

ASSEMBLY, No. 2006

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1996

By Assemblywoman BUONO and Assemblyman BARNES

1 AN ACT concerning pupil transportation, amending N.J.S.18A:39-1
2 and P.L.1984, c.73 and supplementing chapter 1A of Title 27 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1 through 3 of this act shall be known
9 and may be cited as the "Student Safety Act of 1996."

10
11 2. (New section) a. The Commissioner of Transportation, in
12 conjunction with the Commissioner of Education, shall develop three
13 definitions of the term "hazardous route," for the purposes of
14 providing transportation for public school pupils. The definitions shall
15 differentiate between suburban, urban and rural routes. The
16 commissioners in developing the definitions shall consider, but not be
17 limited to, the following criteria:

18 (1) Population density;

19 (2) Traffic volume;

20 (3) Average vehicle velocity;

21 (4) Existence or absence of sufficient sidewalk space;

22 (5) Roads and highways that are winding or have blind curves;

23 (6) Roads and highways with steep inclines and declines;

24 (7) Drop-offs that are in close proximity to a sidewalk;

25 (8) Bridges or overpasses that must be crossed to reach the school;

26 (9) Train tracks or trestles that must be crossed to reach the
27 school; and

28 (10) Busy roads or highways that must be crossed to reach the
29 school.

30 b. The Commissioner of Transportation, in consultation with the
31 local police department, shall designate hazardous routes in the State
32 using the definitions established pursuant to subsection a. of this
33 section. The Commissioner of Transportation shall immediately notify
34 the Commissioner of Education of the designated hazardous routes.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The Commissioner of Transportation shall conduct an annual
2 review to determine whether a particular hazardous route continues to
3 require that designation. The Commissioner of Transportation shall
4 immediately notify the Commissioner of Education if a determination
5 is made to discontinue a hazardous route designation.

6
7 3. (New section) The Commissioner of Transportation, in
8 consultation with the State Board of Education, shall promulgate rules
9 and regulations pursuant to the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
11 provisions of this act. These regulations shall include, but shall not be
12 limited to, procedures for the effective and timely review of the
13 hazardous route designation.

14
15 4. N.J.S.18A:39-1 is amended to read as follows:

16 18A:39-1. Whenever in any district there are elementary school
17 pupils who live more than two miles from their public school of
18 attendance or secondary school pupils who live more than 2 1/2 miles
19 from their public school of attendance, the district shall provide
20 transportation to and from school for these pupils. A district shall also
21 provide transportation to and from school for public school pupils that
22 live along a hazardous route designated by the Commissioner of
23 Transportation pursuant to section 2 of P.L. , c. (C.)(now
24 pending before the Legislature as this bill). Notwithstanding any
25 provision of law to the contrary, a district shall be entitled to State aid
26 in an amount equal to 100% of the cost of providing transportation
27 to pupils that live along a hazardous route.

28 When any school district provides any transportation for public
29 school pupils to and from school pursuant to this section,
30 transportation shall be supplied to school pupils residing in such
31 school district in going to and from any remote school other than a
32 public school, not operated for profit in whole or in part, located
33 within the State not more than 20 miles from the residence of the
34 pupil; except that if the district is located in a county of the third class
35 with a population of not less than 80,000 and not more than 120,000
36 transportation shall be provided to a nonpublic school located outside
37 the State not more than 20 miles from the residence of the pupil, if
38 there is no appropriate nonpublic school within the State located
39 closer to the residence of the pupil; provided the per pupil cost of the
40 lowest bid received does not exceed \$675 for the 1992-93 school year
41 or the amount determined for subsequent years pursuant to section 2
42 of P.L.1981, c.57 (C.18A:39-1a), and if such bid shall exceed that cost
43 then the parent, guardian or other person having legal custody of the
44 pupil shall be eligible to receive \$675 for the 1992-93 school year or
45 the amount determined pursuant to section 2 of P.L.1981, c.57
46 (C.18A:39-1a) for subsequent years toward the cost of his

