

ASSEMBLY, No. 3514

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

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District 22 (Middlesex, Somerset and Union)

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SYNOPSIS

Provides for establishment of three-year pilot program to expand provision of paratransit services in New Jersey.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning the expansion of paratransit services in New
2 Jersey and supplementing Title 27 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. The Commissioner of Transportation, in consultation with
8 the Commissioner of Human Services, shall establish a three-year
9 pilot program to enhance the availability and accessibility of
10 paratransit and expand the number of community-based paratransit
11 options for senior citizens and persons with disabilities in the State,
12 particularly in those areas of the State that are not served by the
13 State's Access Link program.

14 b. The commissioner shall designate at least three regions of
15 the State, one in the southern, one in the northern, and one in the
16 central parts of the State, in which the pilot program shall operate.
17 When designating paratransit service regions pursuant to this
18 subsection, the commissioner shall consider:

19 (1) the demand for paratransit services in the region and the
20 number of people who would benefit from enhanced paratransit
21 services in the region;

22 (2) whether, and the extent to which, the region is served by
23 Access Link. To the extent practicable, pilot program service
24 regions shall be designated in areas of the State that are not well
25 served by Access Link; and

26 (3) any other factor deemed by the Commissioners of
27 Transportation or Human Services to be relevant.

28 c. The Commissioner of Transportation shall solicit
29 applications from, and shall approve a sufficient number of,
30 community-based organizations to provide paratransit services
31 under the pilot program. In order to provide paratransit services
32 under the pilot program, an applicant shall:

33 (1) be established as a community-based for-profit or not-for-
34 profit organization. Community-based organizations that are
35 dedicated to providing services to senior citizens or to persons with
36 disabilities shall receive priority consideration for pilot program
37 participation over other types of community-based organizations;

38 (2) certify to the commissioner that the organization is capable
39 of complying with the transportation responsibilities established
40 under the pilot program;

41 (3) demonstrate that the organization has a workers'
42 compensation policy, a general liability insurance policy, and an
43 automobile liability insurance policy that covers all vehicles that
44 will be used in the provision of paratransit services under the pilot
45 program. If a provider fails to demonstrate that it has all three
46 insurance policies and that each policy is current, the provider shall
47 be prohibited from providing paratransit services under the pilot
48 program;

- 1 (4) certify that, when operating under the pilot program, the
2 provider will use vehicles that seat no less than four passengers, in
3 addition to the driver;
- 4 (5) certify that all drivers and other staff members employed by
5 the provider are appropriately licensed or certified to provide
6 transportation services, as required by law;
- 7 (6) comply with all applicable criminal history record
8 background check requirements imposed by the commissioner, and
9 not employ any driver or other person who has ever been convicted
10 of a disqualifying offense, as defined by the commissioner,
11 regardless of the date of the offense or conviction therefor;
- 12 (7) register each vehicle to be used in the pilot program as a
13 “commercial” or “livery” vehicle, as appropriate, and maintain a
14 current vehicle inspection report for each such vehicle. Any vehicle
15 that is not appropriately registered, that does not have a current
16 vehicle inspection report, or that has failed its most recent vehicle
17 inspection shall not be used to provide paratransit services under the
18 pilot program; and
- 19 (8) commit to providing paratransit services within fifteen
20 minutes of the scheduled pick-up time.
- 21 d. Each community-based organization that is approved to
22 provide paratransit services under the pilot program shall ensure
23 that training is completed by the organization’s drivers and by other
24 staff members who will come into direct contact with a person
25 receiving paratransit services, either within three months after the
26 organization is approved to participate in the pilot program or
27 within 30 days after the employee is hired, whichever is later.
28 Training shall include instruction on how to provide appropriate and
29 courteous treatment, how to engage in positive interactions with,
30 and how to satisfy the special needs of, persons who are receiving
31 paratransit services under the pilot program. The Commissioner of
32 Human Services shall develop and distribute training materials to
33 all approved community-based paratransit service providers for the
34 purposes of this subsection.
- 35 e. Each community-based organization approved to participate
36 in the pilot program shall maintain the following records and make
37 them available to the Commissioners of Transportation and Human
38 Services at the conclusion of each year of the pilot program’s
39 operation or at more frequent intervals as determined by the
40 commissioner to be appropriate:
- 41 (1) a daily and monthly paratransit log showing the types of
42 vehicles dispatched, the number of unique passengers served, and
43 the dedicated routes, if any, or pick-up locations that were
44 established for and used by each vehicle;
- 45 (2) a log of cases in which the waiting time for paratransit
46 service was in excess of 15 minutes past the scheduled pick-up
47 time; and

