

ASSEMBLY, No. 526

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman CRECCO

1 AN ACT providing for transportation to and from school for certain
2 school children when hazardous walking conditions exist and
3 supplementing chapter 39 of Title 18A of the New Jersey Statutes.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Each board of education that provides for the transportation of
9 pupils to and from school shall provide for the transportation of pupils
10 who do not live remote from school as defined pursuant to
11 N.J.S.18A:58-7 whenever it is determined pursuant to this act that
12 highway, road or traffic conditions exist which constitute a significant
13 hazard to the safety of those pupils.
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15 2. a. There is established in the Department of Education a School
16 Pedestrian Safety Board. The board shall consist of the
17 Commissioners of Education and Transportation or their respective
18 designees, and five public members to be appointed by the Governor
19 with the advice and consent of the Senate. The public members shall
20 be knowledgeable of and experienced in matters of highway safety
21 engineering. The term of office of the appointed members shall be for
22 three years. The terms of the initial appointed members shall be fixed
23 by the Governor so that one shall serve for a one year term, two shall
24 serve for a two year term and two shall serve for a three year term.
25 Each member shall serve until his successor is appointed and qualified.
26 Any vacancy in the board shall be filled by the Governor in the same
27 manner as the original appointment and for the unexpired term only.
28 The board shall annually elect a chairperson and vice-chairperson from
29 among the public members and may appoint a secretary who need not
30 be a member of the board.

31 Members shall serve without compensation, but shall be reimbursed
32 for their actual expenditures necessarily incurred in the performance
33 of their duties.

34 b. Within six months of the effective date of this act, the School
35 Pedestrian Safety Board, in consultation with the advisory council

1 established by section 7 of this act, shall develop criteria for the
2 determination of hazardous walking conditions for school pupils.
3 These criteria shall include, but need not be limited to: the age and
4 grade of pupils; the location of the walkway; the speed and volume of
5 traffic; the length of the hazardous section; and such other factors as
6 the board deems necessary and appropriate.

7 c. Within three months of the development of the criteria for the
8 determination of hazardous walking conditions for school pupils, the
9 board shall prepare and issue guidelines and procedures for use by
10 local boards of education to determine the existence of hazardous
11 walking conditions within the school district. These procedures shall,
12 at a minimum, require local boards of education to (1) develop
13 walking route plans and (2) make a good faith effort to reach an
14 agreement with the governmental agency responsible for the roadway
15 for the alleviation of the hazardous conditions.

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17 3. Whenever a local board of education determines that hazardous
18 walking conditions exist within the district based upon the criteria
19 established by the School Pedestrian Safety Board, the board of
20 education shall submit documentation of that hazard to the School
21 Pedestrian Safety Board, which shall, at a minimum, include:

22 a. Established district walking route plans, which shall be based
23 upon considerations of traffic patterns, existing traffic controls and
24 crossing protection aids including school crossing guards, and which
25 shall demonstrate a good faith effort to develop walking routes which
26 avoid the hazardous conditions.

27 b. Documentation of the school board's efforts to work with the
28 governmental agency responsible for the roadway in order to modify
29 or alleviate the hazardous conditions.

30 c. The number of pupils for whom transportation will be provided
31 because of the hazardous condition.

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33 4. Upon receipt of documentation from a local board of education
34 of a hazardous walking condition, the School Pedestrian Safety Board
35 shall review the documentation to determine whether the criteria,
36 guidelines and procedures established by the board have been
37 followed. Upon an affirmative determination, the board shall notify
38 the Commissioner of Education that a hazardous route exists within
39 the school district.

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41 5. a. If it is determined pursuant to this act that a route is
42 hazardous, school districts which provide transportation to and from
43 school along that route for pupils who are not otherwise eligible for
44 State transportation aid pursuant to N.J.S.18A:58-7, shall be
45 reimbursed by the State for 90% of the cost of providing that
46 transportation.

1 b. Each board of education which receives State transportation aid
2 pursuant to subsection a. of this section shall submit an annual report
3 to the board on the status of the hazardous route. If the board
4 determines that the hazardous conditions which caused the route to be
5 classified as significantly hazardous have been corrected, the board
6 shall notify the Commissioner of Education that the route is no longer
7 hazardous. The Commissioner of Education shall inform the local
8 school district that, effective as of July 1 next ensuing, the local school
9 district shall no longer be eligible to receive State transportation aid
10 pursuant to subsection a. of this section.