1 transportation to a qualified school other than a public school,
2 regardless of whether such transportation is along established public
3 school routes. It shall be the obligation of the parent, guardian or
4 other person having legal custody of the pupil attending a remote
5 school, other than a public school, not operating for profit in whole or
6 in part, to register said pupil with the office of the secretary of the
7 board of education at the time and in the manner specified by rules and
8 regulations of the State board in order to be eligible for the
9 transportation provided by this section. If the registration of any such
10 pupil is not completed by September 1 of the school year and if it is
11 necessary for the board of education to enter into a contract
12 establishing a new route in order to provide such transportation, then
13 the board shall not be required to provide it, but in lieu thereof the
14 parent, guardian or other person having legal custody of the pupil shall
15 be eligible to receive \$675 or the amount determined pursuant to
16 section 2 of P.L.1981, c.57 (18A:39-1a), or an amount computed by
17 multiplying 1/180 times the number of school days remaining in the
18 school year at the time of registration, times \$675 for the 1992-93
19 school year or the amount determined pursuant to section 2 of
20 P.L.1981, c.57 (C.18A:39-1a) for subsequent years, whichever is the
21 smaller amount. Whenever any regional school district provides any
22 transportation for pupils attending schools other than public schools
23 pursuant to this section, said regional district shall assume
24 responsibility for the transportation of all such pupils, and the cost of
25 such transportation for pupils below the grade level for which the
26 regional district was organized shall be prorated by the regional
27 district among the constituent districts on a per pupil basis, after
28 approval of such costs by the county superintendent. This section
29 shall not require school districts to provide any transportation for
30 pupils attending a school other than a public school, where the only
31 transportation presently provided by said district is for school children
32 transported pursuant to chapter 46 of Title 18A of the New Jersey
33 Statutes or for pupils transported to a vocational, technical or other
34 public school offering a specialized program. Any transportation to a
35 school, other than a public school, shall be pursuant to the same rules
36 and regulations promulgated by the State board as governs
37 transportation to any public school.

38 The board of education may make rules and contracts for the pupil
39 transportation provided pursuant to this section.

40 Nothing in this section shall be so construed as to prohibit a board
41 of education from making contracts for the transportation of pupils to
42 a school in an adjoining district, when such pupils are transferred to
43 the district by order of the county superintendent, or when any pupils
44 shall attend school in a district other than that in which they shall
45 reside by virtue of an agreement made by the respective boards of
46 education.

1 Nothing herein contained shall limit or diminish in any way any of
2 the provisions for transportation for children pursuant to chapter 46
3 of this Title.

4 (cf: P.L.1992, c.33, s.1)

5
6 5. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to read
7 as follows:

8 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of
9 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the
10 commissioner may, pursuant to appropriations or authorizations being
11 made from time to time by the Legislature according to law, allocate
12 to counties and municipalities funds for the planning, acquisition,
13 engineering, construction, reconstruction, repair, resurfacing and
14 rehabilitation of public highways and the planning, acquisition,
15 engineering, construction, reconstruction, repair, maintenance and
16 rehabilitation of public transportation projects and of other
17 transportation projects which a county or municipality may be
18 authorized by law to undertake. In the case of a county or municipality
19 for which an allocation has been made for the federal fiscal year
20 beginning October 1, 1983, of an amount of federal aid for the federal
21 aid urban system, as defined in 23 U.S.C. § 103, the amount of State aid
22 allocated under this section in any fiscal year shall not be less than the
23 amount of federal aid so allocated, together with the amount of
24 matching funds required under federal law. No allocation shall be
25 made to a county or municipality without certification by the
26 commissioner: (1) that there exists with respect to that county or
27 municipality a comprehensive plan, or plans, which he has approved,
28 for the effective allocation, utilization and coordination of available
29 federal and State transportation aid, and (2) that the county or
30 municipality has agreed that State aid provided under this section is
31 provided in lieu of federal aid for the federal aid urban system program
32 and that any federal aid for the federal aid urban system program
33 attributable to the area will be programmed by the Department of
34 Transportation for projects of regional significance. In any year in
35 which insufficient funds have been appropriated to meet the minimum
36 county allocations established in this section, or if no appropriation is
37 provided, the commissioner shall determine on a prorated basis the
38 amount of the deficiency for each county having a minimum allocation
39 and allocate from funds available under the federal aid urban system
40 program sufficient funds to meet the minimum allocations.

41 b. The commissioner shall, pursuant to appropriations or
42 authorizations being made from time to time by the Legislature
43 according to law and pursuant to the provisions of subsection d. of
44 this section, allocate at his discretion State aid to municipalities for
45 public highways under their jurisdiction and for emergency
46 transportation projects, except that the amount to be appropriated for

1 this program shall be 15% of the amount appropriated pursuant to the
2 provisions of paragraph (2) of subsection d. of this section.

