is designed and used to transport eight or fewer passengers.

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<sup>3</sup> Relevant parts of which are included in Table 7. Relevant sections of the regulations can be found in Appendix F.

## New Jersey's Regulatory Framework

Reinforcing the history of common carriers as monopolies, provisions governing common carrier oversight in New Jersey continue to be found in Title 48 of the New Jersey Statutes, Public Utility Regulation. Intrastate common carriers provisions are found in Title 48:4-1 of the New Jersey Statutes, known as the Bus Safety Compliance Act. Under the provisions of this act, common carriers are required to petition the DMV for a Certificate of Public Convenience and Necessity if their service falls under one of the following categories:

- “Intrastate Regular Route Operations,” defined as a service that consists of carrying passengers on a regular schedule between fixed points in New Jersey
- “Regular Route in the Nature of Special Bus Operations” or “Casino Bus Operations” – This service consists of carrying passengers to and from one or more casinos in Atlantic City from places in New Jersey; or
- “Special Bus Operations,” defined as a service carrying passengers, not on a regular schedule, to or from a place in New Jersey for a fare that is charged per person; the fare may include special discounts or premiums for attractions that are served by the route
- Autocabs<sup>4</sup> (vehicles carrying 13 or fewer passengers) are excluded from provisions of the Act *unless* such service becomes or is held out to be regular service between **stated termini**.

The Bus Safety Compliance Act specifically authorizes:

“All county, municipal and other officers charged with the enforcement of State and municipal laws, to assist the department under the direction of the commissioner or any duly authorized representative of the commissioner in the enforcement of the provisions of this act, any rules or regulations adopted pursuant thereto, and any administrative or judicial orders issued pursuant thereto”<sup>5</sup>;

and

“The commissioner is authorized to consult with and enter into agreements with federal, interstate, bi-state, and intrastate agencies and authorities as may be necessary to provide for the efficient and uniform implementation of this act”<sup>6</sup> however the Act also states that any monies received from penalties collected pursuant to it shall be deposited in the General Fund.

## Summary

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<sup>4</sup> R.S.48:16-13

<sup>5</sup> 48:4-2.1l.

<sup>6</sup> 48:4-2.1m

The deregulation of the bus industry in the 1970s and 1980s prompted a number of changes in operations, particularly as they related to interstate commerce. The Interstate Commerce Commission encouraged new entries into the marketplace, resulting in a growth in operators and a loosening of geographic and other restrictions (e.g., vehicle size, fares, bus stops, etc.). Operators previously confined to intrastate service were also granted increased access to interstate markets. These conditions helped prompt the flourishing of jitney services and new entrants into the transit marketplace in Hudson County.

While the ICC regulations of the 1970s and 1980s appeared to minimize state oversight and authority over interstate carriers, the existing regulatory framework for jitney and public transit operators in New Jersey clearly indicates that the oversight of these services is a shared authority among the federal government, states (through safety inspections and enforcements) and local governments (e.g., control over bus stop access). New Jersey and Hudson County are not powerless in the oversight and control of transit operations, even if those operations fall under the banner of interstate commerce, so long as bias toward one operator or mode does not interfere with a uniform application of regulation for specific goals (e.g., safety) in the public interest.

## **SECTION 5: Recommendations**

This study was undertaken with the knowledge and understanding that public transportation and jitney service are valuable transportation assets in Hudson County and the region. The recommendations that follow are intended to provide productive solutions to reduce the impacts of the existing operational and safety issues that were identified through data gathering, field observation and technical analysis activities and the input of a wide array of regional stakeholders, including jitney operators.

Most of the recommendations seek to address systemic issues identified in this report and are not isolated to a particular operator or a particular route or roadway. System-wide issues require comprehensive solutions since isolated improvements will only shift service and safety problems from one roadway or location to the next. This report recommends the establishment of medallion program for modifying existing jitney service as outlined below. It is a program that has worked successfully for taxi operations, and for jitney operations in other parts of the country and in other cities around the world. In New Jersey, Atlantic City has a medallion program for jitney operation, albeit of a different structure than the one proposed in the recommendations due to their limited geography and organizational structure.

In addition to the medallion program, a number of administrative and organizational assistance elements have been identified that can be implemented for the benefit of jitney operators concurrent to the introduction of the medallion system. These assistance elements are representative of the types of ongoing actions that can and should be undertaken as part of the comprehensive framework suggested.

The recommendations in this section should be viewed as an initial framework for a medallion program that can be tailored to local jitney operations. Since there are a number of decisions that need to be made regarding the form and location of the program, these recommendations do not lay out a complete work plan for implementation. Before they can be implemented, additional work will be needed to address specific details that a full implementation plan would require.

### **Establish New Regulatory Framework for Hudson County**

Earlier sections of this report described the systemic coordination, safety and supply issues that are associated with jitney operations along major commuter routes in, and extending beyond, Hudson County. This section describes the systemic solution proposed to address these jitney operational issues in Hudson County in a way that promotes competition for service while maintaining needed vehicle and roadway safety for passengers and the general public. The likely benefits and potential downsides of such a comprehensive program are described, and an outline of necessary considerations and next steps to move toward implementation of a program are provided.



### Establish a jitney medallion system.

The establishment of a countywide medallion program where operating permits would be issued to Jitney operators to drive on specific routes in Hudson County would serve to address the lack of coordinated transportation services in Hudson County and improve the safety and congestion impacts that have been identified in this study. Medallion programs are often employed where there is an overabundance of taxis, vans, or other unregulated transit service and are often administered by local governments. This report recommends that a “revenue neutral” jitney medallion program would be an effective mechanism to accomplish this purpose and could be used to:

- Identify and monitor intercity transit routes and future needs
- Authorize operations on identified routes
- Maintain ongoing communication between the county, municipalities and operators regarding regional transportation needs and issues
- Improve safety by identifying vehicles and drivers on recognized routes and ensure that they are in compliance with existing state and federal requirements
- Coordinate and provide information for users of jitney services
- Provide assistance to jitney operators such as:
  - Training and other services (such as overviews on existing state and federal safety program requirements, annual filings needs, meeting insurance requirements, etc.)
  - Coordination with state and federal program officials to minimize the negative impact of inspections on jitney customers
  - A resource for communication and discussion between operators

### Operational Suggestions for implementation

A jitney medallion program can be put into place in a number of different ways. The scope of this study did not permit the level of institutional review and interaction needed to make a specific recommendation on the form of program that should be implemented. However, in making a determination about the entity that should be responsible for program implementation and the extent of program activities to be undertaken, the following program components should be taken into consideration:

- **Funding:** The program should ideally be “revenue neutral”, funded with revenue from medallion fees.
- **Authority:** A decision needs to be made on the proper location to house a medallion program. A logical location for a county-wide authority would be at an existing or newly created county office, but the multi-jurisdictional and inter-jurisdictional scope of the issue could suggest a different location.
- **Oversight:** An oversight group with applicable committees should be created to make decisions about initial formation issues and to address ongoing operational issues for the program. The committee should include representatives from county and municipal planning and transportation offices, police enforcement, Department of NJ Motor Vehicle Enforcement, NJ TRANSIT, jitney operators, and other interested stakeholders, as appropriate.
- **Staffing:** The program should be staffed to provide on-going communication between operators, transit, and county and municipal contacts and to insure regular and timely updates to regional transit planning needs. Dedicated staff also permits the regular monitoring of routes and operations and provides the ability to establish co-operative driver educational programs.
- **Enforcement:** A process for medallion program enforcement should be identified through agreements with municipalities and coordination with the NJ Motor Vehicle Enforcement Unit.
- **Driver and Vehicle Medallion Operations:** Consider implementation of oversight on drivers as well as vehicles. Some jurisdictions, such as Atlantic City restrict medallions to the owner operator of a particular vehicle; other medallion programs may run with the vehicle. To promote competition between safe drivers, a program that includes some type of driver medallion is also recommended.
- **Medallion Renewal:** Medallion programs providing the best private sector competition and service to transit riders are the programs that are renewable on a yearly or bi-yearly basis. These programs preclude the sale of medallions to third parties and make the price of initial medallion acquisition and renewal more affordable to a wider range of small business owners. Specific routing awards should also have a period of renewal to promote competition and changing system operation needs.
- **Route Designations:** To reduce safety issues associated with oversupply of vehicles on specific routes, and to improve opportunities for informing riders of available service, provide the award of medallions on a route-by-route basis through a competitive bidding process that might include minimum off-peak operation requirements and potential operation requirements on underserved areas.
- **Program Implementation:** The program must be properly rolled out and marketed in order to eliminate misperceptions about its intent.

### *Likely Benefits of a Jitney Medallion Program*

The potential benefits from implementing a medallion program in Hudson County are numerous, starting with improved safety for riders and for drivers on Hudson County roadways and decreased traffic congestion in the county. The program would also improve the uncoordinated jitney system by creating a multi-jurisdictional group focused on providing and improving transit service for Hudson County residents. Implementation of a medallion program will allow for the rational and effective service through an on-going program for coordinated public/private transit route planning for Hudson County residents.

By providing a regional and coordinated interface, a medallion program also would provide an opportunity to leverage scarce state level resources, including NJ Transit and State MV inspections. The program will also be beneficial to operators and riders since an inspection process could be developed with the state that is less disruptive for customers or contentious for operators than the one currently in use. The program will allow for a more level playing field, whereby operators will all be subject to the same, uniformly enforced requirements.

Rather than operating simply where there may be economic opportunity, the jitney route system could be established and revised through ongoing, collaborative planning to ensure widespread access and effective allocation of resources.

### *Potential Downsides of a Medallion Program*

Despite the numerous benefits to Hudson County residents, NJ Transit, county and state governments and jitney operators, it is possible that the operators will view the initial costs of implementing the program as too high without offsetting the costs by benefits that the program will provide to the operator. Additionally, operators who do not currently carry proper insurance or maintain vehicles will be opposed to the program.

If the program is not properly introduced, it may encounter pushback from operators, residents and community officials on perception issues such as added bureaucracy, increased costs to Hudson County, and a belief that Hudson County is duplicating existing state and federal level efforts.

### Medallion Program Format

The issues associated with establishing a County-wide jitney medallion program differ from many existing programs in the state, most of which are for taxi operations created at the municipal level. As outlined above, there are a number of considerations that must be addressed in order to develop an effective regional jitney medallion program.

Roadway jurisdiction is another program consideration. Most jitney service along arterial roads in Hudson County operates in and through a number of municipalities, with some traffic

initiating outside of the county and terminating in New York City. Many of the arterial roads that handle large volumes of commuting traffic, including existing jitney routes, are municipal jurisdiction roadways.

Final determination on the regulatory format should only be made after decisions about the extent of the medallion program have been established. This section describes four regulatory frameworks that might be considered for the medallion program's legal structure. Additional formats may be possible and should be considered if decisions made by the oversight committee warrant additional legal considerations. Each will need additional research beyond the overview presented to determine impacts associated with the format of operation:

#### *Specific State Enabling Legislation<sup>7</sup>*

Ideally the legal format for the medallion program should flow from the initial decisions reached by the oversight committee as the medallion program is developed. Specific legislative language that meets the needs of a Hudson County medallion program would be the most comprehensive way to meet all of the program needs. An example of enabling legislation for a similar purpose would be state legislation providing the South Jersey Transportation Authority with the ability to regulate routes and operations of inter- and intra-state bus routes to casinos in Atlantic City. Specific enabling legislation has its advantages in that there would be more freedom to address the unique county and inter-jurisdictional issues that existing municipal-based medallion legislation do not address. A major drawback would be the inability to implement the program until the legislation was enacted.

#### *Multi-jurisdictional memorandum of understanding between the County and each of the impacted municipalities*

Because of municipal ownership of the routes that jitneys operate upon, the County could seek to implement a regional program by entering into multi-jurisdictional agreements with each of the local government entities to establish a program consistent with provisions of NJSA 48:16-24 et.seq., which addresses municipal consent to operation autobuses on city roads and municipal authority to collect licensing and franchise fees and provisions of

#### *Agreement with the Commissioner of Transportation under the Bus Safety Compliance Act*

NJSA 48:4-2.1 of the Bus Safety Compliance Act provides that:

"All county, municipal and other officers charged with the enforcement of State and municipal laws, are authorized to assist the department under the direction of the commissioner or any duly authorized representative of the commissioner in the enforcement of the provisions of this act, any rules or regulations adopted pursuant thereto, and any administrative or judicial orders issued pursuant thereto.'

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<sup>7</sup> NJSA 27:25A-22.

Under provisions of the Compliance Act, enactment of a medallion program would not need a state legislative action, but would need approval by NJDOT. This could impact the ability of the county to control the use of fees collected through such a program. Further research and discussion with NJDOT would be needed to pursue this approach.

*Creation of a Public Utility*

It may be possible for the county to implement the program as a transit authority under Title 40, Municipalities and Counties, of the New Jersey Statutes. NJSA 40:14B-4: Utilities authorities, states in part:

*“a. Any governing body may, in the case of a county by resolution or ordinance duly adopted, or in the case of a municipality by ordinance duly adopted, create a public body corporate and politic under the name and style of ‘the ... municipal utilities authority,’ or of ‘the ... county utilities authority,’ with the name of said county or municipality inserted”.*

A utility authority would have a formal structure with designated commissioners, along with a number of additional operational requirements that would need to be investigated in greater detail to insure compliance with authority authorization.

### Next Steps: Implementation Task Force

Establishing a task force to develop a work plan is the first step towards medallion program implementation. The task force would be comprised of policy-makers and relevant stakeholders in Hudson County as well as from neighboring counties where jitney services are prevalent and growing. The implementation taskforce would be charged with making recommendations on issues including:

- Format for the entity (public utility, interagency cooperative organization, state enabled entity); interagency communication,
- Coordination and agreement development;
- Medallion bidding/application process;
- Frequency of renewal;
- Number of medallions to be granted (by county, by route, etc.); and
- Composition of stakeholder/policy committee to oversee the medallion program.

Following these decisions, the task force would develop a pro forma estimate of needed fee requirements and expenses to implement the program. This would include identification of start-up funding sources to launch the medallion program.

To maintain momentum in developing a new regulatory framework for Jitney operations, the task force may wish to engage expert assistance. The primary responsibilities would include facilitating meetings and outreach efforts of the task force, providing legal expertise, in determining the format for the medallion program and identifying funding sources for its implementation. Additional responsibilities would include meeting agenda creation and scheduling, recording of meeting minutes and attendances, periodic updates, and recommendations for next steps and key milestones.

### *Establish Parameters of Medallion Program*

The first assignment of the task force would be to develop a comprehensive list of the “details” that would need to be resolved for the program. These details would include a list of topics to address including:

- The composition of stakeholder/policy committee to oversee the medallion program;
- Format for the entity (public utility, interagency cooperative organization, or state enabled entity);
- Level and extent of interagency communication and interaction;
- Identification of the appropriate existing entity to house the program;
- Further review and discussion about how the program will be implemented on municipal roads in the county;
- Identification and assignment of enforcement responsibilities;

- Identification of New Jersey or Hudson County legislation needed for implementation;
- Identification of decision-making process;
- Program coordination and agreement development;
- Number of medallions to be granted (by county, by route, etc.);
- Medallion bidding/application process; and
- Frequency of renewal.
- Further discussion with state MVC about how the program will interface with state and federal safety inspection and oversight activities
- Develop a pro forma estimate of needed fee requirements and expenses to implement the program.
- Identify start-up funding sources to launch the medallion program.

#### *Additional Outreach*

- Discussion with NJMVC Motor Vehicle Enforcement unit to identify how the program would interface with state and federal safety inspection and oversight activities
- Outreach with municipal administrations to discuss project objectives.
- Further discussions with neighboring counties where services exist (and are likely to exist in the future) to address issues at their regional level and scale.

### **Recommendations for Improvement of Jitney Operations**

In addition to a framework for proposed regulatory responses (described in the previous section) there are a number of recommendations applicable to a variety of parties to improve the overall delivery of jitney service, focusing on safety, efficiency, public information and awareness, and engagement of the jitney operators' community to better respond to the needs of both providers and users of public transportation services.

Ultimately, implementation of a new regulatory framework such as the medallion system described above qualifies as a fundamentally "top-down" approach. To provide incentives to jitney operators and to encourage productive participation in such a system, a collaborative approach to service improvements is equally important. The following recommendations offer opportunities for transportation providers, local municipalities, and transportation agencies to work together to improve safety and service for all transit riders and users of the roadways. Again, if a medallion system is to be implemented, it is advised that recommendations benefitting jitney operators be provided *after* the implementation of the medallion system, as these would provide additional incentive for operators to participate in the system.

#### Bus Stops Issues

One of the concerns regarding jitney service in Hudson County is the increased competition for limited bus stop space, causing jitneys and transit buses to compete for customers at stops. Bus stops in Hudson County are often smaller than would be ideal for existing transit service alone, and tend to be spaced closely together. Safety concerns arise when one vehicle occupies

a bus stop and another allows passengers to board and exit while sitting in the travel lane. In addition to the risk of vehicular–pedestrian conflicts, accessibility for customers in wheelchairs or requiring additional assistance is compromised.

A strategy of specifying separate bus stops for NJ Transit and jitney buses might reduce competition and vehicle crowding at each stop. This strategy was tested in Paterson a few years ago, and was shown to reduce congestion caused by the competing services; however, it did force passengers to choose between NJ Transit and jitney services when deciding which stop at which to wait for the bus. This created a trade–off between improved safety and operations and diminished customer convenience given that a single bus stop would no longer offer as many transit options.

