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STATE OF NEW JERSEY

**RE: Application Petition for Certificate of Public Convenience and Necessity (CPCN)**

Dear Sir/Madam:

Thank you for your inquiry concerning the authority needed to operate a passenger carrier bus service in the State of New Jersey. In order to do so, you must possess a Certificate of Public Convenience and Necessity (*CPCN*) which is the state-issued legal authority needed to engage in the bus transportation business. **See N.J.S.A. 48:4-3 and N.J.A.C. 16:51-1.3, 3.1, 3.2 and 3.5, respectively.**

The requirements of a Petition for a CPCN depend on the type of service you intend to operate, as follows:

**Intra-state Regular Route Operations** – this service consists of carrying passengers on a regular schedule between fixed points in New Jersey; with one-way fares available; such service may be open to the public at large or restricted to a specific group;

**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 throughout New Jersey;

**Special Bus Operations** – this service consists of carrying passengers for hire, 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; the trip is offered and arranged by the owner of the bus company;

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 CPCN. 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 [**See N.J.S.A. 48:16-1 through 48:16-12**];

**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 [**See N.J.S.A. 48:16-13 through 48:16-22**];

**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 Division of Inspection Services;

**Inter-state 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 that can be contacted at (609) 275-2604/2607 or (800) 832-5660;

**Charter Bus Operation** - this service is limited to New Jersey based companies providing out-of-state transportation services (*inter-state*), and 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. Intra-state 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 para-transit vehicle or funeral limousine, please contact the MVC at (609) 777 - 4186 or P.O. Box 680, Trenton, New Jersey 08666-0162.

## **GENERAL INSTRUCTIONS:**

In order to apply for a CPCN, 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 \_\_\_\_\_ (a) \_\_\_\_\_ by \_\_\_\_\_ (b) \_\_\_\_\_.

- (a) Insert the type of operation for which you are seeking authority.
- (b) 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 information is also 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.

### **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 payable to "MVC", as prescribed by statute [*N.J.S.A. 48:2-56E(2)*], 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, which in no event shall be less than \$25.00 (*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 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 Commercial Bus Unit, P.O. Box 680, Trenton, NJ 08666-0680 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 above at Page 4).

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. The docket number will be provided to you by MVC upon MVC's receipt 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, the originals 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 return receipt card attached*).

Once all of the above guidelines have been followed and all necessary information has been provided, your petition for purposes of the application process should be complete. It will be reviewed and you will be notified of what action will be taken by MVC.

*Very truly yours,*

A handwritten signature in black ink that reads "Thomas Bednarz". The signature is written in a cursive style with a large, looping initial 'T'.

Thomas Bednarz, Director  
Division of Inspection Services  
New Jersey Motor Vehicle Commission