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12 6. a. Upon the determination, pursuant to P.L....., c..... (C.....)
13 (now pending before the Legislature as this bill) that a route
14 constitutes a significant hazard to the safety of school pupils, the
15 School Pedestrian Safety Board shall immediately advise the
16 governmental unit having jurisdictional responsibility for the public
17 highway. If the public highway is under both State and local authority,
18 the State shall be the responsible unit. If the public highway is under
19 both county and municipal authority, the county shall be the
20 responsible unit. That notification shall include the analysis of the
21 conditions which caused the route to be classified as significantly
22 hazardous.

23 b. Upon receipt of notification, the governmental unit responsible
24 for the maintenance of the public highway shall review the
25 recommendations and shall submit for approval a plan for the
26 correction of the hazardous conditions to the School Pedestrian Safety
27 Board.

28 c. The board shall review the plan submitted pursuant to subsection
29 b. of this section, taking into consideration:

30 (1) The relationship of the project to the State master plan and, if
31 appropriate, approved local comprehensive plans for transportation
32 projects.

33 (2) An analysis of the costs for correction of the hazard in relation
34 to the costs of continuing to provide State school transportation aid.

35 (3) Any other factors which the board deems appropriate.

36 Following that review, the board shall either (1) approve the plan
37 as submitted, (2) approve the plan with modifications, or (3)
38 disapprove the plan. If the board modifies or disapproves the
39 submitted plan, the governmental unit shall promptly resubmit the plan
40 to the board to comply with modifications or recommendations as
41 directed.

42 d. If the commissioner approves a plan for the correction of a
43 condition which poses a significant hazard to school pupils that plan
44 shall be implemented as follows:

45 (1) If the State is responsible for the public highway, it shall be the
46 responsibility of the Department of Transportation to correct the

1 hazard as a priority.

2 (2) If a local governmental unit is responsible for the maintenance
3 of the public highway, it shall be the responsibility of the local
4 governmental unit to correct the hazard. A plan for the correction of
5 a hazardous walking conditions for school pupils shall be designated
6 a priority by the local governmental unit for the purposes of State aid
7 funding pursuant to section 25 of P.L.1984, c.73 (C.27:1B-25).

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9 7. In order to assist the board in the administration and
10 implementation of the hazardous routes program, there is established
11 the School Pedestrian Safety Advisory Council. The members of the
12 council shall be appointed by the board, and shall include
13 representatives of the educational community, parents, law
14 enforcement officials, and such other individuals as the board deems
15 appropriate.

16 The council shall meet on a periodic basis, but not less than once
17 each year, to discuss the development and implementation of the
18 program and to recommend to the board any changes which it deems
19 necessary to improve the operations of the program.

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21 8. This act shall take effect immediately.

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STATEMENT

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26 This bill provides for the transportation of pupils to and from
27 school along routes which are hazardous for walking. The bill
28 establishes a School Pedestrian Safety Board in the Department of
29 Education, consisting of the Commissioners of Education and
30 Transportation and five public members knowledgeable in highway
31 safety engineering. The board will be responsible for developing
32 criteria for the determination of hazardous walking conditions and for
33 establishing guidelines and procedures for use by local boards of
34 education. The bill also establishes an advisory council to assist the
35 board in making its determinations.

36 If a board determines that a route is hazardous, it must submit
37 documentation to the School Pedestrian Safety Board that it has
38 established walking routes for the district that attempt to avoid the
39 hazard and that it has made a good faith effort to work with the
40 governmental unit responsible for the roadway in order to modify or
41 alleviate the hazardous conditions. If the School Pedestrian Safety
42 Board determines that its guidelines, criteria and procedures have been
43 followed, the board will notify the Commissioner of Education that a
44 hazardous walking condition exists in the school district.

45 Once a route is designated as hazardous, the school district would
46 receive State aid for the transportation of pupils who must use the

1 route equal to 90% of the cost of transportation. If the hazard was
2 corrected, the State aid would no longer be paid to the district.

3 The bill also requires the School Pedestrian Safety Board to advise
4 the governmental unit responsible for the route of the designation and
5 the reasons for determining that the route is hazardous. The
6 governmental unit must then develop a plan for the correction of the
7 hazard. If a local governmental unit is responsible for the roadway, it
8 would be responsible for the correction of the hazard, and the project
9 would become a priority for the purposes of State funding under the
10 "New Jersey Transportation Trust Fund Act," P.L.1984, c.73
11 (C.27:1B-1 et seq.). If the public highway is under State jurisdiction,
12 the State would be responsible for correcting the hazard on a priority
13 basis.

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18 Provides State aid for transportation of pupils to and from school
19 along hazardous routes.

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