Bus stop placement and configuration is a local, municipal responsibility; NJ Transit and other transit operators do not have final say in the placement and space allocation for bus stops. Therefore, to segregate jitney and fixed route transit stops would require buy–in from municipalities that may face resistance to reducing on–street parking capacity as a result. This approach could be tested in areas of greatest congestion, involving local municipalities, jitney operators, NJ Transit and other relevant providers. For example, this might include lower Bergenline Avenue, where jitney operations abound and bus stops are often inadequate in length. This recommendation does not apply generically to all of Hudson County or to the service area of jitney operations.

To explore specific bus stop issues as they pertain to both fixed route providers (e.g., NJ Transit) and jitney operators, it is recommended that a task force be created to engage municipalities, operators, and policy–makers. A key component of this task force would be education as to the most effective bus stop configurations, the implications of too many or too few stops, impacts on local on–street parking, etc. This task force should include both policy and law enforcement participation from each affected community. The primary benefits of such a task force would include:

- Development of cohesive approaches and guidelines for transit and bus stop issues within the county
- Continuity of implemented policies over time, through subsequent administrations
- Focus on local approaches to enforcement of bus stop policies
- Engagement of transit/jitney operators in local decision–making
- Focus initial efforts on establishing a “model corridor” whose policies and infrastructure decisions could be replicated in other areas of the county

### Training for Local Inspections

The effort to perform routine, on–street inspections of jitney and other transit vehicles is guided largely by available manpower at the state level (i.e., NJ MVC). Efforts by the Hudson



County Prosecutor's Office, in conjunction with counterparts at NJ MVC, have consistently shown that an alarming number of jitney vehicles (and drivers) are unfit for operation. Furthermore, vehicles taken out of service in one inspection may end up back in service shortly thereafter because follow-up inspections are seldom performed. NJ MVC's manpower is limited, however, and the agency must focus on the entire state of New Jersey.

In order to foster a more consistent, year-long approach to recognizing safety and other violations at the local level, it is recommended that municipal police departments provide training for one or more enforcement officers to assist in level 1 (vehicle exterior and undercarriage) and level 2 (vehicle exterior only) inspections of vehicles. The Hudson County Prosecutor's Office would be able to conduct more frequent inspections if local municipalities were able to provide trained enforcement staff to assist in these efforts.

#### Public Information

The lack of public route and schedule information, as well as identification of individual operators, is a systemic concern with jitney services. Many users learn about services through word of mouth, and adjust accordingly to learn their respective routes. However, new or occasional users do not get to take full advantage of the wealth of transit choices available when little or no jitney information is made public. Some larger operators have created websites with route maps in recent years; however, many smaller operators still exist outside the realm of public awareness.

Hudson TMA has for years served as an effective repository of transit operator information, and could continue to expand its purview to include jitney operators. This would require both outreach on the part of Hudson TMA as well as trust and cooperation from jitney operators to provide schedule, fare, contact, and other information on their services.

Hudson TMA could include jitney routes on its existing map of transit services in Hudson County. This would provide a more accurate understanding of the routes for county officials and the general public and would keep jitney operators and routes "in the loop" in regard to transportation planning in the county.

Small to mid-size jitney operators groups have expressed interest in becoming more visible and better organized. A first step would be the provision of service information for routes in their service area, in the case the Bergenline Avenue corridor in northern Hudson County.

In addition to putting jitneys on the map, a central repository of information could be created for jitney services, such as a website including information on all of the jitney routes throughout the county. Such a website could include hours of operation for jitney services as well as maps showing which corridors/routes are served. This information could be updated

regularly by the jitney operators or operator groups and would keep the the public aware of what is going on at the street level.

#### Jitney Operators' Use of Terminal Facilities

Many Jitney routes terminate at locations adjacent to Port Authority bus facilities, including the Port Authority Bus Terminal, the G.W. Bridge Bus Station, and the Journal Square Transportation Center. Additional locations such as the Newport Mall and Nungessers also serve as termini for jitney services and are locations where numerous vehicles layover between trips. While some locations have established regulations (for example, “no idling” signs and “no bus parking” signs in the Nungessers area), jitneys continue to layover at these locations.

Designating a specific location for jitney layovers could take some pressure off of operators to find parking and ease up congestion caused by jitneys looking for parking or using spaces that are not ideal. Locations currently (informally) in use include the northbound side of Bergenline Avenue (along North Hudson County Park) and the service road in front of JC Penney at the Newport Mall.

While it may not be possible to provide sanctioned curb space near Journal Square (this would not be fair to the operators who pay to use the bus lanes), or to require all operators to use the bus lanes (a financial disincentive for smaller operators), engaging operators and highlighting the benefits of formal and accepted terminal spaces such as Journal Square over the hassle of no-stopping enforcement could prove beneficial. Fees for terminal usage are a disincentive to operators, but when countered with the prospect of more vigorous enforcement surrounding terminal facilities such as Journal Square, as well as improved public safety and access to services, operators may be more willing to pursue a change from the status quo.

Incentives such as information booths in facilities, inclusion in public information materials, and cooperative dispatching and supervisory efforts can nonetheless improve the interface between the facility and jitney operators. An open dialogue should be encouraged between jitney operators and local municipalities and terminal facility operators (e.g., PANYNJ).

#### Coordination with New York City Department of Transportation

The New York City Department of Transportation (NYCDOT) has developed successful approaches to engaging and working with interstate bus carriers to ensure safe, effective operations in the dense urban environment. While jitney operations do not represent a major concern for New York City (given that vehicles, for the most part, operate solely in the vicinity of the major bus facilities), a number of parallels exist between jitneys and intercity bus services such as Bolt Bus or MegaBus and the various Chinatown buses which have grown in recent years and operate with on-street pickups and drop-offs.

In New York City, as in New Jersey, any public bus operator is allowed to use a marked bus stop. In practice, however, the city has successfully dissuaded inappropriate use of local bus stops (i.e., MTA New York City Transit) by intercity carriers whose curbside dwell times are significantly longer than local routes. This has been accomplished through day-to-day enforcement and a productive effort to provide suitable bus stop space to operators who request it and provide service plans to justify their use of the curb space. Operators must request a stop location and provide a frequency and schedule of vehicles to NYCDOT. In cases where operations have outpaced the available space, NYCDOT has returned to the operator to either find additional space or prohibit the increased idling and service frequency when no space is available.

Given the engagement already in place between NYCDOT and the operators, including jitney operators who provide on-street pick-ups and drop-offs in the vicinity of the Port Authority Bus Terminal, it is suggested that Hudson County and any jitney regulating entity seek coordination with NYCDOT to maximize resources and information sharing in a mutually constructive manner.

#### Administrative and Organizational Assistance for Jitney Operators

Loosely affiliated groups such as the *Choferes Unidos de Bergenline*, which represents jitney owners and operators in the Bergenline Avenue corridor, have expressed a desire to better organize their membership and improve their own accountability as transit providers.

A fundamental concern of these groups is access to vehicle insurance policies. Currently, many smaller operators purchase insurance policies through larger transit providers, as they are unable to secure their own policies for small fleets or individual vehicles. A concern persists that this practice of larger, essentially competing jitney operators controlling access to insurance for the smaller (often driver-owner) operators leads to insurance fraud and irregular business practices. Hudson County or another entity may be able to assist operator groups such as *Choferes Unidos de Bergenline* in organizing their membership, following appropriate safety and maintenance training programs, and improving communication with regulatory and enforcement authorities.

Furthermore, the representatives from the *Choferes Unidos de Bergenline* expressed interest [during study stakeholder meetings] in the creation of effective documentation to inform law enforcement and safety inspections officials of their legality. At present, documentation is limited and the smaller jitney operators feel they are not able to adequately display their compliance with specific rules and regulations.

### **Conclusion: The Implications of Doing Nothing**

As jitney service proliferates each year, the safety concerns caused by unsafe driving, increased congestion and questionable maintenance practices become more widespread. Areas such as Journal Square and Bergenline Avenue become choke points with jitney drivers competing with each other and with NJ Transit for passengers and curb space, passenger drop-offs occurring outside of the curb lane, and passengers riding in what often are revealed to be poorly maintained and even uninsured vehicles.

These problems will only increase without regulation and/or coordination as the number of jitneys operating throughout the county increases. As a result, the pattern of unpopular vehicle inspections affecting paying customers will likely continue, addressing over-arching concerns only in the short-term while inconveniencing passengers and, at times, unsuspecting drivers who may have been unaware of infractions.

Interagency outreach conducted throughout the study through the Technical Advisory Committee (TAC) provided this study with numerous conclusions which underscore the importance of a committed action plan to address safety and other concerns. Periodic vehicle inspections by NJ MVC and the Hudson County Prosecutor's Office are effective in identifying unfit vehicles and drivers, and thereby addressing immediate safety threats, yet these do not fully address more systemic issues of jitney services. Follow-up inspections require even more manpower, and vehicles and operators are often quick to return to service without necessarily addressing violations.

On-street inspections represent an important piece of the puzzle, but ongoing safety improvements for jitney services require a more holistic approach, with support from policy-makers, law enforcement, and an education process to the general public to highlight the value of public transportation while focusing on public safety and welfare. 2011 saw several high-profile fatal accidents involving interstate bus companies in New York, Virginia, and elsewhere. Action is required in Hudson County to address the safety concerns of jitney operations before a similar catastrophe strikes locally.

The regulatory recommendations outlined above seek to accomplish these goals by engaging jitney operators, counties, municipalities, and law enforcement. As jitney operators are required to provide improved documentation of their operations, comply with safety standards and inspections, and improve public information, service quality and safety will improve for Hudson County residents and travelers in the region.

Ultimately, the regulatory framework is envisioned to enable a more cohesive approach to service planning for jitney services as well. A rationalized service plan, focusing operations on corridors where demand is high but also ensuring transit access in underserved communities,

would improve regional mobility while at the same time minimizing issues associated with the highly competitive and excessive service volumes on only the county's highest-volume thoroughfares. Without this regulatory approach, jitney services will only expand, exacerbating safety concerns and doing little to address areas of deficiency in the public transit network.

## Addendum

In May 2011, nine months after the initial field work for the Hudson County Jitney Study, some additional follow-up field work was conducted. Follow-up work included additional field observation in the River Road and Fairview Avenue corridors, where two additional routes were identified. An additional point check was conducted in the NJ 495 corridor to obtain greater detail regarding frequency in that corridor. Observations were also made in the Journal Square area regarding boarding and alighting locations for specific jitney routes. This information is presented separately from the remainder of the study, as the study reflects jitney service as of August/September 2010, while the information below may reflect changes to or expansion of jitney service since that time.

### River Road

The original field work conducted for the Hudson County Jitney Study identified a route operating between the PABT and the River Road corridor to an undetermined northern point (likely Edgewater or Fort Lee). Additional field work along the River Road corridor determined that there are, in fact, *two* jitney routes operating along River Road:

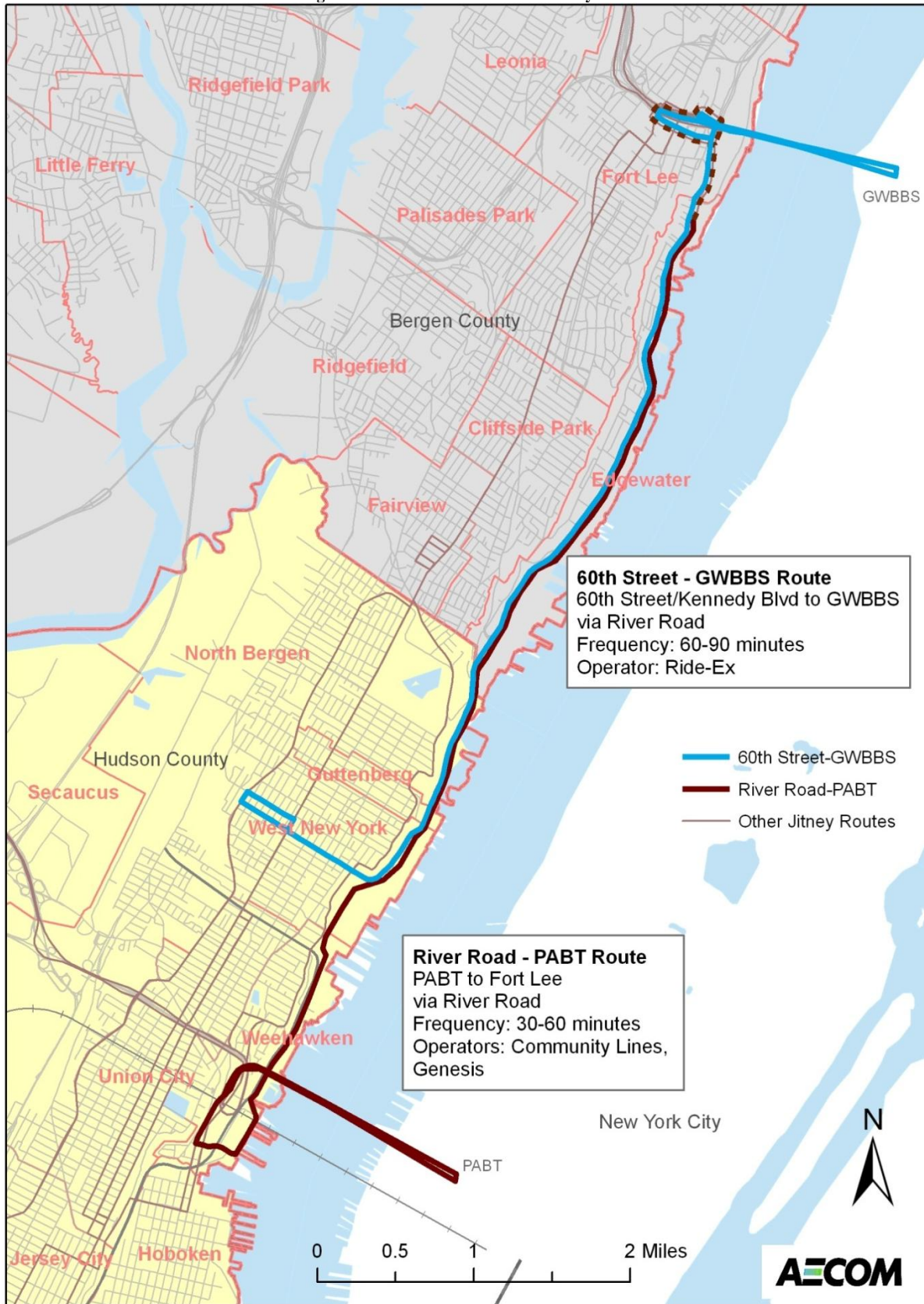
- **Port Authority Bus Terminal–River Road** – this route connects the River Road corridor in Weehawken, West New York and Edgewater with the Port Authority Bus Terminal in New York City. These vehicles are marked “New York Gate 51”.
- **60<sup>th</sup> Street–River Road–George Washington Bridge** – this route connects 60<sup>th</sup> Street/Kennedy Boulevard in North Bergen with the George Washington Bridge Bus Station in New York City via 60<sup>th</sup> Street, Anthony Defino Way, River Road, Bruce Reynolds Boulevard and the George Washington Bridge. These vehicles are marked “River Road, Edgewater, West New York”.

Service headways and operators for each route are presented in Table A-1 below. A map of the River Road services is shown in Figure A-1 following.

**Table A-8: River Road Services**

	<b>60<sup>th</sup> Street-GWBBS</b>	<b>River Road-PABT</b>
Headway (AM Peak / Midday)	30 min/60 min	60 min/90 min
Operators (Proportion of Service)	Community Lines Inc. (86%) Genesis Bus Lines LLC (14%)	Ride-Ex Transportation LLC (100%)
Destination Sign	River Road, Edgewater, West New York	New York Gate 51

Figure A-19: River Road Corridor - May 2011



## Fairview Avenue

Observations by NJ Transit staff prompted follow-up field observations along Fairview Avenue, just north of the Hudson County line. A two-hour stationary survey at Fairview Avenue and Grant Street in Fairview revealed that some jitney service does indeed operate along Fairview Avenue. While a majority of jitney vehicles in this corridor are empty – presumably deadheading to and from the jitney operators’ garages along Broad Avenue and Fairview Avenue in Fairview and Hendricks Causeway in Ridgefield Park, some jitneys were observed carrying passengers. Further observation and a limited ridecheck revealed that some of the Bergenline Avenue jitneys leave the normal route at Nungessers, instead following Fairview Avenue to Broad Avenue, continuing north into Palisades Park. This service operates infrequently, and no jitneys were observed continuing north of Central Boulevard. Vehicles operating service on Fairview/Broad Avenues were marked for Bergenline Avenue service (“Bergenline” destination signs).

