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TITLE 16. TRANSPORTATION

CHAPTER 53E. FIXED GUIDEWAY STATE SAFETY OVERSIGHT

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:25-8c, 48:2-12 and 52:14D-6; 49 U.S.C. § 5329(e); 49 CFR Part 674;

October 5, 1978 Executive Reorganization Plan; and Executive Order No. 65 (1997)

Chapter Expiration Date: June 4, 2025

SUBCHAPTER 1. PURPOSE, SCOPE, AND APPLICABILITY

16:53E-1.1 Purpose

This chapter establishes rules concerning the State's oversight of the safety of rail fixed guideway systems through the Department of Transportation (Department), designated as the State's oversight agency by Executive Order No. 65 (1997). This chapter carries out the mandate of 49 U.S.C. § 5329(e) for State safety oversight of rail fixed guideway public transportation systems. The Office of Fixed Guideway Oversight in the New Jersey Department of Transportation is responsible for the administration of this chapter.

16:53E-1.2 Scope and applicability

(a) Rail fixed guideway public transportation systems are any fixed guideway system that uses rail; is operated for public transportation; is within the jurisdiction of this State; and is not subject to the jurisdiction of the Federal Railroad Administration or any such system in engineering or construction. Rail fixed guideway public transportation systems include, but are not limited to, rapid rail, heavy rail, light rail, monorail, trolley, inclined plane, funicular, and automated guideway.

(b) This chapter is applicable to rail fixed guideway public transportation systems that operate exclusively within the boundaries of this State or between this State and adjacent states; and entities that own or operate rail fixed guideway public transportation systems with Federal financial assistance authorized under Chapter 53 of Title 49 of the United States Code.

(c) This chapter is applicable to every transit agency operating exclusively within the boundaries of this State or between this State and adjacent states. The Department may designate other fixed guideway systems to which this rule shall apply.

(d) Except as provided in N.J.A.C. 16:53E-1.3, nothing in this chapter prevents the transit agency or the Department from using contractors or consultants (public, non-profit, or private) to assist with their respective duties under this chapter or in the course of their respective business operations.

16:53E-1.3 Conflict of interest

(a) A party or entity is prohibited from providing services to both the Department and the transit agency when a conflict of interest, as determined by the Department, exists.

(b) A transit agency may not be a contractor for the Department under the State safety over-sight program.

16:53E-1.4 Incorporation by reference

The Department incorporates herein by reference 49 CFR Part 674, State Safety Oversight.

SUBCHAPTER 2. STATE SAFETY OVERSIGHT PROGRAM STANDARD

16:53E-2.1 State Safety Oversight Program Standard

The Department, in its role as the oversight agency, develops safety oversight program rules that establish processes and procedures that govern the conduct of the oversight agency. The rules also provide guidance to the regulated transit agencies and other fixed guideway systems regarding the content of the plans and procedures they must have in place in order to be in compliance with the State program.

SUBCHAPTER 3. SAFETY PLAN

16:53E-3.1 Safety Plan requirements

(a) A transit agency shall not operate a fixed guideway system unless the Department has provided written approval of, and the transit agency has implemented, its safety plan for that system.

(b) Every transit agency shall develop and implement a written safety plan that complies with the requirements of the New Jersey Department of Transportation Safety Oversight Program Standard (NJDOT SSOPS) for each fixed guideway system it operates. Copies of the NJDOT SSOPS may be obtained on the Department's website at: <http://www.state.nj.us/transportation> or in person at:

New Jersey Department of Transportation

Office of Fixed Guideway Oversight

1035 Parkway Avenue

PO Box 600

Trenton, New Jersey 08625-0600

Phone: 609-530-2551

Fax: 609-530-6397

or by e-mail at:

njofgssso@dot.state.nj.us.