1 (3) a copy of any complaints received by the provider in relation
2 to the services provided under the pilot program, including an
3 indication as to whether and how each complaint was resolved.

4 f. Within 90 days after the conclusion of the three-year pilot
5 program, the Commissioners of Transportation and Human Services
6 shall jointly prepare and submit a written report to the Governor
7 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
8 Legislature, evaluating the success of the program. At a minimum,
9 the report shall include the following information:

10 (1) the areas of the State that were designated as paratransit
11 service regions under the pilot program and the extent to which
12 those service regions were already being served by Access Link;

13 (2) the number and identity of community-based organizations
14 that were approved to participate in the pilot program and the
15 designated service regions in which each organization was assigned
16 to provide services;

17 (3) the total number and average size of vehicles used for
18 paratransit services under the pilot program;

19 (4) the total number of persons served by the pilot program and
20 the locations of such persons in the State;

21 (5) the manner in which vehicles were dispatched under the
22 pilot program; specifically, whether vehicles were assigned to
23 particular service routes or were dispatched in response to
24 individual appointment requests;

25 (6) the number and nature of complaints filed by consumers
26 with respect to the paratransit services provided under the pilot
27 program and the status and nature of the resolution of those
28 complaints; and

29 (7) a recommendation as to whether the pilot program should be
30 continued on a permanent, Statewide basis, including an indication
31 of any concerns associated with permanent implementation and any
32 recommendations for executive or legislative action that will be
33 necessary to ensure the program's success on a permanent,
34 Statewide basis.

35 g. As used in this section:

36 "Access Link" means the paratransit service implemented by the
37 New Jersey Transit Corporation for the purposes of complying with
38 the "Americans with Disabilities Act of 1990," Pub.L.101-336 (42
39 U.S.C. s.12101 et seq.).

40 "Commissioner" means the Commissioner of Transportation,
41 acting in consultation with the Commissioner of Human Services.

42 "Paratransit services" means the same as that term is defined by
43 section 3 of P.L.1979, c.150 (C.27:25-3).

44

45 2. The Commissioner of Transportation, in consultation with
46 the Commissioner of Human Services, shall adopt rules and
47 regulations, pursuant to the "Administrative Procedure Act,"

1 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
2 implement the provisions of this act.

3
4 3. This act shall take effect on the first day of the fourth month
5 next following the date of enactment, except that the
6 Commissioners of Transportation and Human Services may take
7 any anticipatory administrative action in advance thereof as may be
8 necessary to implement the provisions of this act. The act shall
9 expire 30 days after the submission of the commissioners' report
10 pursuant to subsection f. of section 1 of this act.

11 12 13 STATEMENT

14
15 This bill would require the Commissioner of Transportation, in
16 consultation with the Commissioner of Human Services, to
17 establish a three-year pilot program to enhance the availability and
18 accessibility of paratransit and expand the number of community-
19 based paratransit options for senior citizens and persons with
20 disabilities in the State, particularly in those areas of the State that
21 are not served by the Access Link – the paratransit service that has
22 been implemented by the New Jersey Transit Corporation for the
23 purposes of complying with the “Americans with Disabilities Act of
24 1990,” Pub.L.101-336 (42 U.S.C. s.12101 et seq.).