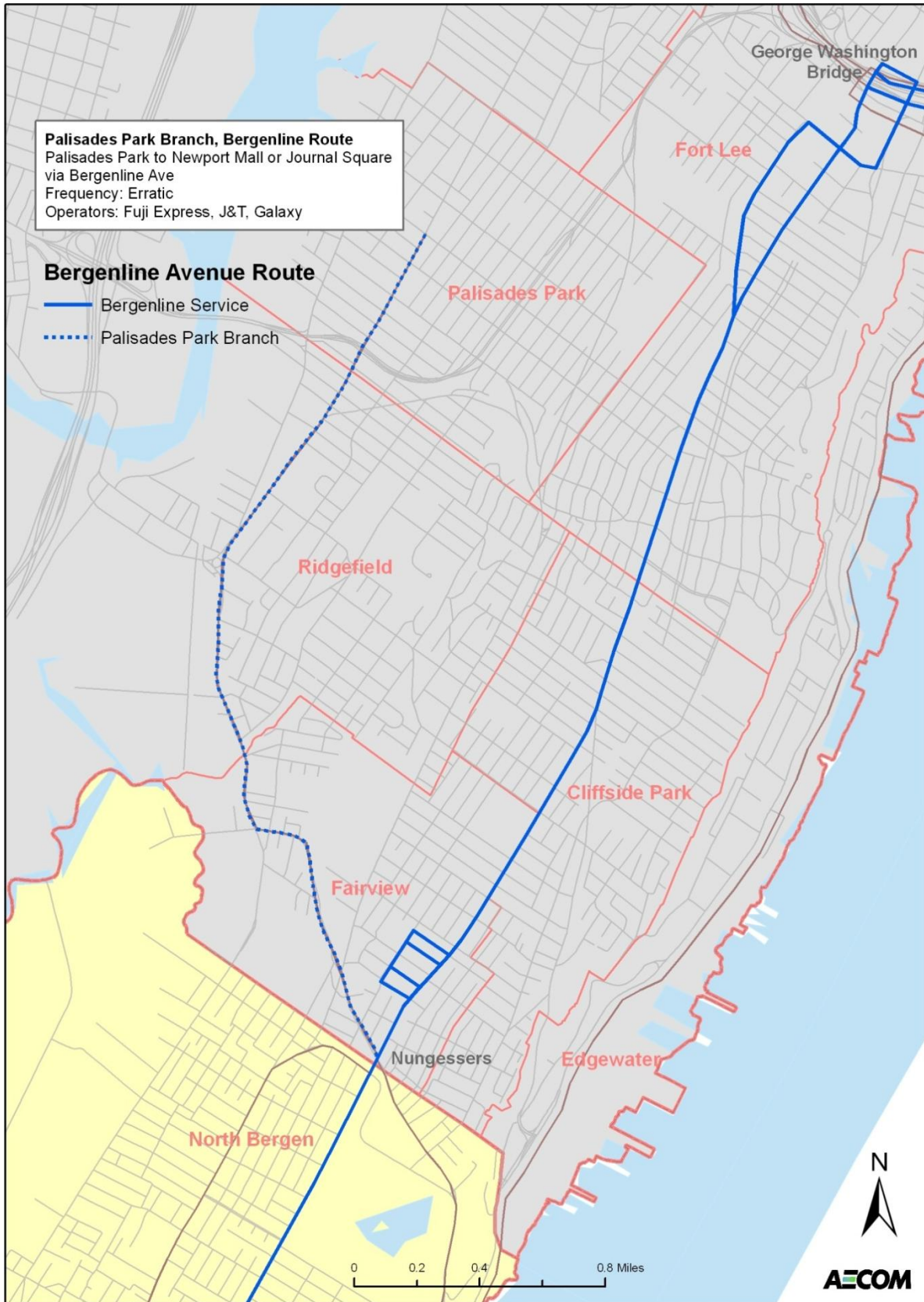
Observations of service along Fairview Avenue to Palisades Park are summarized in Table A-2 below. A map of the service is presented in Figure A-2 following.

**Table A-9: Palisades Park Service**

<b>Palisades Park Service</b>	
Headway	Erratic (most vehicles empty/ presumably deadheading to garages)
Operators	Galaxy Towers Inc., Fuji Express Inc., J&T Transit Corp., Van Pool Inc. (others noted, but empty)
Destination Sign	Bergenline Avenue
Fare (Trip Start & End Points)	\$1.50 (Nungessers to Broad Ave & Central Blvd, Palisades Park)



Figure A-20: Palisades Park Service - May 2011



## NJ 495 Corridor

In order to better understand the jitney volumes in the NJ 495/30<sup>th</sup> Street/31<sup>st</sup> Street corridor, additional point checks were conducted at 30<sup>th</sup> Street & Plank Road (eastbound, 8:30 AM – 9:30 AM) and at 31<sup>st</sup> Street & Hudson Avenue (westbound, 10:00 AM – 11:00 AM). Three routes serve this corridor: Bergenline–PABT, Kennedy–PABT (to/from Journal Square) and Paterson–PABT. As most vehicles in this corridor are simply labeled “New York”, it is not possible to determine the proportion of vehicles operating on each route. However, vehicles marked “Paterson” accounted for 23/79 eastbound trips (29 percent, at a frequency of every five minutes) and 20/43 westbound trips (47 percent, at a frequency of every three minutes). Additionally, a majority of Journal Square–PABT trips are operated by Community Lines – such trips accounted for 31/79 eastbound trips (39 percent, at a frequency of every two minutes) and 16/43 westbound trips (37 percent, at a frequency of every four minutes). A majority of the remaining 25/79 eastbound trips (32 percent, at a frequency of every three minutes) and 7/43 westbound trips (16 percent, at a frequency of every nine minutes) likely can be attributed to the Bergenline–PABT service. Table A–3 below summarizes the results of this point check survey.

Table A-10: NJ 495 Corridor Point Check

	Eastbound 8:30-9:30 AM (79 Vehicles)	Westbound 10:00-11:00 AM (43 Vehicles)
Routes (estimated proportion of trips)	Bergenline-PABT (32%) Kennedy-PABT (39%) Paterson-PABT (29%)	Bergenline-PABT (16%) Kennedy-PABT (37%) Paterson-PABT (47%)
Frequency of Service (estimated by route)	Bergenline-PABT (every 3 min) Kennedy-PABT (every 2 min) Paterson-PABT (every 5 min) TOTAL (every 1 min or less)	Bergenline-PABT (every 9 min) Kennedy-PABT (every 4 min) Paterson-PABT (every 3 min) TOTAL (every 1.5 min)
Operators (proportion of service in corridor)	3CM Solutions LLC (3%) Airport Service Corp. (20%) Community Lines Inc. (39%) Fuji Express Inc. (1%) Galaxy Towers Inc. (1%) Genesis Bus Lines LLC (6%) J&T Transit Corp. (5%) MGN & N Transportation Inc. (3%) Quick Transit Management Agency LLC (1%) Ramstar Transport (8%) Sfiniex Line Express inc. (1%) Spanish Transportation Corp. (5%) Taino Express Inc (3%)	3CM Solutions (2%) Airport Service Corp. (30%) Community Lines Inc. (37%) Economic Xpress Corp. (2%) Galaxy Towers Inc. (2%) Genesis Bus Lines LLC (5%) J&T Transit Corp. (7%) Quick Transit Management Agency LLC (2%) Spanish Transportation Corp. (7%) Taino Express Inc (2%)
Movement	15/79 (19%) turned from 30 <sup>th</sup> Street onto Hackensack Plank Road, likely to avoid tunnel traffic. This group represents vehicles operating each of the three routes. The remainder (81%) continued on 30 <sup>th</sup> Street toward the Lincoln Tunnel.	10/43 (23%) continued on NJ 495 rather than using North Marginal Highway (31 <sup>st</sup> Street). These were primarily Community Lines vehicles heading toward Journal Square, but included a few Paterson vehicles as well.

## Journal Square

Since field work was conducted in August–September 2010, additional services have begun to use the Journal Square Transportation Center’s bus lanes, rather than loading passengers curbside. For example, select Bergenline Avenue jitneys were observed using the bus lanes, and a Bayonne jitney was observed discharging passengers in the terminal. Additionally, during Summer 2010 signage at Journal Square indicated that Spanish Transportation Express Service was available to Paterson, Clifton and Passaic, but such service was not observed. In May 2010, the sign remained and Journal Square – Paterson service seemed to be operating. Signs at Journal Square have been updated to show the following:

- Gate B2: Community Lines / Hudson County service to
  - Nungessers (Jersey City, Union City, North Bergen, West New York, Guttenberg via Kennedy Boulevard
  - New York PABT (Union City, New York)
  
- Gate D4: Spanish Transportation Express Service to
  - Paterson, Clifton, Passaic
  - New York City

While stated above, field work was unable to confirm Spanish Transportation service to New York from Gate D4, or the routing of such service (possibly via Kennedy Boulevard as operated by Community Lines). Additionally, Newport–Mall–bound Bergenline Avenue jitneys were observed using Gate D4, while Nungessers–bound Bergenline Avenue jitneys were observed using Gate B2. Figure A–3 shows boarding locations for each route, as well as the observed routing of Bergenline Avenue jitneys using the Journal Square Transportation Center’s bus lanes.

Figure A-21: Journal Square Jitney Stop Locations



### Additional Operators

A few additional jitney operators were noted during this round of field work. USDOT reporting is shown in Table A-4 and inspection results (from the 24-month period prior to May 31, 2011) are shown in Table A-5. All data below is from the Federal Motor Carrier Safety Administration’s website, except for the routes operated by each company.

Table A-11: Additional Jitney Operators

Jitney Operator	USDOT Number	Registered Vehicles	Brand(s)	Address	Route(s) Operated
Daniela Ruth Transportation LLC	2087267	2	N/A	419 65 <sup>th</sup> Street West New York, NJ 07093	Unsure
Economic Xpress Corp	1841926	2	N/A	5312 Hudson Ave, Suite 1 West New York, NJ 07093	Unsure (on NJ 495)
Taino Express Inc	1711378	15	N/A	122 Burlington Ave, Paterson, NJ 07502	Paterson-PABT

Table A-12: Additional Operator Safety Records

Jitney Operator	USDOT Number	Registered Vehicles	Vehicle Inspections		Driver Inspections		Total Crashes (Fatal, Injury & Tow)
			Number	% Out of Service	Number	% Out of Service	
Daniela Ruth Transportation LLC	2087267	2	0	0%	0	0%	0
Economic Xpress Corp	1841926	2	1	0%	1	0%	0
Taino Express Inc	1711378	15	6	0%	7	14%	1

## **APPENDIX A: Other Jitney Services in the United States**

Following is a brief overview of some of the other jitney services in the United States which may be considered relevant to a study of jitney service in Hudson County. It is not a comprehensive list, but is intended to provide a comparison and identify other jitney frameworks which may be relevant for additional study.

### **New York City**

The Metropolitan Transportation Authority (MTA) eliminated several bus routes in each of the city's five boroughs in June 2010 due to budget shortfalls. Some of the eliminated routes left areas of the city without any transit service for the displaced riders. As part of a trial program, the city's Taxi and Limousine Commission began the Group Ride Vehicle Pilot Program. This pilot program is set to last for one-year, after which it will likely be renewed if successful; however, operators are only required to run service for 90 days – they can leave the program if there is no ridership.

Through the Group Ride Vehicle Pilot Program, vans carrying up to 20 passengers travel on a set schedule within a fixed service area and charge a flat fare of \$2. They operate from 6:00 AM to 10:00 PM, but are much less likely to operate off peak when providing service is less profitable. Vans are not handicapped accessible and there are no transfers to MTA bus or subway service. The vans are required to pick up passengers only at designated stops, but can negotiate drop-offs for passengers anywhere within the service area – there are no fixed routes. Different private operators were chosen to provide service in different locations (replacing different discontinued MTA bus routes); however, only one operator is authorized to provide service on each “route”.

While cuts were made to bus service citywide, the Group Ride Vehicle Pilot Program, which includes six commuter van lines, is focused in lower density parts of Brooklyn and Queens where bus cuts have left residents with little or no transit service. Implemented in September 2010, at the time of writing the success of these services is still to be determined. Recent newspaper articles have mentioned that ridership – and fare revenues – may not be high enough to sustain the service.<sup>8</sup> In fact, two of the van routes folded after a month. As of May 2011, only one commuter van line remains.

### **Atlantic City**

The Atlantic City Jitney Association (ACJA) is responsible for the operation of five public jitney routes and two contract services in Atlantic City, New Jersey. The public routes, fixed routes which are set by the ACJA, distribute the jitneys throughout the city, with two routes providing 24-hour service. These two routes, the busiest of the five, subsidize the other three, less busy routes. Jitneys stop at marked stops, which are located at nearly every intersection along each

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<sup>8</sup> “Van Plan Scam? Dollar Vans on Former B71 Route Can Go Anywhere They Want.” *The Brooklyn Paper*, September 22, 2010.

route. The fare for a ride on a public jitney route is \$2.25 with no transfers; however, 10-trip tickets are available for \$20.00 for regular passengers, \$7.50 for seniors. The ACJA also oversees two contract shuttle bus services in the city. One contract service, the Trump Shuttle, operates between the Trump casinos. Additionally, the ACJA operates the Casino Rail Shuttles, which comprise four shuttle routes connecting NJ Transit's Atlantic City Rail Line with casinos throughout the city.

While NJ Transit and ACJA service areas overlap – both cover much of the city – the two services have been separated on the busy Atlantic Avenue and Pacific Avenue corridors. For much of their lengths, NJ Transit bus services operate primarily on Atlantic Avenue, while jitneys operate on Pacific Avenue. This separation was done in order to separate the potentially conflicting service patterns along the busiest corridors: while NJ Transit vehicles stop only at designated bus stops every few blocks, jitneys will stop at almost any intersection to pick up passengers.

The ACJA specifies shifts and schedules for jitney drivers, ensuring each has the opportunity to work the best routes at least part of the time. Jitney drivers own their own vehicles and must purchase a medallion from the city and join the ACJA in order to operate service. Drivers keep the farebox revenues on the public routes and are paid salaries for work on the contract services, which do not charge passenger fares. The ACJA leases its own garage and oversees a fleet of 190 vehicles, approximately 35 of which are deployed on the public routes during peak service. Over a given 24-hour period, approximately 95 to 100 vehicles are used in revenue service. The contract routes use Blue Bird buses (one per route) rather than jitney vehicles.<sup>9</sup>

### **Atlanta Suburbs**

Clayton County, Georgia, a suburban county just south of Atlanta, recently eliminated its public bus service, C-Tran. After service was eliminated, van services came in to fill the void. These van services received a 60-day temporary authorization from the Georgia Public Services Commission and have the ability to apply for a permanent certificate thereafter. One van service operates between three park-and-ride lots in the county and the College Park MARTA Rail Station, from which rail and bus service is available throughout the region. Another serves Riverdale Road, which was formerly a busy corridor for C-Tran. These van services do not fully replace the former C-Tran bus service, which operated on five regular fixed routes throughout the county, but provide some additional service to that provided by the three Georgia Regional Transportation Authority (GRTA) express bus routes serving the county.<sup>10</sup>

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<sup>9</sup> "Atlantic City Regional Transportation Plan", AECOM, 2009.

<sup>10</sup> "Another Private Van Service Gets OK to Operate in Clayton". *The Atlanta Journal-Constitution*, April 7, 2010.

## **Miami-Dade**

Miami-Dade County, Florida has a jitney system which dates back to the 1920s.<sup>11</sup> Jitneys are regulated by county, and must have a chauffeur's license, appropriate insurance, and county inspection. Routes and operating hours must be approved by the county and the Miami-Dade Transit Agency (MDTA) so as to minimize overlap with existing transit routes.<sup>12</sup> In contrast with other jitney services, those in Miami-Dade County accept MDTA transfers and vice-versa, demonstrating increased integration with the existing public transportation network.

## **San Diego**

In the late 1970s, jitney services were legalized in San Diego County. By 1984, over 15 companies operated over 100 vehicles serving more than 15,000 passengers per day. However, these operations were largely curtailed due to "over-competition" and complaints.<sup>13</sup> Jitneys are now primarily found in San Ysidro, providing service between the Mexican border and the Coronado and San Ysidro Swap Meets, making some intermediate stops as requested.<sup>14</sup>

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<sup>11</sup> "Minibus Jitneys A Transit Alternative". *The Miami Herald*, May 19, 2008.

<sup>12</sup> <http://www.miami-dade.gov/csd>, accessed September 22, 2010.

<sup>13</sup> Cervero, Robert. "Evaluating the Contribution of Transport Projects to Welfare to Work", FIA Foundation, Institute of Urban and Regional Development, University of California, Berkeley. 2006.

<sup>14</sup> "San Ysidro Mobility Strategy", Estrada Land Planning and Kimley-Horn & Assoc. Inc., 2009.

