



U.S. Department
of Transportation

Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

**Federal Motor Carrier
Safety Administration**

APR 14 2006

Refer to: MC-CCE

The Honorable Vito J. Fossella
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Fossella:

Thank you for your letter of April 11 requesting the Federal Motor Carrier Safety Administration (FMCSA) to provide additional explanation regarding the legal requirements for a proposed bus route between Staten Island, New York, and Bayonne, New Jersey. As discussed in the April 6, 2006, telephone call between your staff and FMCSA legal and passenger carrier staff, there are two ways the New York Metropolitan Transit Authority (MTA) could legally operate the proposed line.

First, if MTA were to lawfully provide intrastate transportation over the entire route under the laws of each State, the commercial zone exemption applicable to New York City would apply to the transportation [see 49 U.S.C. 13506(b)(1)(B)], and MTA would not need any additional operating authority from FMCSA. In order for there to be intrastate transportation of passengers within New Jersey on the proposed route, however, at least some passengers must begin and end their bus transportation within New Jersey. The mere discharging or picking up of passengers at one point in New Jersey (in this case, the train station) is not sufficient, because such passengers' transportation would not occur entirely within New Jersey.

In addition, for the intrastate transportation in New Jersey to be deemed lawful, MTA would need to comply with applicable New Jersey State registration and licensing requirements for intrastate passenger carrier operations. We recommend your staff contact the New Jersey Department of Transportation for information regarding these State requirements.

Second, MTA could apply for and obtain authority from FMCSA to operate the route as a regular route in interstate commerce. MTA already has Federal interstate operating authority for passenger carriage dating from 1988, but they do not have regular route authority that would include the proposed extension of service to Bayonne. To obtain that authority, MTA should go to <http://safer.fmcsa.dot.gov> and complete Form OP-1 (P), clicking "regular route" as appropriate and supplying the route information requested. The fee is \$300.00. Approval is routinely granted, and the applicant is then issued a certificate. The review and approval process usually takes about 30 days.

I hope this information is helpful. If I can provide further information or assistance, please do not hesitate to call me.

Sincerely yours,

Warren E. Hoemann
Acting Administrator