25 The commissioners, in consultation with each other, will be
26 required to designate at least three regions of the State, one in the
27 southern, one in the northern, and one in the central parts of the
28 State, in which the pilot program will operate. When designating
29 paratransit service regions, the commissioners are to consider: 1)
30 the demand for paratransit services in the region and the number of
31 people who would benefit from enhanced paratransit services in the
32 region; 2) whether, and the extent to which, the region is served by
33 Access Link; and 3) any other factor deemed to be relevant. To the
34 extent practicable, pilot program service regions are to be
35 designated in areas of the State that are not well served by Access
36 Link.

37 The bill will require the Commissioner of Transportation to
38 solicit applications from, and approve a sufficient number of,
39 organizations to provide paratransit services under the pilot
40 program. In order to be approved to provide paratransit services
41 under the pilot program, a service provider will need to: 1) be a
42 community-based for-profit or not-for-profit organization (with
43 priority consideration being given to those community-based
44 organizations that are dedicated to serving senior citizens or persons
45 with disabilities); 2) certify that the provider is capable of
46 complying with the transportation responsibilities established under
47 the pilot program; 3) demonstrate that the provider has a workers'
48 compensation policy, a general liability insurance policy, and an

1 automobile liability insurance policy that covers all vehicles that
2 will be used in the provision of paratransit services under the pilot
3 program; 4) certify that, when operating under the pilot program,
4 the provider will use vehicles that seat no less than four passengers,
5 in addition to the driver; 5) certify that all drivers and other staff
6 members employed by the provider are appropriately licensed or
7 certified to provide transportation services, as required by law; 5)
8 comply with all applicable criminal history record background
9 check requirements imposed by the Commissioner of
10 Transportation, in consultation with the Commissioner of Human
11 Services, and not employ any driver or other person who has ever
12 been convicted of a disqualifying offense, regardless of the date of
13 the offense or conviction therefor; 6) register each vehicle to be
14 used in the pilot program as a “commercial” or “livery” vehicle, as
15 appropriate, and maintain a current vehicle inspection report for
16 each such vehicle; and 7) commit to providing paratransit services
17 within fifteen minutes of the scheduled pick-up time.

18 Each community-based organization approved to participate in
19 the pilot program will also be required to ensure that training is
20 completed by the organization’s drivers and by other staff members
21 who will come into direct contact with a person receiving
22 paratransit services, either within three months after the
23 organization is approved to participate in the pilot program or
24 within 30 days after the employee is hired, whichever is later.
25 Training is to include instruction on how to provide appropriate and
26 courteous treatment, how to engage in positive interactions with,
27 and how to satisfy the special needs of, persons who are receiving
28 paratransit services under the pilot program. The Commissioner of
29 Human Services will be required to develop and distribute training
30 materials to all approved providers.

31 Each community-based organization approved to participate in
32 the pilot program will be required to maintain the following records
33 and make them available to the commissioners at the conclusion of
34 each year of the pilot program’s operation or at more frequent
35 intervals as determined by the commissioners to be appropriate: 1)
36 a daily and monthly paratransit log showing the types of vehicles
37 dispatched, the number of unique passengers served, and the
38 dedicated routes, if any, or pick-up locations that were established
39 for and used by each vehicle; 2) a log of cases in which the waiting
40 time for paratransit service was in excess of 15 minutes past the
41 scheduled pick-up time; and 3) a copy of any complaints received
42 by the provider in relation to the services provided under the pilot
43 program, including an indication as to whether and how each
44 complaint was resolved.

45 Within 90 days after the conclusion of the three-year pilot
46 program, the commissioners will be required to jointly prepare and
47 submit a written report to the Governor and the Legislature,
48 evaluating the success of the program. The report is to include

1 certain details about the program, as specified by the bill, as well as
2 an indication as to whether the pilot program should be continued
3 on a permanent, Statewide basis and recommendations for any
4 executive or legislative action that will be necessary to ensure the
5 program's ongoing success, if continued.