## APPENDIX B: Jitney Operators (September 2010)

Jitney Operator	USDOT Number	Registered Vehicles	Brand(s)	Address	Route(s) Operated
Spanish Transportation Service Corp.	554657	19	Express Service	96 Barclay Street, Paterson	Paterson-PABT Paterson-GWB
Airport Service Corp.	609266	131	Express Service	96 Barclay Street, Paterson	Bergenline-PABT Kennedy-PABT Paterson-PABT Paterson-GWB
New Service, Inc.	1026280	18	Express Service	96 Barclay Street, Paterson	Bergenline Paterson-GWB
Airport Service of NJ LLC	1267333	12	Pyramids Express	101 Van Keuren Ave Jersey City	Bergenline Bergenline-PABT Kennedy-PABT Blvd East
Vanessa Express Co Inc.	325795	30	Vanessa Express	77 W 18 <sup>th</sup> Street, Weehawken	Bergenline
Quick Transit Management Agency LLC	1713003	36	K&T Express Fuji	781 Fairview Avenue, Fairview	Bergenline Bergenline-PABT Kennedy-PABT Kennedy Blvd East
Fuji Express Inc.	865520	20	K&T Express Fuji	781 Fairview Avenue, Fairview	Bergenline Bergenline-PABT Kennedy-PABT Kennedy Blvd East
Fuji Lines Inc.	655883	2	K&T Express Fuji	781 Fairview Avenue, Fairview	Blvd East
J & T Transit Corp.	989130	118	Express Service Van Go Yellow Bus Service	101 Broad Avenue, Fairview	Bergenline Bergenline-PABT Kennedy-PABT Kennedy Blvd East
Galaxy Towers Inc.	499373	22	Sphinx	1099 Hendricks CSWY, Ridgefield	Bergenline Bergenline-PABT Kennedy Bayonne Blvd East
Boulevard Lines Inc.	494738	12	Sphinx	1099 Hendricks CSWY, Ridgefield	Bergenline Blvd East
Van Pool Inc.	494736	10	Sphinx	1099 Hendricks CSWY, Ridgefield	Bergenline Blvd East
Community Lines Inc.	484891	60	Community Lines Gold Star	1 Oxford Ave Jersey City	Bergenline Kennedy-PABT Bayonne River Road Central
MGN & N Transportation Inc.	1596368	20	None	6921 Nolan Avenue, North Bergen	Bergenline Bergenline-PABT Kennedy-PABT Blvd East
Ride-Ex Transportation LLC	1793567	9	None	926R Newark Avenue, Jersey City	Bayonne River Road Central
3CM Solutions LLC	1451641	17	Big Taxi	136 Lakeside Drive S, Piscataway	Bergenline Bergenline-PABT Paterson-PABT
Sfiniex Line Express Inc.	591725	2	None	9274 Kennedy Blvd, North Bergen	Bergenline Bergenline-PABT
Genesis Bus Lines LLC	1235639	15	None	178 Bergen Avenue, Clifton	Paterson-GWB Paterson-PABT



Gladiator Tours & Travel LLC	1794878	2	None	3 Westbrook Way, Manalapan	Bldv East
Citylink Xpress Service Corp.	1775485	11	None	408 32 <sup>nd</sup> Street, Union City	Bergenline

## APPENDIX C: Jitney Inspections by Operator (September 2008-10)

Jitney Operator	USDOT Number	Registered Vehicles	Vehicle Inspections		Driver Inspections		Total Crashes (Fatal, Injury & Tow)
			Number	% Out of Service	Number	% Out of Service	
MGN & N Transportation Inc.	1596368	20	20	70.00%	28	32.10%	0
Van Pool Inc.	494736	10	7	57.10%	7	28.60%	3
Airport Service of NJ LLC	1267333	12	19	52.60%	27	29.60%	0
Ride-Ex Transportation LLC	1793567	9	4	50.00%	7	0.00%	1
J & T Transit Corp.	989130	118	71	38.00%	107	18.70%	1
Galaxy Towers Inc.	499373	22	36	36.10%	56	19.60%	1
Vanessa Express Co Inc.	325795	30	24	33.30%	33	12.10%	3
3CM Solutions LLC	1451641	17	9	33.30%	12	33.30%	1
Sfiniex Line Express Inc.	591725	2	4	25.00%	8	12.50%	0
Airport Service Corp.	609266	131	21	23.80%	46	10.90%	3
Community Lines Inc.	484891	60	85	17.60%	183	4.90%	0
Quick Transit Management Agency LLC	1713003	36	56	16.10%	68	13.20%	0
New Service, Inc.	1026280	18	20	15.00%	22	4.50%	0
Spanish Transportation Service Corp.	554657	19	2	12.50%	22	4.50%	6
Fuji Express Inc.	865520	20	57	10.50%	64	1.60%	0
Fuji Lines Inc.	655883	2	0	0.00%	0	0.00%	0
Boulevard Lines Inc.	494738	12	2	0.00%	6	0.00%	2
Genesis Bus Lines LLC	1235639	15	4	0.00%	10	20.00%	3
Gladiator Tours & Travel LLC	1794878	2	2	0.00%	3	0.00%	0
Citylink Xpress Service Corp.	1775485	11	5	0.00%	14	21.40%	0

Source: <https://safer.fmcsa.dot.gov>. Data reflects inspections over the two-year period prior to September 2010, when data was obtained.

## **APPENDIX D: Historical Synopsis of Regulation of Jitney Services in the United States**

Jitneys were first documented operating in the United States in 1910, functioning as ad hoc motorized stage coaches, typically operating over longer distances in western cities<sup>15</sup>. Within a year of beginning the initial “stage coach” operations, 5–6 passenger touring cars began operating along downtown trolley lines in Los Angeles for the cost of a nickel (aka “jitney”), providing commuters with a low cost service alternative to the fixed route trolley monopolies.

By 1916 Motor Bus Magazine estimated that roughly 24,000 jitneys were operating in the country, taking up to 50% of the streetcar ridership during peak hours and even greater percentages of riders during the off-peak travel times. At the time, the rapid success of the jitney as a common carrier mode in major areas was attributed by spokesmen of the streetcar industry to jitney “frequency of service, the flexibility of routes to meet changing demands, and the inability to accommodate standees.”

As rapid the rise of the jitney in early 20<sup>th</sup> century America, the virtual demise of the mode by 1919, i.e., within four years of its zenith, provides context for current discussions about the proper role of regulation in addressing existing common carrier issues in Hudson County.

Suffering major losses of ridership and revenue, the more established street car industry acted quickly to eliminate the threat that jitney operations posed to the continued existence of streetcar networks in urban areas of the country.

During the period, streetcar operators attributed the decline of prominence of the jitney to factors such as: 1) fuel and parts shortages brought on by the start of World War I; and 2) failure of novice operators to account for vehicle depreciation and replacement costs in their economic calculations thereby running the vehicles into the ground without the resources to replace them. While these factors can certainly be attributed to some measure of jitney operation failures, the short time-span within which most of the entire mode was eliminated is indicative of the success that the streetcar industry had in legislating jitneys out of existence in major urban markets. The creation and enforcement of statutes and ordinances that prohibited competition on established streetcar routes<sup>16</sup>, in combination with requirements for excessive operator bonding and for the establishment of “fixed routes” that could be changed only after extensive review periods, essentially legislated jitney services out of operation.

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<sup>15</sup> Saltzman, Arthur and Solomon, Richard J (1973): *Jitney Operations in the United States*, 449 Highway Research Board pages 63-70.

<sup>16</sup> Streetcar routes were considered to be railroads under the jurisdiction of the Interstate Commerce Commission created as part of the Interstate Commerce Law of 1887.

## **APPENDIX E: Overview of Common Carrier Regulatory Issues**

Interestingly, some of the most useful and recent studies relating to appropriate use and impact of regulation on services such as the existing Jitney Services in Hudson County comes from studies completed in what have come to be known as the “Informal Transportation Sector” of developing nations<sup>17</sup>.

Informal transport services are typically paratransit-type services provided without official sanction. While these systems provide benefits including on-demand mobility for the transit-dependent, jobs for low-skilled workers, and service coverage in areas often devoid of formal transit supply, they also have costs, such as increased traffic congestion, air and noise pollution, and traffic accidents – and therefore can sometimes be difficult to justify from a public policy perspective.

While the areas and services that have been studied in other countries have varying levels of similarity of operation to existing Hudson County service, they are perhaps most helpful in providing a comprehensive assessment of the range of regulation options along with their benefits and challenges in implementation.

### **Regulatory Categories**

Typically, regulation of common carrier services falls under one of the following categories:

#### Market Entry Regulation

Entrants into the market are required to demonstrate: 1) that the proposed service will be in the public interest; 2) that there is an unmet public need that can be met by the proposed service; and 3) regulation of market entry can also include the development of a permit or medallion system and can be rationed based on a predetermined formula.

#### Pricing Regulation

Regulation has been used to establish rates and structures to attain a fair rate of return, normally between 8% and 15% on investment. Tariff structures seek to promote some combinations of cost recovery, equity, clarity, ease of administrative control and revenue buoyancy.

#### Service Characteristic Regulation

These regulations include restrictions on where and when a vehicle may operate, maximum occupancy per vehicle and non-passenger aspects such as freight and package delivery limitations.

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<sup>17</sup> GTZ Transportation Policy Advisory Services. Informal Public Transport: Recommended Reading and Links, Commissioned by German Federal Ministry for Economic Cooperation and Development, June 2010.

### Liability Insurance Regulation

Insurance provisions are required to protect and indemnify both passengers and the general public from injury and damages from accidents.

### Fitness Standards Regulation

Minimum standards on vehicles and operators such as maximum allowable vehicle age, minimum driver age, and maximum number of permissible accidents and infractions during a driver's lifetime.

### **Potential Service Benefits and Concerns**

Informal transit service studies have also identified benefits and concerns that have been associated with jitney-like operations. These issues represent common themes in cities and countries outside the United States where similar jitney services are prevalent, and provide context for the basic questions of whether such services should be regulated, and if so, how?

#### Service Benefits

1. Services have provided much needed and valued mobility for the poor to reach jobs, markets, medical appointments and other destinations.
  - The ability to bring lower skilled labor into more prosperous areas that they cannot afford to live in is an underappreciated benefit to society and enlarges the regional labor market, providing enough potential workers to keep wages competitive in the marketplace. However, if there is no coordination of the informal service, with workers needing to make multiple transfers to get from their dwellings to their employment, the costs of those services can come to represent a substantial percentage of workers' salaries.
  - For middle-class workers – the ability to use service that is air conditioned, with a guaranteed seat on a vehicle that needs to stop less frequently with better travel time can lead to services provided at a premium rate with passengers willing to pay that rate.
  - By paying taxes on fuel and licensing fees, the operators benefit local government.
2. Operators can provide transportation options in off-peak hours when fixed route transit services are no longer operating or operating with reduced frequency.
3. Contribution to Overall Transportation Network
  - Provides feeder service to public sector transit to lower operating costs
  - Provides support in locations and at times when public resources are less available
  - Can fill a need between fixed route transit on longer headways and higher priced taxi service

#### 4. Efficient, Low-Cost Services

- Ultra-responsive to emerging and shifting market trends
- Services confer financial benefits on society where ridership is 5,000 or fewer per day per direction (Hong Kong and Manila studies)
- Once passenger volumes exceed 5,000, financial benefits start to decline

#### 5. Market Responsiveness

- Operators can easily modify schedules and develop custom routes.

#### Service Issues and Concerns

With the benefits of jitney services come a number of concerns relating to the informal nature of services, the wide range in operator/owner size, and the often uncontrolled level to which numerous operators compete for passengers in a given corridor.

##### 1. Traffic Congestion

- Not only does competition among operators impact traffic because there are too many vehicles, but also because there is cutthroat behavior where drivers cut each other off, stop to pick up passengers mid-block and weave erratically across lanes to reach waiting passengers, further exacerbating congestion.
- The congregation of excessive vehicles at transit terminal locations will often block traffic upstream or slow important intersections near terminal locations.

##### 2. Disorderly Operations and Practices

- Fierce competition for customers invites chaotic and collectively damaging driving behavior
- Private motives are at odds with the larger public interest
- Private carriers frequently cherry-pick ridership from fixed route transit operators at stops in busy corridors
- Prematurely dropping passengers off the vehicle and returning in the opposite direction as demand has dropped off and more money can be made going the opposite way
- Poaching by positioning representatives at transit stops to convince riders to use the informal services instead of fixed route transit

### 3. Accidents and Public Safety

- Hyper-competition has been documented to cause aggressive driving and recklessness – cutting off cars, blocking travel lanes to load and unload passengers, etc.
- Overloading vehicles may lead to injuries to passengers when vehicles start and stop abruptly
- Operating unsafe vehicles – poorly maintained vehicles increases the risk of accidents.
- Driving through red lights and excessive cruising for customers
- Openly disobeying traffic laws, at times because of lack of language/literacy skill
- Drivers working long hours, leading to excessive fatigue

### 4. Pollution and Environmental Concerns

- Older vehicles tend to be gross emitters of air and noise pollution because of diesel propulsion, lack of proper maintenance, and frequent acceleration and deceleration in traffic

### 5. Predatory Business

- Operation only along lucrative routes leaves high-cost, unprofitable services to the public sector – regulation allows for cross-subsidization – can lead to the deterioration or collapse of public transit service.
- Over time, predatory competition becomes part of the established system with less likelihood that political remedies will be used to address safety concerns and other issues.

### 6. Intangible factors

- There is a cultural predisposition to favor automobiles without realizing the importance of the informal systems to the poor and elderly.
- There tends to be a mindset among public officials that jitneys are “inferior” modes not suitable for “modern” transportation.
- Professionals and politicians tend to only recognize the costs and not the benefits of the system.

## APPENDIX F: Applicable Federal Motor Carrier Safety Regulations

### Relevant Sections of Federal Motor Carrier Safety Regulations

#### §385.3 Definitions and acronyms.

**Applicable safety regulations or requirements** means 49 CFR chapter III, subchapter B—Federal Motor Carrier Safety Regulations or, if the carrier is an intrastate motor carrier subject to the hazardous materials safety permit requirements in [subpart E](#) of this part, the equivalent State standards; and 49 CFR chapter I, subchapter C—Hazardous Materials Regulations.

**CMV** means a commercial motor vehicle as defined in [§390.5](#) of this subchapter.

**Commercial motor vehicle** shall have the same meaning as described in [§390.5](#) of this subchapter, except that this definition will also apply to intrastate motor vehicles subject to the hazardous materials safety permit requirements of [subpart E](#) of this part.

**FMCSA** means the Federal Motor Carrier Safety Administration.

**FMCSRs** mean Federal Motor Carrier Safety Regulations ([49 CFR parts 350 –399](#)).

**Motor carrier operations in commerce** means commercial motor vehicle transportation operations either—

- (1) In interstate commerce, or
- (2) Affecting interstate commerce.

**New entrant** is a motor carrier not domiciled in Mexico that applies for a United States Department of Transportation (DOT) identification number in order to initiate operations in interstate commerce.

**New entrant registration** is the registration (US DOT number) granted a new entrant before it can begin interstate operations in an 18-month monitoring period. A safety audit must be performed on a new entrant's operations within 18 months after receipt of its US DOT number and it must be found to have adequate basic safety management controls to continue operating in interstate commerce at the end of the 18-month period.

**Preventable accident** on the part of a motor carrier means an accident (1) that involved a commercial motor vehicle, and (2) that could have been averted but for an act, or failure to act, by the motor carrier or the driver.



**Reviews. For the purposes of this part:**

(1) **Compliance review** means an on-site examination of motor carrier operations, such as drivers' hours of service, maintenance and inspection, driver qualification, commercial drivers license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints, or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action.

(2) **Safety Audit** means an examination of a motor carrier's operations to provide educational and technical assistance on safety and the operational requirements of the FMCSRs and ... to gather critical safety data needed to make an assessment of the carrier's safety performance and basic safety management controls. Safety audits do not result in safety ratings.

(3) **Safety management controls** means the systems, policies programs, practices, and procedures used by a motor carrier to ensure compliance with applicable safety ... regulations, which ensure the safe movement of products and passengers through the transportation system, and to reduce the risk of highway accidents ... resulting in fatalities, injuries, and property damage.

(4) **Roadability review** means an on-site examination of the intermodal equipment provider's compliance with the applicable FMCSRs.

**RSPA** means the Research and Special Programs Administration.

**Safety fitness determination** means the final determination by FMCSA that a motor carrier meets the safety fitness standard under [§385.5](#)

**Safety rating or rating** means a rating of "Satisfactory," "Conditional" or "Unsatisfactory," which the FMCSA assigns to a motor carrier using the factors prescribed in [§385.7](#), as computed under the Safety Fitness Rating Methodology (SFRM) ... and based on the carrier's demonstration of adequate safety management controls under [§385.5\(a\)](#). A safety rating of "Satisfactory" or "Conditional" is necessary, but not sufficient, to meet the overall safety fitness standard under [§385.5](#). (1) **Satisfactory safety rating** means that a motor carrier has in place and functioning safety management controls adequate to meet that portion of the safety fitness standard prescribed in [§385.5\(a\)](#). Safety management controls are adequate for this purpose if they are appropriate for the size and type of operation of the particular motor carrier.

(2) **Conditional safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with that portion of the safety fitness standard prescribed in [§385.5\(a\)](#), which could result in occurrences listed in [§385.5 \(a\)\(1\)](#) through [\(a\)\(11\)](#).

(3) **Unsatisfactory safety rating** means a motor carrier does not have adequate safety management controls in place to ensure compliance with that portion of the safety fitness

standard prescribed in [§385.5\(a\)](#), and this has resulted in occurrences listed in [§385.5 \(a\)\(1\)](#) through [\(a\)\(11\)](#).

(4) **Unrated carrier** means that the FMCSA has not assigned a safety rating to the motor carrier.

[53 FR 50968, Dec. 19, 1988, as amended at 56 FR 40805, Aug. 16, 1991; 62 FR 60042, Nov. 6, 1997; 67 FR 12779, Mar. 19, 2002; 67 FR 31983, May 13, 2002; 69 FR 39367, June 30, 2004; 72 FR 36788, July 5, 2007; 73 FR 76818, Dec. 17, 2008; 75 FR 17240, Apr. 5, 2010]  
**§385.5 Safety fitness standard.**

A motor carrier must meet the safety fitness standard set forth in this section... To meet the safety fitness standard, the motor carrier must demonstrate the following:

(a) It has adequate safety management controls in place, which function effectively to ensure acceptable compliance with applicable safety requirements to reduce the risk associated with:

(a)(1) Commercial driver's license standard violations ([part 383](#) of this chapter),

(a)(2) Inadequate levels of financial responsibility ([part 387](#) of this chapter),

(a)(3) The use of unqualified drivers ([part 391](#) of this chapter),

(a)(4) Improper use and driving of motor vehicles ([part 392](#) of this chapter),

(a)(5) Unsafe vehicles operating on the highways ([part 393](#) of this chapter),

(a)(6) Failure to maintain accident registers and copies of accident reports ([part 390](#) of this chapter),

(a)(7) The use of fatigued drivers ([part 395](#) of this chapter),

(a)(8) Inadequate inspection, repair, and maintenance of vehicles ([part 396](#) of this chapter),

(a)(9) Transportation of hazardous materials, driving and parking rule violations ([part 397](#) of this chapter).