3 c. The commissioner shall, pursuant to appropriations or
4 authorizations being made from time to time by the Legislature
5 according to law and pursuant to the provisions of subsection d. of
6 this section, allocate State aid to municipalities for public highways
7 under their jurisdiction, except that the amount to be appropriated for
8 this purpose shall be 85% of the amount appropriated pursuant to the
9 provisions of paragraph (2) of subsection d. of this section. The
10 amount to be appropriated shall be allocated on the basis of the
11 following distribution factor:

$$12 \qquad \qquad \qquad \text{Pc} \qquad \qquad \text{Cm}$$

$$13 \qquad \qquad \text{DF} = \frac{\quad}{\quad} + \frac{\quad}{\quad}$$

$$14 \qquad \qquad \qquad \text{Ps} \qquad \qquad \text{Sm}$$

16
17 where, DF equals the distribution factor

18
19 Pc equals county population

20
21 Ps equals State population

22
23 Cm equals municipal road mileage within the county

24
25 Sm equals municipal road mileage within the State.

26
27 After the amount of aid has been allocated based on the above
28 formula, the commissioner shall determine priority for the funding of
29 municipal projects within each county, based upon criteria relating to
30 volume of traffic, safety considerations, growth potential, readiness to
31 obligate funds and local taxing capacity. In addition to the above
32 criteria used in determining priority of funding of municipal projects
33 in each county, the commissioner shall [consider whether a project is]
34 give the highest priority to projects intended to remedy the hazardous
35 conditions [as identified for the purposes of providing transportation
36 pursuant to N.J.S.18A:39-1.2 for school pupils]of a hazardous route
37 designated by the commissioner pursuant to section 2 of P.L. ., c
38 (C.)(now pending before the Legislature as this bill).

39 For the purposes of this subsection, (1) "population" means the
40 official population count as reported by the New Jersey Department
41 of Labor; and (2) "municipal road mileage" means that road mileage
42 under the jurisdiction of municipalities, as determined by the
43 department.

44 d. There shall be appropriated at least \$30,000,000.00 in each
45 fiscal year for the purposes provided herein and in subsections b. and
46 c. of this section. (1) Of that appropriation, the commissioner shall

1 allocate \$5,000,000.00 as State aid to any municipality qualifying for
2 aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et
3 seq.). The commissioner shall allocate the aid to each municipality in
4 the same proportion that the municipality receives aid under P.L.1978,
5 c.14. (2) The remaining amount of the appropriation shall be allocated
6 pursuant to the provisions of subsections b. and c. of this section.
7 (cf: P.L.1995, c.99, s.1)

8
9 6. This act shall take effect immediately.

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12 STATEMENT

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14 This bill is designated the "Student Safety Act of 1996." The bill
15 requires that school districts provide transportation to and from school
16 for public school pupils that live along hazardous routes. A district
17 will be entitled to State aid in an amount equal to 100% of the cost of
18 providing this transportation. The hazardous routes will be designated
19 by the Commissioner of Transportation, in consultation with local
20 police departments. The designations will be made using definitions
21 of hazardous routes established by the Commissioner of
22 Transportation, in conjunction with the Commissioner of Education.
23 In developing the definitions, the commissioners will differentiate
24 between suburban, urban and rural routes, and their particular
25 characteristics. The commissioners, in developing the definitions, will
26 also take into consideration certain criteria, including: population
27 density; traffic volume; average vehicle velocity; existence or absence
28 of sufficient sidewalk space; roads and highways that are winding or
29 have blind curves; roads and highways with steep inclines and declines;
30 drop-offs that are in close proximity to a sidewalk; bridges or
31 overpasses that must be crossed to reach the school; train tracks or
32 trestles that must be crossed to reach the school; and busy roads or
33 highways that must be crossed to reach the school. The bill provides
34 that the Commissioner of Transportation will do a routine review of
35 those routes designated as hazardous to ensure that they remain
36 qualified for that designation.

37 Additionally, this bill requires that the Commissioner of
38 Transportation when determining discretionary aid from the New
39 Jersey Transportation Trust Fund give the highest priority to projects
40 which are intended to remedy conditions on the hazardous routes
41 designated by the commissioner pursuant to this bill.

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44
45 Requires school districts to provide transportation to public school
46 pupils living along hazardous routes.