(a)(10) Violation of hazardous materials regulations (parts 170 through 177 of this title), and

(a)(11) Motor vehicle accidents, as defined in [§390.5](#) of this chapter, and hazardous materials incidents.

(b) The motor carrier has complied with all requirements contained in any remedial directive issued under subpart J of this part.

[75 FR 17241, Apr. 5, 2010]

### **§385.7 Factors to be considered in determining a safety rating.**

The factors to be considered in determining the safety fitness and assigning a safety rating include information from safety reviews, compliance reviews and any other data. The factors may include all or some of the following:

- (a) Adequacy of safety management controls. The adequacy of controls may be questioned if their degree of formalization, automation, etc., is found to be substantially below the norm for similar carriers. Violations, accidents or incidents substantially above the norm for similar carriers will be strong evidence that management controls are either inadequate or not functioning properly.
- (b) Frequency and severity of regulatory violations.
- (c) Frequency and severity of driver/vehicle regulatory violations identified during roadside inspections of motor carrier operations in commerce ...
- (d) Number and frequency of out-of-service driver/vehicle violations of motor carrier operations in commerce ...
- (e) Increase or decrease in similar types of regulatory violations discovered during safety or compliance reviews.
- (f) For motor carrier operations in commerce: Frequency of accidents; hazardous materials incidents; accident rate per million miles; indicators of preventable accidents; and whether such accidents, hazardous materials incidents, and preventable accident indicators have increased or declined over time.
- (g) Number and severity of violations of CMV and motor carrier safety rules, regulations, standards, and orders that are both issued by a State...and compatible with Federal rules, regulations, standards, and orders.

[53 FR 50968, Dec. 19, 1988, as amended at 58 FR 33776, June 21, 1993; 72 FR 36788, July 5, 2007]

### **§385.9 Determination of a safety rating.**

- (a) Following a compliance review of a motor carrier operation, FMCSA, using the factors prescribed in [§385.7](#) as computed under the Safety Fitness Rating Methodology... shall determine whether the present operations of the motor carrier are consistent with that portion of the safety fitness standard set forth in [§385.5\(a\)](#), and assign a safety rating accordingly.
- (b) Unless otherwise specifically provided in this part, a safety rating will be issued to a motor carrier within 30 days following the completion of a compliance review.

[62 FR 60042, Nov. 6, 1997, as amended at 75 FR 17241, Apr. 5, 2010]

### **§385.11 Notification of safety rating and safety fitness determination.**

(a) The FMCSA will provide a motor carrier written notice of any safety rating resulting from a compliance review as soon as practicable, but not later than 30 days after the review. The notice will take the form of a letter issued from the FMCSA's headquarters office and will include a list of FMCSR and HMR compliance deficiencies which the motor carrier must correct.

(b) If the safety rating is "satisfactory" or improves a previous "unsatisfactory" safety rating, it is final and becomes effective on the date of the notice.

(c) In all other cases, a notice of a proposed safety rating will be issued. It becomes the final safety rating after the following time periods:

(c)(1) For motor carriers transporting hazardous materials in quantities requiring placarding or transporting passengers by CMV—45 days after the date of the notice.

(c)(2) For all other motor carriers operating CMVs—60 days after the date of the notice.

(d) A proposed safety rating of "unsatisfactory" is a notice to the motor carrier that the FMCSA has made a preliminary determination that the motor carrier is "unfit" to continue operating in interstate commerce, and that the prohibitions in [§385.13](#) will be imposed after 45 or 60 days if necessary safety improvements are not made.

(e) A motor carrier may request the FMCSA to perform an administrative review of a proposed or final safety rating. The process and the time limits are described in [§385.15](#).

(f) A motor carrier may request a change to a proposed or final safety rating based upon its corrective actions. The process and the time limits are described in [§385.17](#).

(g) If a motor carrier is subject to a remedial directive and proposed determination of unfitness under subpart J of this part, the notice of remedial directive will constitute the notice of safety fitness determination. If FMCSA has not issued a notice of remedial directive and proposed determination of unfitness under subpart J of this part, a notice of a proposed or final safety rating will constitute the notice of safety fitness determination.

[65 FR 50934, Aug. 22, 2000, as amended at 75 FR 17241, Apr. 5, 2010]

**§385.13 Unsatisfactory rated motor carriers; prohibition on transportation; ineligibility for Federal contracts.**

(a) Generally, a motor carrier rated "unsatisfactory" is prohibited from operating a CMV. Information on motor carriers, including their most current safety rating, is available from the FMCSA on the Internet at <http://www.saferys.org>, or by telephone at (800) 832-5660.

...

(a)(2) All other motor carriers rated as a result of reviews completed on or after November 20, 2000, are prohibited from operating a CMV in motor carrier operations in commerce beginning

on the 61st day after the date of the FMCSA notice of proposed "unsatisfactory" rating. If FMCSA determines that the motor carrier is making a good-faith effort to improve its safety fitness, FMCSA may allow the motor carrier to operate for up to 60 additional days.

...

(d) **Penalties** (1) If a proposed "unsatisfactory" safety rating becomes final, FMCSA will issue an order placing out of service the motor carrier's operations in commerce. The out-of-service order shall apply both to the motor carrier's operations in interstate commerce *and to its operations affecting interstate commerce*.

(d)(2) If a motor carrier's intrastate operations are declared out of service by a State, FMCSA must issue an order placing out of service the carrier's operations in interstate commerce. The following conditions apply:

(d)(2)(i) The State that issued the intrastate out-of-service order participates in the Motor Carrier Safety Assistance Program and uses the FMCSA safety rating methodology provided in this part; and

(d)(2)(ii) The motor carrier has its principal place of business in the State that issued the out-of-service order.

(d)(2)(iii) The order prohibiting the motor carrier from operating a CMV in interstate commerce shall remain in effect until the State determines that the carrier is fit.

(d) (3) Any motor carrier that operates CMVs in violation of this section is subject to the penalty provisions of 49 U.S.C. 521(b) and [Appendix B to part 386](#) of the FMCSRs.

(e) **Revocation of operating authority.** If a proposed "unsatisfactory" safety rating or a proposed determination of unfitness becomes final, the FMCSA will, following notice, issue an order revoking the operating authority of the owner or operator. For purposes of this section, the term "operating authority" means the registration required under 49 U.S.C. 13902 and [§392.9a](#) of this subchapter. Any motor carrier that operates CMVs after revocation of its operating authority will be subject to the penalty provisions listed in 49 U.S.C. 14901.

[56 FR 40806, Aug. 16, 1991; 62 FR 60042-60043, Nov. 6, 1997; 65 FR 50934, Aug. 22, 2000; 72 FR 36789, July 5, 2007; 72 FR 55700, Oct. 1, 2007]



**§385.14 Motor carriers, brokers, and freight forwarders delinquent in paying civil penalties: prohibition on transportation.**

(a) A CMV owner or operator that has failed to pay civil penalties imposed by the FMCSA, or has failed to abide by a payment plan, may be prohibited from operating CMVs in interstate commerce under [49 CFR 386.83](#).

(b) A broker, freight forwarder, or for-hire motor carrier that has failed to pay civil penalties imposed by the FMCSA, or has failed to abide by a payment plan, may be prohibited from operating in interstate commerce, and its registration may be suspended under the provisions of [49 CFR 386.84](#).

[65 FR 78427 Dec. 15, 2000]

**§385.15 Administrative review.**

(a) A motor carrier may request the FMCSA to conduct an administrative review if it believes FMCSA has committed an error in assigning its proposed safety rating in accordance with [§385.11\(c\)](#) or its final safety rating in accordance with [§385.11\(b\)](#).

(b) The motor carrier's request must explain the error it believes the FMCSA committed in issuing the safety rating. The motor carrier must include a list of all factual and procedural issues in dispute, and any information or documents that support its argument.

(c) The motor carrier must submit its request in writing to the Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001.

(c) (1) If a motor carrier has received a notice of a proposed "unsatisfactory" safety rating, it should submit its request within 15 days from the date of the notice. This time frame will allow the FMCSA to issue a written decision before the prohibitions outlined in [§385.13 \(a\)\(1\)](#) and [\(2\)](#) take effect. Failure to petition within this 15-day period may prevent the FMCSA from issuing a final decision before such prohibitions take effect.

(c) (2) A motor carrier must make a request for an administrative review within 90 days of the date of the proposed safety rating issued under [§385.11 \(c\)](#) or a final safety rating issued under [§385.11 \(b\)](#), or within 90 days after denial of a request for a change in rating under [§385.17\(i\)](#).

(d) The FMCSA may ask the motor carrier to submit additional data and attend a conference to discuss the safety rating. If the motor carrier does not provide the information requested, or does not attend the conference, the FMCSA may dismiss its request for review.

(e) The FMCSA will notify the motor carrier in writing of its decision following the administrative review. The FMCSA will complete its review:

(e)(1) Within 30 days after receiving a request from a hazardous materials or passenger motor carrier that has received a proposed or final "unsatisfactory" safety rating.

(e)(2) Within 45 days after receiving a request from any other motor carrier that has received a proposed or final “unsatisfactory” safety rating.

(f) The decision constitutes final agency action.

(g) Any motor carrier may request a rating change under the provisions of [§385.17](#).

[65 FR 50935, Aug. 22, 2000, as amended at 72 FR 55701, Oct. 1, 2007; 75 FR 17241, Apr. 5, 2010]

**§385.17 Change to safety rating based upon corrective actions.**

(a) A motor carrier that has taken action to correct the deficiencies that resulted in a proposed or final rating of "conditional" or "unsatisfactory" may request a rating change at any time.

(b) A motor carrier must make this request in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business. The addresses and geographical boundaries of the Service Centers are listed in [§390.27](#) of this chapter.

(c) The motor carrier must base its request upon evidence that it has taken corrective actions and that its operations currently meet the safety standard and factors specified in [§385.5](#) and [385.7](#). The request must include a written description of corrective actions taken, and other documentation the carrier wishes the FMCSA to consider.

(d) The FMCSA will make a final determination on the request for change based upon the documentation the motor carrier submits, and any additional relevant information.

(e) The FMCSA will perform reviews of requests made by motor carriers with a proposed or final "unsatisfactory" safety rating in the following time periods after the motor carrier’s request:

(e)(1) Within 30 days for motor carriers transporting passengers in CMVs or placardable quantities of hazardous materials.

(e)(2) Within 45 days for all other motor carriers.

(f) The filing of a request for change to a proposed or final safety rating under this section does not stay the 45-day period specified in [§385.13\(a\)\(1\)](#) for motor carriers transporting passengers or hazardous materials. If the motor carrier has submitted evidence that corrective actions have been taken pursuant to this section and the FMCSA cannot make a final determination within the 45-day period, the period before the proposed safety rating becomes final may be extended for up to 10 days at the discretion of the FMCSA.

(g) FMCSA may allow a motor carrier (except a motor carrier transporting passengers or a motor carrier transporting hazardous materials in quantities requiring placarding) with a proposed rating of "unsatisfactory" to continue its motor carrier operations in commerce for up to 60 days beyond the 60 days specified in the proposed rating, if FMCSA determines that the motor carrier

is making a good faith effort to improve its safety status. This additional period would begin on the 61st day after the date of the notice of proposed "unsatisfactory" rating.

(h) If the FMCSA determines that the motor carrier has taken the corrective actions required and that its operations currently meet the safety standard and factors specified in [§385.5](#) and [385.7](#), the agency will notify the motor carrier in writing of its upgraded safety rating.

(i) If the FMCSA determines that the motor carrier has not taken all the corrective actions required, or that its operations still fail to meet the safety standard and factors specified in [§385.5](#) and [385.7](#), the agency will notify the motor carrier in writing.

(j) Any motor carrier whose request for change is denied in accordance with paragraph (i) of this section may request administrative review under the procedures of [§385.15](#). The motor carrier must make the request within 90 days of the denial of the request for a rating change. If the proposed rating has become final, it shall remain in effect during the period of any administrative review.

(k) An upgraded safety rating based upon corrective action under this section will have no effect on an otherwise applicable notice of remedial directive, or proposed determination of unfitness issued in accordance with subpart J of this part.

(l) A motor carrier may not request a rescission of a determination of unfitness issued under subpart J of this part based on corrective action.

[65 FR 50935, Aug. 22, 2000, as amended at 72 FR 36789, July 5, 2007; 75 FR 17241, Apr. 5, 2010]

### **§385.19 Safety fitness information.**

(a) Final safety ratings, remedial directives, and safety fitness determinations will be made available to other Federal and State agencies in writing, telephonically, or by remote computer access.

(b) The final safety rating, any applicable remedial directive(s), and the safety fitness determination pertaining to a motor carrier will be made available to the public upon request. Any person requesting information under this paragraph must provide the FMCSA with the motor carrier's name, principal office address, and, if known, the US DOT Number or the Interstate Commerce Commission MC(ICCMC) docket number, if any.

(c) Requests should be addressed to the Federal Motor Carrier Safety Administration, Office of Information Technology (MC-RI), 1200 New Jersey Ave., SE., Washington, DC 20590-0001. The information can also be found at the SAFER website: <http://www.safersys.org>.

(d) Oral requests by telephone to (800) 832-5660 will be given an oral response.

[62 FR 60043, Nov. 6, 1997, as amended at 66 FR 49872, Oct. 1, 2001; 72 FR 55701, Oct. 1, 2007; 75 FR 17241, Apr. 5, 2010]



## **Certification of safety auditors, safety investigators, and safety inspectors**

### **§385.201 Who is qualified to perform a review of a motor carrier or an intermodal equipment provider?**

(a) An FMCSA employee, or a State or local government employee funded through the Motor Carrier Safety Assistance Program(MCSAP), who was qualified to perform a compliance review before June 17, 2002, may perform a compliance review, safety audit, roadability review, or roadside inspection if he or she complies with [§385.203\(b\)](#).

(b) A person who was not qualified to perform a compliance review before June 17, 2002, may perform a compliance review, safety audit, roadability review, or roadside inspection after complying with the requirements of [§385.203\(a\)](#).

[73 FR 76818, Dec. 17, 2008]

### **§385.203 What are the requirements to obtain and maintain certification?**

(a) After June 17, 2002, a person who is not qualified under [§385.201\(a\)](#) may not perform a compliance review, safety audit, roadability review, or roadside inspection unless he or she has been certified by FMCSA or a State or local agency applying the FMCSA standards after successfully completing classroom training and examinations on the FMCSRs and HMRs as described in detail on the FMCSA website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)). These employees must also comply with the maintenance of certification/qualification requirements of paragraph (b) of this section.

(b) **Maintenance of certification/qualification.** A person may not perform a compliance review, safety audit, roadability review, or roadside inspection unless he or she meets the quality-control and periodic re-training requirements adopted by the FMCSA to ensure the maintenance of high standards and familiarity with amendments to the FMCSRs and HMRs. These maintenance of certification/qualification requirements are described in detail on the FMCSA website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)).

(c) The requirements of paragraphs (a) and (b) of this section for training, performance and maintenance of certification/qualification, which are described on the FMCSA website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)), are also available in hard copy from the Federal Motor Carrier Safety Administration, Professional Development and Training Division (MC-MHT), 4600 N. Fairfax Drive, Suite 700, Arlington, Virginia 22203.

[67 FR 12779, Mar. 19, 2002, as amended at 72 FR 55701, Oct. 1, 2007; 73 FR 76819, Dec. 17, 2008]

### **§385.205 How can a person who has lost his or her certification be re-certified?**

He or she must successfully complete the requirements of [§385.203\(a\)](#) and [\(b\)](#).

[67 FR 12779, Mar. 19, 2002]

## **New entrant safety assurance program**

### **§385.301 What is a motor carrier required to do before beginning interstate operations?**

(a) Before a motor carrier of property or passengers begins interstate operations, it must register with the FMCSA and receive a USDOT number. In addition, for-hire motor carriers must obtain operating authority from FMCSA following the registration procedures described in [49 CFR part 365](#), unless providing transportation exempt from [49 CFR part 365](#) registration requirements.

...

### **§385.303 How does a motor carrier register with the FMCSA?**

A motor carrier may contact the FMCSA by internet ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)); or Washington, DC headquarters by mail at, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington DC 20590-0001; fax (703) 280-4003; or telephone 1-800-832-5660, and request the application materials for a new entrant motor carrier.

[72 FR 55701, Oct. 1, 2007]

### **§385.305 What happens after the FMCSA receives a request for new entrant registration?**

(a) The requester for new entrant registration will be directed to the FMCSA Internet website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)) to secure and/or complete the application package online.

(b) The application package will contain the following:

(b)(1) Educational and technical assistance material regarding the requirements of the FMCSRs and HMRs, if applicable.

(b)(2) The Form MCS-150, The Motor Carrier Identification Report.

02/17/200912/16/2009

(3) Application forms to obtain operating authority under [49 CFR 365](#), as appropriate.

(c) Upon completion of the application forms, the new entrant will be issued a USDOT number.

(d) For-hire motor carriers, unless providing transportation exempt from [49 CFR part 365](#) registration requirements, must also comply with the procedures established in [49 CFR part 365](#) to obtain operating authority before operating in interstate commerce.

[67 FR 31983, May 13, 2002, as amended at 73 FR 76488, Dec. 16, 2008]

**§385.306 What are the consequences of furnishing misleading information or making a false statement in connection with the registration process?**

A carrier that furnishes false or misleading information, or conceals material information in connection with the registration process, is subject to the following actions:

- (a) Revocation of registration.
- (b) Assessment of the civil and/or criminal penalties prescribed in 49 U.S.C. 521 and 49 U.S.C. chapter 149.

[73 FR 76488, Dec. 16, 2008]

**§385.307 What happens after a motor carrier begins operations as a new entrant?**

After a new entrant satisfies all applicable pre-operational requirements, it will be subject to the new entrant safety monitoring procedures for a period of 18 months. During this 18-month period:

- (a) The new entrant's roadside safety performance will be closely monitored to ensure the new entrant has basic safety management controls that are operating effectively.
- (b) A safety audit will be conducted on the new entrant, once it has been in operation for enough time to have sufficient records to allow the agency to evaluate the adequacy of its basic safety management controls. This period will generally be at least 3 months.
- (c) All records and documents required for the safety audit shall be made available for inspection upon request by an individual certified under FMCSA regulations to perform safety audits.

[67 FR 31983, May 13, 2002, as amended at 73 FR 76488, Dec. 16, 2008]

**§385.311 What will the safety audit consist of?**

The safety audit will consist of a review of the new entrant's safety management systems and a sample of required records to assess compliance with the FMCSRs, applicable HMRs and related record-keeping requirements .... The areas for review include, but are not limited to, the following:

- (a) Driver qualification;
- (b) Driver duty status;
- (c) Vehicle maintenance;
- (d) Accident register; and
- (e) Controlled substances and alcohol use and testing requirements.

### §385.313 Who will conduct the safety audit?

An individual certified under the FMCSA regulations to perform safety audits will conduct the safety audit.

### §385.315 Where will the safety audit be conducted?

The safety audit will generally be conducted at the new entrant's business premises.

### §385.317 Will a safety audit result in a safety fitness determination by the FMCSA?

A safety audit will not result in a safety fitness determination. Safety fitness determinations follow completion of a compliance review.

### §385.319 What happens after completion of the safety audit?

(a) Upon completion of the safety audit, the auditor will review the findings with the new entrant.

(b) **Pass.** If FMCSA determines the safety audit discloses the new entrant has adequate basic safety management controls, the Agency will provide the new entrant written notice as soon as practicable, but not later than 45 days after completion of the safety audit, that it has adequate basic safety management controls. The new entrant's safety performance will continue to be closely monitored for the remainder of the 18-month period of new entrant registration.

(c) **Fail.** If FMCSA determines the safety audit discloses the new entrant's basic safety management controls are inadequate, the Agency will provide the new entrant written notice, as soon as practicable, but not later than 45 days after the completion of the safety audit, that its USDOT new entrant registration will be revoked and its operations placed out-of-service unless it takes the actions specified in the notice to remedy its safety management practices.

(c)(1) **60-day corrective action requirement.** All new entrants, except those specified in paragraph (c)(2) of this section, must take the specified actions to remedy inadequate safety management practices within 60 days of the date of the notice.

(c)(2) **45-day corrective action requirement.** The new entrants listed below must take the specified actions to remedy inadequate safety management practices within 45 days of the date of the notice:

(c)(2)(i) A new entrant that transports passengers in a CMV designed or used to transport between 9 and 15 passengers (including the driver) for direct compensation.

(c)(2)(ii) A new entrant that transports passengers in a CMV designed or used to transport more than 15 passengers (including the driver).

(c)(2)(iii) A new entrant that transports hazardous materials in a CMV as defined in paragraph (4) of the definition of a “Commercial Motor Vehicle” in [§390.5](#) of this subchapter.

[73 FR 76489, Dec. 16, 2008]

**§385.321 What failures of safety management practices disclosed by the safety audit will result in a notice to a new entrant that its USDOT new entrant registration will be revoked?**

(a) **General.** The failures of safety management practices consist of a lack of basic safety management controls as described in Appendix A of this part or failure to comply with one or more of the regulations set forth in paragraph (b) of this section and will result in a notice to a new entrant that its USDOT new entrant registration will be revoked.

(b) **Automatic failure of the audit.** A new entrant will automatically fail a safety audit if found in violation of any one of the following 16 regulations:

**Table to §385.321—Violations That Will Result in Automatic Failure of the New Entrant Safety Audit**

Violation	Guidelines for determining automatic failure of the safety audit
1. <a href="#">§382.115(a)/§382.115(b)</a> —Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively).	Single occurrence.
2. <a href="#">§382.201</a> —Using a driver known to have an alcohol content of 0.04 or greater to perform a safety-sensitive function.	Single occurrence.
3. <a href="#">§382.211</a> —Using a driver who has refused to submit to an alcohol or controlled substances test required under <a href="#">part 382</a> .	Single occurrence.
4. <a href="#">§382.215</a> —Using a driver known to have tested positive for a controlled substance.	Single occurrence.
5. <a href="#">§382.305</a> —Failing to implement a random controlled substances and/or alcohol testing program.	Single occurrence.
6. <a href="#">§383.3(a)/§383.23(a)</a> —Knowingly using a driver who does not possess a valid CDL.	Single occurrence.
7. <a href="#">§383.37(a)</a> —Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a State or who is disqualified to operate a commercial motor vehicle.	Single occurrence.
8. <a href="#">§383.51(a)</a> —Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle.	Single occurrence. This violation refers to a driver operating a CMV as defined under <a href="#">§383.5</a> .
9. <a href="#">§387.7(a)</a> —Operating a motor vehicle without having in effect	Single occurrence.

the required minimum levels of financial responsibility coverage.

- |  |  |
|--|--|
| 10. <a href="#">§387.31(a)</a> —Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility.               | Single occurrence.   |
| 11. <a href="#">§391.15(a)</a> —Knowingly using a disqualified driver.   | Single occurrence.   |
| 12. <a href="#">§391.11(b)(4)</a> —Knowingly using a physically unqualified driver.  | Single occurrence. This violation refers to a driver operating a CMV as defined under <a href="#">§390.5</a> . |
| 13. <a href="#">§395.8(a)</a> —Failing to require a driver to make a record of duty status.  | Requires a violation threshold (51% or more of examined records) to trigger automatic failure.                 |
| 14. <a href="#">§396.9(c)(2)</a> —Requiring or permitting the operation of a commercial motor vehicle declared "out-of-service" before repairs are made.               | Single occurrence.   |
| 15. <a href="#">§396.11(c)</a> —Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again. | Single occurrence.   |
| 16. <a href="#">§396.17(a)</a> —Using a commercial motor vehicle not periodically inspected.   | Requires a violation threshold (51% or more of examined records) to trigger automatic failure.                 |

[73 FR 76489, Dec. 16, 2008]

### **§385.333 What happens at the end of the 18-month safety monitoring period?**

(a) If a safety audit has been performed within the 18-month period, and the new entrant is not currently subject to an order placing its operations out-of-service under [§385.325\(b\)](#) or under a notice ordering it to take specified actions to remedy its safety management controls under [§385.319\(c\)](#), the FMCSA will remove the new entrant designation and notify the new entrant in writing that its registration has become permanent. Thereafter, the FMCSA will evaluate the motor carrier on the same basis as any other carrier.

(b) If a new entrant is determined to be "unfit" after a compliance review its new entrant registration will be revoked. (See [§385.13](#))

(c) A new entrant that has reached the conclusion of the 18-month period but is under an order to correct its safety management practices under [§385.319\(c\)](#) will have its new entrant registration removed following FMCSA's determination that the specified actions have been taken to remedy its safety management practices. The motor carrier will be notified in writing that its new entrant designation is removed and that its registration has become permanent. Thereafter, the FMCSA will evaluate the motor carrier on the same basis as any other carrier.

(d) If a safety audit or compliance review has not been performed by the end of the 18-month monitoring period through no fault of the motor carrier, the carrier will be permitted to continue operating as a new entrant until a safety audit or compliance review is performed and a final determination is made regarding the adequacy of its safety management controls. Based on the results of the safety audit or compliance review, the FMCSA will either:

(d)(1) Remove the new entrant designation and notify the new entrant in writing that its registration has become permanent; or

(d)(2) Revoke the new entrant registration in accordance with [§385.319\(c\)](#).

**§385.335 If the FMCSA conducts a compliance review on a new entrant, will the new entrant also be subject to a safety audit?**

If the FMCSA conducts a compliance review on a new entrant that has not previously been subject to a safety audit and issues a safety fitness determination, the new entrant will not have to undergo a safety audit under this subpart. However, the new entrant will continue to be subject to the 18-month safety-monitoring period prior to removal of the new entrant designation.

**§385.337 What happens if a new entrant refuses to permit a safety audit to be performed on its operations?**

(a) If a new entrant refuses to permit a safety audit to be performed on its operations, FMCSA will provide the carrier with written notice that its registration will be revoked and its operations placed out of service unless the new entrant agrees in writing, within 10 days from the service date of the notice, to permit the safety audit to be performed. The refusal to permit a safety audit to be performed may subject the new entrant to the penalty provisions of 49 U.S.C. 521(b)(2)(A), as adjusted for inflation by [49 CFR part 386, Appendix B](#).

(b) If the new entrant does not agree to undergo a safety audit as specified in paragraph (a) of this section, its registration will be revoked and its interstate operations placed out of service effective on the 11th day from the service date of the notice issued under paragraph (a) of this section.

[67 FR 31983, May 13, 2002; 73 FR 76491, Dec. 16, 2008]

**§385.501 Roadability review.**

(a) FMCSA will perform roadability reviews of intermodal equipment providers, as defined in [§390.5](#) of this chapter.

(b) FMCSA will evaluate the results of the roadability review using the criteria in appendix A to this part as they relate to compliance with parts [390](#), [393](#), and [396](#) of this chapter.

[73 FR 76819, Dec. 17, 2008]

**§385.503 Results of roadability review.**

(a) FMCSA will not assign a safety rating to an intermodal equipment provider based on the results of a roadability review. However, FMCSA may cite the intermodal equipment provider for violations of parts [390](#), [393](#), and [396](#) of this chapter and may impose civil penalties resulting from the roadability review.

(b) FMCSA may prohibit the intermodal equipment provider from tendering specific items of intermodal equipment determined to constitute an "imminent hazard" (See [§386.72\(b\)\(1\)](#) of this chapter).

(c) FMCSA may prohibit an intermodal equipment provider from tendering any intermodal equipment from a particular location or multiple locations if the agency determines the intermodal equipment provider's failure to comply with the FMCSRs constitutes an imminent hazard under [§386.72\(b\)\(1\)](#).

[73 FR 76819, Dec. 17, 2008]



### **§390.1 Purpose.**

This part establishes general applicability, definitions, general requirements and information as they pertain to persons subject to this chapter.

### **§390.3 General applicability.**

(a) The rules in subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate commerce.

(b) The rules in [Part 383](#), Commercial Driver’s License Standards; Requirements and Penalties, are applicable to every person who operates a commercial motor vehicle, as defined in [§383.5](#) of this subchapter, in interstate or intrastate commerce and to all employers of such persons.

(c) The rules in [Part 387](#), Minimum Levels of Financial Responsibility for Motor Carriers, are applicable to motor carriers as provided in [§387.3](#) or [§387.27](#) of this subchapter.

(d) **Additional requirements.** Nothing in subchapter B of this chapter shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.

#### **(e) Knowledge of and compliance with the regulations.**

(e)(1) Every employer shall be knowledgeable of and comply with all regulations contained in this subchapter which are applicable to that motor carrier’s operations.

(e)(2) Every driver and employee shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter.

(e)(3) All motor vehicle equipment and accessories required by this subchapter shall be maintained in compliance with all applicable performance and design criteria set forth in this subchapter.

(f)**Exceptions.** Unless otherwise specifically provided, the rules **in this subchapter do not apply** to—

(f)(2) **Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States;**

(f)(6)The operation of commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver), not for direct compensation, provided the vehicle does not otherwise meet the definition of a commercial motor vehicle, **except that motor carriers operating such vehicles are required to comply with [§§390.15](#), [390.19](#), and [390.21\(a\)](#) and [\(b\)\(2\)](#).**

...

[53 FR 18052, May 19, 1988, as amended at 54 FR 12202, Mar. 24, 1989; 58 FR 33776, June 21, 1993; 59 FR 8752, Feb. 23, 1994; 59 FR 67554, Dec. 29, 1994; 62 FR 1296, Jan. 9, 1997; 63 FR 33276, June 18, 1998; 64 FR 48516, Sept. 3, 1999; 66 FR 2766, Jan. 11, 2001; 68 FR 47875, Aug. 12, 2003; 69 FR 39372, June 30, 2004; 72 FR 36790, July 5, 2007; 73 FR 76820, Dec. 17, 2008; 75 FR 5002, Feb. 1, 2010]

### **§390.15 Assistance in investigations and special studies.**

(a) Each motor carrier and intermodal equipment provider must do the following:

(a)(1) A motor carrier must make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative, upon request or as part of any investigation within such time as the request or investigation may specify. A motor carrier shall give an authorized representative all reasonable assistance in the investigation of any accident including providing a full, true and correct response to any question of the inquiry.

(a)(2) Give an authorized representative all reasonable assistance in the investigation of any accident, including providing a full, true, and correct response to any question of the inquiry.

(b) For accidents that occur after April 29, 2003, motor carriers must maintain an accident register for three years after the date of each accident. For accidents that occurred on or prior to April 29, 2003, motor carriers must maintain an accident register for a period of one year after the date of each accident. Information placed in the accident register must contain at least the following:

(b)(1) A list of accidents as defined at [§390.5](#) of this chapter containing for each accident:

(b)(1)(i) Date of accident.

(b)(1)(ii) City or town, or most near, where the accident occurred and the State where the accident occurred.

(b)(1)(iii) Driver Name.

(b)(1)(iv) Number of injuries.

(b)(1)(v) Number of fatalities.

(b)(1)(vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

(b)(2) Copies of all accident reports required by State or other governmental entities or insurers.

(Approved by the Office of Management and Budget under control number 2126-0009)

[69 FR 16791 Mar 30, 2004; as amended at 73 FR 76821, Dec. 17, 2008]

(b) **Filing schedule.** Each motor carrier or intermodal equipment provider must file the appropriate form under paragraph (a) of this section at the following times:

- (1) Before it begins operations; and
- (2) Every 24 months, according to the following schedule:

**USDOT Number ending in: Must file by last day of:**

1	January.
2	February.
3	March.
4	April.
5	May.
6	June.
7	July.
8	August.
9	September.
0	October.

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(b)(3) If the next-to-last digit of its USDOT Number is odd, the motor carrier or intermodal equipment provider shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT Number is even, the motor carrier or intermodal equipment provider shall file its update in every even-numbered calendar year.

....

(e) **Special instructions for for-hire motor carriers.** A for-hire motor carrier should submit the Form MCS-150, or Form MCS-150B, along with its application for operating authority (Form OP-1, OP-1(MX), OP-1(NNA) or OP-2), to the appropriate address referenced on that form, or may submit it electronically or by mail separately to the address mentioned in paragraph (d) of this section.

(f) Only the legal name or a single trade name of the motor carrier or intermodal equipment provider may be used on the forms under paragraph (a) of this section (Form MCS-150, MCS-150B, or MCS-150C).

(g) A motor carrier or intermodal equipment provider that fails to file the form required under paragraph (a) of this section, or furnishes misleading information or makes false statements upon the form, is subject to the penalties prescribed in 49 U.S.C. 521(b)(2)(B).

(h)(1) Upon receipt and processing of the form described in paragraph (a) of this section, FMCSA will issue the motor carrier or intermodal equipment provider an identification number (USDOT Number).

...

(3) The motor carrier must display the number on each self-propelled CMV, as defined in [§390.5](#), along with the additional information required by [§390.21](#).

(h) (4) The intermodal equipment provider must identify each unit of interchanged intermodal equipment by its assigned USDOT number.

(i) A motor carrier that registers its vehicles in a State that participates in the Performance and Registration Information Systems Management (PRISM) program (authorized under section 4004 of the Transportation Equity Act for the 21st Century [(Public Law 105–178, 112 Stat. 107)]) is exempt from the requirements of this section, provided it files all the required information with the appropriate State office.

[73 FR 76821, Dec. 17, 2008]

### **§390.21 Marking of self-propelled CMVs and intermodal equipment.**

(a) **General.** Every self-propelled CMV subject to subchapter B of this chapter must be marked as specified in paragraphs (b), (c), and (d) of this section, and each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to subchapter B of this chapter must be marked as specified in paragraph (g) of this section.

(b) **Nature of marking.** The marking must display the following information:

(b)(1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150) and submitted in accordance with [§390.19](#).

(b)(2) The identification number issued by FMCSA to the motor carrier or intermodal equipment provider, preceded by the letters "USDOT".

(b)(3) If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words "operated by."

(b)(4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.

(b)(5) Each motor carrier shall meet the following requirements pertaining to its operation:

...

...

(b)(5)(iii) All CMVs added to a motor carrier's fleet on or after July 3, 2000, must meet the requirements of this section before being put into service and operating on public ways.

(c) **Size, shape, location, and color of marking.** The marking must—

(c)(1) Appear on both sides of the self-propelled CMV;

(c)(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(c)(3) Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and

(c)(4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) **Construction and durability.** The marking may be painted on the CMV or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.

(e) **Rented CMVs.** A motor carrier operating a self-propelled CMV under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

(e)(1) The CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or

(e)(2) The CMV is marked as set forth in paragraph (e)(2)(i) through (iv) of this section:

(e)(2)(i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section.

(e)(2)(ii) The lessor's identification number preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and

(e)(2)(iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(e)(2)(iii)(A) The name and complete physical address of the principal place of business of the renting motor carrier.

(e)(2)(iii)(B) The identification number issued the renting motor carrier by the FMCSA, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown in the rental agreement:

(1) Information which indicates whether the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented CMV;

(e)(2)(iii)(C) The sentence: "This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV"; and

(e)(2) (iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental CMV during the full term of the rental agreement. See the leasing regulations at [49 CFR 376](#) for information that should be included in all leasing documents.

...

...

...

## **General**

### **§391.1 Scope of the rules in this part; additional qualifications; duties of carrier-drivers.**

(a) The rules in this part establish minimum qualifications for persons who drive commercial motor vehicles as, for, or on behalf of motor carriers. The rules in this part also establish minimum duties of motor carriers with respect to the qualifications of their drivers.

(b) A motor carrier who employs himself/herself as a driver must comply with both the rules in this part that apply to motor carriers and the rules in this part that apply to drivers.

[35 FR 6460, Apr. 22, 1970, as amended at 53 FR 18057, May 19, 1988; 60 FR 38744, July 28, 1995]

...

### **§391.11 General qualifications of drivers.**

(a) A person shall not drive a commercial motor vehicle unless he/she is qualified to drive a commercial motor vehicle. Except as provided in [§391.63](#), a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive a commercial motor vehicle.

(b) Except as provided in [subpart G](#) of this part, a person is qualified to drive a motor vehicle if he/she—

(b) (1) Is at least 21 years old;

(b)(2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;

(b)(3) Can, by reason of experience, training, or both, safely operate the type of commercial motor vehicle he/she drives;

(b)(4) Is physically qualified to drive a commercial motor vehicle in accordance with [subpart E](#)—Physical Qualifications and Examinations of this part;

(b) (5) Has a currently valid commercial motor vehicle operator’s license issued only by one State or jurisdiction.

(b)(6) Has prepared and furnished the motor carrier that employs him/her with the list of violations or the certificate as required by [§391.27](#);

(b)(7) Is not disqualified to drive a commercial motor vehicle under the rules in [§391.15](#); and

(b)(8) Has successfully completed a driver’s road test and has been issued a certificate of driver’s road test in accordance with [§391.31](#), or has presented an operator’s license or a certificate of road test which the motor carrier that employs him/her has accepted as equivalent to a road test in accordance with [§391.33](#).

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 35 FR 19181, Dec. 18, 1970; 36 FR 222, Jan. 7, 1971; 36 FR 24220, Dec. 22, 1971; 45 FR 46424, July 10, 1980; 52 FR 20589, June 1, 1987; 59 FR 60323, Nov. 23, 1994; 60 FR 38744, 38745, July 28, 1995; 63 FR 33277, June 18, 1998]

### **§391.13 Responsibilities of drivers.**

In order to comply with the requirements of [§392.9\(a\)](#) and [§393.9](#) of this subchapter, a motor carrier shall not require or permit a person to drive a commercial motor vehicle unless the person—

(a) Can, by reason of experience, training, or both, determine whether the cargo he/she transports (including baggage in a passenger-carrying commercial motor vehicle) has been properly located, distributed, and secured in or on the commercial motor vehicle he/she drives;

(b) Is familiar with methods and procedures for securing cargo in or on the commercial motor vehicle he/she drives.

### **§391.15 Disqualification of drivers.**

(a) **General.** A driver who is disqualified shall not drive a commercial motor vehicle. A motor carrier shall not require or permit a driver who is disqualified to drive a commercial motor vehicle.

(b) **Disqualification for loss of driving privileges.** (1) A driver is disqualified for the duration of the driver's loss of his/her privilege to operate a commercial motor vehicle on public highways, either temporarily or permanently, by reason of the revocation, suspension, withdrawal, or denial of an operator's license, permit, or privilege, until that operator's license, permit, or privilege is restored by the authority that revoked, suspended, withdrew, or denied it.

(b) (2) A driver who receives a notice that his/her license, permit, or privilege to operate a commercial motor vehicle has been revoked, suspended, or withdrawn shall notify the motor carrier that employs him/her of the contents of the notice before the end of the business day following the day the driver received it.

(c) **Disqualification for criminal and other offenses.**

(c)(1) **General rule.** A driver who is convicted of (or forfeits bond or collateral upon a charge of) a disqualifying offense specified in paragraph (c)(2) of this section is disqualified for the period of time specified in paragraph (c)(3) of this section, if—

(c)(1)(i) The offense was committed during on-duty time as defined in §395.2(a) of this subchapter or as otherwise specified; and

(c)(1)(ii) The driver is employed by a motor carrier or is engaged in activities that are in furtherance of a commercial enterprise in interstate, intrastate, or foreign commerce;

(c)(2) **Disqualifying offenses.** The following offenses are disqualifying offenses:

(c)(2) (i) Driving a commercial motor vehicle while under the influence of alcohol. This shall include:

(c)(2)(i)(A) Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more;

(c)(2)(i)(B) Driving under the influence of alcohol, as prescribed by State law; or

(c)(2)(i)(C) Refusal to undergo such testing as is required by any State or jurisdiction in the enforcement of [§391.15\(c\)\(2\)\(i\)\(A\)](#) or [\(B\)](#), or [§392.5\(a\)\(2\)](#).

(c)(2)(ii) Driving a commercial motor vehicle under the influence of a 21 CFR 1308.11 *Schedule I* identified controlled substance, an amphetamine, a narcotic drug, a formulation of an amphetamine or a derivative of a narcotic drug;

(c)(2)(iii) Transportation, possession, or unlawful use of a 21 CFR 1308.11 *Schedule I* identified controlled substance, amphetamines, narcotic drugs, formulations of an amphetamine, or



derivatives of narcotic drugs while the driver is on duty as the term on-duty time is defined in [§395.2](#) of this subchapter;

(c)(2)(iv) Leaving the scene of an accident while operating a commercial motor vehicle; or

(c)(2)(v) A felony involving the use of a commercial motor vehicle.

(c)(3) **Duration of disqualification—(i) First offenders.** A driver is disqualified for 1 year after the date of conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, the driver was not convicted of, or did not forfeit bond or collateral upon a charge of an offense that would disqualify the driver under the rules of this section. **Exemption.** The period of disqualification is 6 months if the conviction or forfeiture of bond or collateral solely concerned the transportation or possession of substances named in paragraph (c)(2)(iii) of this section.

(c)(3)(ii) **Subsequent offenders.** A driver is disqualified for 3 years after the date of his/her conviction or forfeiture of bond or collateral if, during the 3 years preceding that date, he/she was convicted of, or forfeited bond or collateral upon a charge of, an offense that would disqualify him/her under the rules in this section.

(d) **Disqualification for violation of out-of-service orders.**

(d)(1) **General rule.** A driver who is convicted of violating an out-of-service order is disqualified for the period of time specified in paragraph (d)(2) of this section.

(d)(2) **Duration of disqualification** for violation of out-of-service orders.

(d)(2)(i) **First violation.** A driver is disqualified for not less than 90 days nor more than one year if the driver is convicted of a first violation of an out-of-service order.

(d)(2)(ii) **Second violation.** A driver is disqualified for not less than one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents.

(d)(2)(iii) **Third or subsequent violation.** A driver is disqualified for not less than three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.

(d)(2)(iv) **Special rule for hazardous materials and passenger offenses.** A driver is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101 *et seq.*), or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials

required to be placarded under the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver.

[37 FR 24902, Nov. 23, 1972, as amended at 49 FR 44215, Nov. 5, 1984; 51 FR 8200, Mar. 10, 1986; 53 FR 18057, May 19, 1988; 53 FR 39051, Oct. 4, 1988; 54 FR 40788, Oct. 3, 1989; 59 FR 26028, May 18, 1994; 60 FR 38744, 38745, July 28, 1995; 63 FR 33277, June 18, 1998]

### **§391.21 Application for employment.**

(a) Except as provided in [Subpart G](#) of this part, a person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.

(b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him/her, and must contain the following information:

(b)(1) The name and address of the employing motor carrier;

(b)(2) The applicant's name, address, date of birth, and social security number;

(b)(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;

(b)(4) The date on which the application is submitted;

(b)(5) The issuing State, number, and expiration date of each unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant;

(b)(6) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he/she has operated;

(b)(7) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;

(b)(8) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;

(b)(9) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;

(b)(10)(i) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted,

(b)(10)(ii) The dates he or she was employed by that employer,

(b)(10)(iii) The reason for leaving the employ of that employer,

(b)(10)(iv) After October 29, 2004, whether the (A) Applicant was subject to the FMCSRs while employed by that previous employer,

(b)(10)(iv)(B) Job was designated as a safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing requirements as required by [49 CFR part 40](#);

(b)(11) For those drivers applying to operate a commercial motor vehicle as defined by [Part 383](#) of this subchapter, a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3 years contained in paragraph (b)(10) of this section for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment; and

(b)(12) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

\_\_\_\_\_

(Date)

\_\_\_\_\_

(Applicant's signature)

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application is submitted, the motor carrier must inform the applicant that the information he/she provides in accordance with paragraph (b)(10) of this section may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history information as required by paragraphs (d) and (e) of [§391.23](#). The prospective employer must also notify the driver in writing of his/her due process rights as specified in [§391.23\(i\)](#) regarding information received as a result of these investigations.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 52 FR 20589, June 1, 1987; 60 FR 38744, July 28, 1995; 69 FR 16719, March 30, 2004]

### **§391.23 Investigation and inquiries.**

(a) Except as provided in [Subpart G](#) of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(a)(1) An inquiry to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.

(a)(2) An investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years.

(b) A copy of the motor vehicle record(s) obtained in response to the inquiry or inquiries to each State required by paragraph (a)(1) of this section must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with [§391.51](#). If no motor vehicle record is received from the State or States required to submit this response, the motor carrier must document a good faith effort to obtain such information, and certify that no record exists for that driver in that State or States. The inquiry to the State driver licensing agency or agencies must be made in the form and manner each agency prescribes.

(c)(1) Replies to the investigations of the driver's safety performance history required by paragraph (a)(2) of this section, or documentation of good faith efforts to obtain the investigation data, must be placed in the driver investigation history file, after October 29, 2004, within 30 days of the date the driver's employment begins. Any period of time required to exercise the driver's due process rights to review the information received, request a previous employer to correct or include a rebuttal, is separate and apart from this 30-day requirement to document investigation of the driver safety performance history data.

(c)(2) The investigation may consist of personal interviews, telephone interviews, letters, or any other method for investigating that the carrier deems appropriate. Each motor carrier must make a written record with respect to each previous employer contacted, or good faith efforts to do so. The record must include the previous employer's name and address, the date the previous employer was contacted, or the attempts made, and the information received about the driver from the previous employer. Failures to contact a previous employer, or of them to provide the required safety performance history information, must be documented. The record must be maintained pursuant to [§391.53](#).

(c)(3) Prospective employers should report failures of previous employers to respond to an investigation to the FMCSA following procedures specified at [§386.12](#) of this chapter and keep a copy of such reports in the Driver Investigation file as part of documenting a good faith effort to obtain the required information.

(c)(4) **Exception.** For drivers with no previous employment experience working for a DOT regulated employer during the preceding three years, documentation that no investigation was possible must be placed in the driver history investigation file, after October 29, 2004, within the required 30 days of the date the driver's employment begins.

(d) The prospective motor carrier must investigate, at a minimum, the information listed in this paragraph from all previous employers of the applicant that employed the driver to operate a CMV within the previous three years. The investigation request must contain specific contact information on where the previous motor carrier employers should send the information requested.

(d)(1) General driver identification and employment verification information.

(d)(2) The data elements as specified in [§390.15\(b\)\(1\)](#) of this chapter for accidents involving the driver that occurred in the three-year period preceding the date of the employment application.

(d)(2)(i) Any accidents as defined by [§390.5](#) of this chapter.

(d)(2)(ii) Any accidents the previous employer may wish to provide that are retained pursuant to [§390.15\(b\)\(2\)](#), or pursuant to the employer's internal policies for retaining more detailed minor accident information.

(e) In addition to the investigations required by paragraph (d) of this section, the prospective motor carrier employers must investigate the information listed below in this paragraph from all previous DOT regulated employers that employed the driver within the previous three years from the date of the employment application, in a safety-sensitive function that required alcohol and controlled substance testing specified by [49 CFR part 40](#).

(e)(1) Whether, within the previous three years, the driver had violated the alcohol and controlled substances prohibitions under [subpart B of part 382](#) of this chapter, or [49 CFR part 40](#).

(e)(2) Whether the driver failed to undertake or complete a rehabilitation program prescribed by a substance abuse professional (SAP) pursuant to [§382.605](#) of this chapter, or [49 CFR part 40, subpart O](#). If the previous employer does not know this information (e.g., an employer that terminated an employee who tested positive on a drug test), the prospective motor carrier must obtain documentation of the driver's successful completion of the SAP's referral directly from the driver.

(e)(3) For a driver who had successfully completed a SAP's rehabilitation referral, and remained in the employ of the referring employer, information on whether the driver had the following testing violations subsequent to completion of a [§382.605](#) or [49 CFR part 40, subpart O](#) referral:

(e)(3)(i) Alcohol tests with a result of 0.04 or higher alcohol concentration;

(e)(3)(ii) Verified positive drug tests;

(e)(3)(iii) Refusals to be tested (including verified adulterated or substituted drug test results).

(f) A prospective motor carrier employer must provide to the previous employer the driver's written consent meeting the requirements of [§40.321\(b\)](#) for the release of the information in paragraph (e) of this section. If the driver refuses to provide this written consent, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle for that motor carrier.

(g) After October 29, 2004, previous employers must:

(g)(1) Respond to each request for the DOT defined information in paragraphs (d) and (e) of this section within 30 days after the request is received. If there is no safety performance history information to report for that driver, previous motor carrier employers are nonetheless required to send a response confirming the non-existence of any such data, including the driver identification information and dates of employment.

(g)(2) Take all precautions reasonably necessary to ensure the accuracy of the records.

(g)(3) Provide specific contact information in case a driver chooses to contact the previous employer regarding correction or rebuttal of the data.

(g)(4) Keep a record of each request and the response for one year, including the date, the party to whom it was released, and a summary identifying what was provided.

(g)(5) **Exception.** Until May 1, 2006, carriers need only provide information for accidents that occurred after April 29, 2003.

(h) The release of information under this section may take any form that reasonably ensures confidentiality, including letter, facsimile, or e-mail. The previous employer and its agents and insurers must take all precautions reasonably necessary to protect the driver safety performance history records from disclosure to any person not directly involved in forwarding the records, except the previous employer's insurer, except that the previous employer may not provide any alcohol or controlled substances information to the previous employer's insurer.

(i)(1) The prospective employer must expressly notify drivers with Department of Transportation regulated employment during the preceding three years—via the application form or other written document prior to any hiring decision—that he or she has the following rights regarding the investigative information that will be provided to the prospective employer pursuant to paragraphs (d) and (e) of this section:

(i)(1)(i) The right to review information provided by previous employers;

(i)(1)(ii) The right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer;

(i)(1)(iii) The right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.

(i)(2) Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as 30 days after being employed or being notified of denial of employment. The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business days deadline will begin when the prospective employer receives the requested

safety performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.

(j)(1) Drivers wishing to request correction of erroneous information in records received pursuant to paragraph (i) of this section must send the request for the correction to the previous employer that provided the records to the prospective employer.

(j)(2) After October 29, 2004, the previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's safety performance history record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver.

(j)(3) Drivers wishing to rebut information in records received pursuant to paragraph (i) of this section must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's safety performance history.

(j)(4) After October 29, 2004, within five business days of receiving a rebuttal from a driver, the previous employer must:

(j)(4)(i) Forward a copy of the rebuttal to the prospective motor carrier employer;

(j)(4)(ii) Append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirement.

(j)(5) The driver may submit a rebuttal initially without a request for correction, or subsequent to a request for correction.

(j)(6) The driver may report failures of previous employers to correct information or include the driver's rebuttal as part of the safety performance information, to the FMCSA following procedures specified at [§386.12](#).

(k)(1) The prospective motor carrier employer must use the information described in paragraphs (d) and (e) of this section only as part of deciding whether to hire the driver.

(k)(2) The prospective motor carrier employer, its agents and insurers must take all precautions reasonably necessary to protect the records from disclosure to any person not directly involved in deciding whether to hire the driver. The prospective motor carrier employer may not provide any alcohol or controlled substances information to the prospective motor carrier employer's insurer.

(l)(1) No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of information in accordance with this section may be brought against—

(i) A motor carrier investigating the information, described in paragraphs (d) and (e) of this section, of an individual under consideration for employment as a commercial motor vehicle driver,

(l)(1)(ii) A person who has provided such information; or

(l)(1)(iii) The agents or insurers of a person described in paragraph (l)(1)(i) or (ii) of this section, except insurers are not granted a limitation on liability for any alcohol and controlled substance information.

(l)(2) The protections in paragraph (l)(1) of this section do not apply to persons who knowingly furnish false information, or who are not in compliance with the procedures specified for these investigations.

(m)(1) The motor carrier must obtain an original or copy of the medical examiner's certificate issued in accordance with [§391.43](#), and any medical variance on which the certification is based, and place the records in the driver qualification file, before allowing the driver to operate a CMV.

(m)(2) **Exception.** For drivers required to have a commercial driver's license under [part 383](#) of this chapter:

(m)(2)(i) Beginning January 30, 2012, using the CDLIS motor vehicle record obtained from the current licensing State, the motor carrier must verify and document in the driver qualification file the following information before allowing the driver to operate a CMV:

(m)(2)(i)(A) The type of operation the driver self-certified that he or she will perform in accordance with [§383.71\(a\)\(1\)\(ii\)](#) and [383.71\(g\)](#) of this chapter, or

(m)(2)(i)(B) **Exception.** If the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with [§383.73\(a\)\(5\)](#) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

(m)(2)(ii) Until January 30, 2014, if a driver operating in non-excepted, interstate commerce has no medical certification status information on the CDLIS MVR obtained from the current State driver licensing agency, the employing motor carrier may accept a medical examiner's certificate issued to that driver prior to January 30, 2012, and place a copy of it in the driver qualification file before allowing the driver to operate a CMV in interstate commerce.

(Approved by the Office of Management and Budget under control number 2126-0004)



[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 69 FR 16720, March 30, 2004; 72 FR 55703, Oct. 1, 2007; 73 FR 73126, Dec. 1, 2008; 75 FR 28502, May 21, 2010]

### **§391.25 Annual inquiry and review of driving record.**

(a) Except as provided in [subpart G](#) of this part, each motor carrier shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

(b) Except as provided in [subpart G](#) of this part, each motor carrier shall, at least once every 12 months, review the motor vehicle record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle pursuant to [§391.15](#).

(b)(1) The motor carrier must consider any evidence that the driver has violated any applicable Federal Motor Carrier Safety Regulations in this subchapter or Hazardous Materials Regulations (49 CFR chapter I, subchapter C).

(b)(2) The motor carrier must consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.

(c) **Recordkeeping.** (1) A copy of the motor vehicle record required by paragraph (a) of this section shall be maintained in the driver's qualification file.

(c)(2) A note, including the name of the person who performed the review of the driving record required by paragraph (b) of this section and the date of such review, shall be maintained in the driver's qualification file.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 60 FR 38744, July 28, 1995; 63 FR 33277, June 18, 1998; 73 FR 73127, Dec. 1, 2008]

### **§391.27 Record of violations.**

(a) Except as provided in [Subpart G](#) of this part, each motor carrier shall, at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he/she has forfeited bond or collateral during the preceding 12 months.

(b) Each driver shall furnish the list required in accordance with paragraph (a) of this section. If the driver has not been convicted of, or forfeited bond or collateral on account of, any violation which must be listed he/she shall so certify.

(c) The form of the driver’s list or certification shall be prescribed by the motor carrier. The following form may be used to comply with this section:

**Driver’s Certification**

I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months.

Date of conviction	Offense
Location	Type of motor vehicle operated

If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months.

(Date of certification)	(Driver’s signature)
(Motor carrier’s name)	
(Motor carrier’s address)	
(Reviewed by: Signature)	(Title)

(d) The motor carrier shall retain the list or certificate required by this section, or a copy of it, in its files as part of the driver’s qualification file.

(e) Drivers who have provided information required by [§383.31](#) of this subchapter need not repeat that information in the annual list of violations required by this section.

[35 FR 6460, Apr. 22, 1970, as amended at 35 FR 17420, Nov. 13, 1970; 52 FR 20589, June 1, 1987; 60 FR 38745, July 28, 1995]

**§391.31 Road test.**

(a) Except as provided in [subpart G](#), a person shall not drive a commercial motor vehicle unless he/she has first successfully completed a road test and has been issued a certificate of driver's road test in accordance with this section.

(b) The road test shall be given by the motor carrier or a person designated by it. However, a driver who is a motor carrier must be given the test by a person other than himself/herself. The test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated that he/she is capable of operating the commercial motor vehicle, and associated equipment, that the motor carrier intends to assign him/her.

(c) The road test must be of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the commercial motor vehicle and associated equipment, that the motor carrier intends to assign to him/her. As a minimum, the person who takes the test must be tested, while operating the type of commercial motor vehicle the motor carrier intends to assign him/her, on his/her skill at performing each of the following operations:

(c)(1) The pre-trip inspection required by [§392.7](#) of this subchapter;

(c)(2) Coupling and uncoupling of combination units, if the equipment he/she may drive includes combination units;

(c)(3) Placing the commercial motor vehicle in operation;

(c)(4) Use of the commercial motor vehicle's controls and emergency equipment;

(c)(5) Operating the commercial motor vehicle in traffic and while passing other motor vehicles;

(c)(6) Turning the commercial motor vehicle;

(c)(7) Braking, and slowing the commercial motor vehicle by means other than braking; and

(c)(8) Backing and parking the commercial motor vehicle.

(d) The motor carrier shall provide a road test form on which the person who gives the test shall rate the performance of the person who takes it at each operation or activity which is a part of the test. After he/she completes the form, the person who gave the test shall sign it.

(e) If the road test is successfully completed, the person who gave it shall complete a certificate of driver's road test in substantially the form prescribed in paragraph [\(f\)](#) of this section.

(f) The form for the certificate of driver's road test is substantially as follows:

**CERTIFICATION OF ROAD TEST**

Driver's name \_\_\_\_\_

Social Security No. \_\_\_\_\_

Operator's or Chauffeur's License No.  
\_\_\_\_\_

State \_\_\_\_\_

Type of power unit \_\_\_\_\_

Type of trailer(s) \_\_\_\_\_

If passenger carrier, type of bus  
\_\_\_\_\_

This is to certify that the above-named driver was given a road test under my supervision on \_\_\_\_\_ 20 \_\_\_\_\_ consisting of approximately \_\_\_\_\_ miles of driving.

It is my considered opinion that this driver possesses sufficient driving skill to operate safely the type of commercial motor vehicle listed above.

\_\_\_\_\_  
(Signature of examiner)  
\_\_\_\_\_

\_\_\_\_\_  
(Title)

(Organization and address of examiner)

(g) A copy of the certificate required by paragraph (e) of this section shall be given to the person who was examined. The motor carrier shall retain in the driver qualification file of the person who was examined—

(g)(1) The original of the signed road test form required by paragraph (d) of this section; and

(g)(2) The original, or a copy of, the certificate required by paragraph [\(e\)](#) of this section.

[35 FR 6460, Apr. 22, 1970, as amended at 36 FR 223, Jan. 7, 1971; 59 FR 8752, Feb. 23, 1994; 60 FR 38744, July 28, 1995]

### **Limited exemptions**

...

#### **§391.69 Private motor carrier of passengers (business).**

The provisions of [§391.21](#) (relating to applications for employment), [§391.23](#) (relating to investigations and inquiries), and [§391.31](#) (relating to road tests) do not apply to a driver who was a single-employer driver (as defined in [§390.5](#) of this subchapter) of a private motor carrier of passengers (business) as of July 1, 1994, so long as the driver continues to be a single-employer driver of that motor carrier.

[59 FR 60324, Nov. 23, 1994, as amended at 60 FR 38745, July 28, 1995; 63 FR 33278, June 18, 1998]

## **APPENDIX G: Petition Letter for Certificate of Public Convenience and Necessity (CPCN)**

Letter included on following pages.



**New Jersey  
Motor Vehicle Commission**

P.O. Box 162  
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

**Chris Christie**  
Governor

**Kim Guadagno**  
Lt. Governor

*Raymond P. Martinez*  
Chief Administrator

January 7, 2011

Re: Petition for Certificate of Public Convenience and Necessity (CPCN)

Dear \_\_\_\_\_ :

Thank you for your inquiry concerning operation of a passenger carrier service in the State of New Jersey. In order to do so, you must possess a Certificate of Public Convenience and Necessity. The requirements of a Petition for such a certificate depend on the type of service you intend to operate. The types of service are as follows:

“Intrastate Regular Route Operations” -- this service consists of carrying passengers on a regular schedule between fixed points in New Jersey;

“Regular Route in the Nature of Special Bus Operations” or “Casino Bus Operations” – this service consists of carrying passengers to and from one or more casinos in Atlantic City from places in New Jersey;

“Special Bus Operations” – this service consists of carrying passengers, not on a regular schedule, to or from a place in New Jersey for a fare that is charged per person; the fare may include special discounts or premiums for attractions that are served by the route;

In order to apply for a Certificate of Public Convenience and Necessity for any of the above types of operations, please follow the General Instructions on the following pages, as well as the instructions specific to the Petition for the type of service you intend to provide.

**PLEASE NOTE:** The following types of service do not require a Certificate of Public Convenience and Necessity. If you wish to initiate any of the following types of operations, please seek advice from the entity indicated:

**Taxicab service** – this consists of accepting all passengers that present themselves for transportation to addresses in New Jersey, not along a fixed route; this service requires the consent of every municipality in which it is operated; if the vehicle's gross vehicle weight or weight rating exceeds 26,000 lbs. or if the vehicle is designed to be, or has ever been, used to carry more than 16 passengers, it will also require authority from the Federal Motor Carrier Safety Administration;

**Limousine Service** – this consists of prearranged, charter premium transportation, not on a regular route, in a vehicle that is not designed for, or has even been used to carry, more than 14 passengers; this service requires a certificate of compliance from the clerk of the municipality in which the principal place of business is located; if any vehicle is operated in interstate service and has a gross vehicle weight or weight rating over 10,000 lb., it will also require authority from the Federal Motor Carrier Safety Administration;

**School Bus Service** - this consists of carrying children to and from school or any school related activity; this service requires inspections coordinated through the Motor Vehicle Commission's Office of Operations;

**Interstate Regular Route Service** - this consists of carrying passengers between fixed termini on a regular schedule between places in New Jersey and another state; this service requires authority from the United States Department of Transportation;

**Charter Bus Operation** - this service consists of carrying passengers not on a regular schedule pursuant to a contract or other arrangements whereby the bus and the driver is supplied to a person or organization for a trip designated by the customer for a fixed charge per trip, per autobus, per time period or per mile, but not per person; if any vehicle has a passenger capacity greater than eight passengers, the service requires the authority of the United States Department of Transportation; intrastate charter authority, which may be obtained by following the directions for special route authority, should be sought only if there is no possibility of crossing State lines;

If you are not sure in what category the type of service you intend to operate will fall, or if you intend to operate a hotel bus, jitney (within up to four contiguous municipalities in a shore county), commuter van, special paratransit vehicle, or funeral limousine, please get in touch with this office at (609) 777-4379 or P.O. Box 162, Trenton, New Jersey 08666-0162



## General Instructions

In order to apply for a Certificate of Public Convenience and Necessity, you must file an original and one copy of a Petition with this office. There is no application form to fill in, and the Petition does not require a particular format, but it must contain a caption and provide all of the required information. The caption should read as follows:

In the matter of the Petition for a Certificate of Public Convenience and Necessity for Conducting \_\_\_\_\_ (1) \_\_\_\_\_ by \_\_\_\_\_ (2) \_\_\_\_\_.

- (1) Insert the type of operation for which you are seeking authority.
- (2) Insert the legal name of the person or entity that will operate the service; if the service will be conducted under a trade name, please indicate that by listing the legal name "d/b/a" the trade name.

The body of the petition must contain the following information, preferably in numbered paragraphs for ease and speed of processing. Information that consists of copies of documents or that is too voluminous to be contained in a paragraph should be attached to the petition as an exhibit. Each exhibit should be designated with a separate letter and the petition should contain a statement, preferably in a numbered paragraph, that describes the exhibit:

1. Why is this petition being filed? What kind of service do you intend to operate? If it is a regular route, special operation or casino route, the following citations should be added N.J.S.A. 48:4-1 et seq.; N.J.A.C. 16:51-3.1;
2. What kind of equipment will you be using? List the type and the passenger capacity of each vehicle by make, model, year and vehicle identification number ("VIN"), the name of the owner, if other than the petitioner, and terms of any lease.
3. What are your qualifications for operating this service?
4. Attach a copy of your Certificate of Incorporation stamped by the New Jersey Department of the Treasury, Certificate of Good Standing with Treasury Department stamp and name and address of agent for service of process, Certificate of Formation of a Limited Liability Company, or Trade Name Certificate, whichever is applicable; if the operation will be conducted by a legal entity other than a natural person, corporation or limited liability company, attach a copy of all documents that form the basis of the existence of that entity.
5. The total number of shares issued and outstanding, if applicable, and the names and addresses of all persons or entities with more than 5% voting control of the applicant, along with the names and addresses of all officers, directors, members, and partners of the petitioner, whichever is applicable;
6. A copy of your current income statement, if applicable, and of your current balance sheet; even if you are not in operation and so would therefore have no income, your

initial balance sheet should show the assets and liabilities with which you intend to embark on autobus operations; the format should follow the format in the enclosure with this letter;

7. Copies of your projected (pro forma) balance sheets and income statements for the first two years of your operation; please be sure these projections are as accurate as possible; since tariffs and adjustments to tariffs are based on a fair return on investment, the projections will affect your ability to operate your service; if too low, you will not be able to afford to operate and will become insolvent; if too high, you will not be competitive and will lose the ridership you need to be profitable; the format should follow the format in the enclosure with this letter;
8. Your proposed tariff and schedule of fares;
9. The mailing address, street address and telephone number of your principal place of business;
10. Any restrictions to be imposed on your operations according to the type of service you will operate.

#### Regular Route or Casino Operations

If you are applying for regular route or casino authority, the following additional information will be required:

11. An accurate street-by-street description of the route for which authority is sought;
12. A map of the route (it should agree with the street-by-street description);
13. A list of all proposed passenger pick-up and drop-off locations along with proof that all locations are state or municipally approved pick-up and drop-off points and proof that you have written permission from the property owners for all pick-up and drop-off locations on private property;
14. A clear and concise statement as to how the proposed service will serve the public convenience and necessity in the municipalities in which you intend to operate;
15. A copy of your proposed schedule;
16. A list of all other passenger carriers operating a similar service and applicants seeking to operate a similar service in your proposed service area; if you do not know the names of all of the carriers or applicants in your proposed service area, we can supply you with a listing; however, compiling the list may occasion some delay.

## Emergency Authority

If the public interest would be irreparably harmed if immediate approval of your petition is not granted, you may apply for emergency authority by including with your petition an affidavit or affidavits attesting to facts that demonstrate the harm that would be caused by delay and an affidavit certifying that all passenger carriers in the proposed service area have been served with copies of the petition by certified mail.

## All Applicants

Your petition must be accompanied by the petition filing fee and the tariff filing fee, as prescribed by statute (N.J.S.A. 48:2-56.6), which totals \$50.00 (\$25.00 petition filing fee and \$25.00 basic tariff filing fee) plus one tenth of one percent of your projected revenues for your first year of operations. (That amount will be adjusted at the end of the year when you file your annual report -- do not be tempted to provide too low an estimate). When we receive your petition and fees, we shall assign you a docket number. At that time, you must publish a notice in the newspaper that we indicate. The Notice should read as follows:

PLEASE TAKE NOTICE \_\_\_\_\_ (1) \_\_\_\_\_ has filed with the New Jersey Motor Vehicle Commission a petition for a Certificate of Public Convenience and Necessity for \_\_\_\_\_ (2) \_\_\_\_\_ operations using \_\_\_\_\_ (3) \_\_\_\_\_. Pick-up and drop-off service will be provided in \_\_\_\_\_ (4) \_\_\_\_\_. 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 \_\_\_\_\_ (5) \_\_\_\_\_, under Docket No. \_\_\_\_\_ (6) \_\_\_\_\_.

- (1) Your name as it appears in the caption of your petition;
- (2) The type of operations for which you are seeking authority;
- (3) The types of equipment you will use;
- (4) The names of the municipalities in which you intend to provide pick-up and drop-off service, if you are applying for regular route or casino route authority; the names of the counties in which you are applying for special bus operations authority;
- (5) Your mailing address;
- (6) The docket number assigned by this office.

Once your notice is published, you must obtain an affidavit of publication from the newspaper and forward it to this office.

In addition, unless you have also applied for emergency authority, if you are applying for regular route or casino route authority, you must serve by certified mail, return receipt requested, a copy of the entire petition on the municipal clerk of each municipality in which you propose to conduct pick-up and drop-off operations and on all the carriers listed in paragraph 16. (See p. 5 ). If you have applied for emergency authority and no changes or additions to the petition have been made since it was served on all other passenger carriers in the area, you may simply provide the docket number to all those who have previously received a copy of your petition. Any changes or additions must be served by certified mail, return receipt requested.

If you are applying for special operations authority, you must serve a copy by certified mail, return receipt requested, of the entire petition on the clerk of each county in which you propose to conduct pick-up and drop-off operations; you must also supply a copy of the entire petition to any carrier conducting special operations, to anyone with a petition pending for authority to conduct special operations or to any municipality within the proposed service area, provided that the request is made no later than twenty days after the last date of publication.

When you have received the green cards from the post office, they must be returned to this office. If a letter is returned as undeliverable, it must be returned to this office in the condition it was returned to you -- i.e., sealed and with green card attached.

At this point your petition should be complete. It will be reviewed and you will be notified of what action will be taken by the Commission.

Very truly yours,

John G. Donnelly  
Board Secretary, NJ Motor Vehicle Commission  
for the Office of Regulatory and Legislative

Affairs

c: Mayor, Elizabeth  
Mayor, West Orange  
Mayor, Orange  
Mayor, East Orange  
Mayor, Newark

Enc.

bc: David Costa, MVC Inspection Services Division