

ASSEMBLY, No. 3637

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Requires school districts to provide transportation to public and nonpublic school pupils living along hazardous routes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning pupil transportation, amending N.J.S.18A:39-1,
2 P.L.1984, c.73 and P.L.2007, c.260, supplementing chapter 1A
3 of Title 27 of the Revised Statutes and repealing section 2 of
4 P.L.1999, c.310.

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

8
9 1. (New section) Sections 1 through 3 of this act shall be
10 known and may be cited as the "Student Safety Act of 2018."

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

- 19 (1) Population density;
20 (2) Traffic volume;
21 (3) Average vehicle velocity;
22 (4) Existence or absence of sufficient sidewalk space;
23 (5) Roads and highways that are winding or have blind curves;
24 (6) Roads and highways with steep inclines and declines;
25 (7) Drop-offs that are in close proximity to a sidewalk;
26 (8) Bridges or overpasses that must be crossed to reach the
27 school;
28 (9) Train tracks or trestles that must be crossed to reach the
29 school; and
30 (10) Busy roads or highways that must be crossed to reach the
31 school.

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

38 c. The Commissioner of Transportation shall conduct an annual
39 review to determine whether a particular hazardous route continues
40 to require that designation. The Commissioner of Transportation
41 shall immediately notify the Commissioner of Education if a
42 determination is made to discontinue a hazardous route designation.

43
44 3. (New section) The Commissioner of Transportation, in
45 consultation with the State Board of Education, shall promulgate

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

Matter underlined thus is new matter.

1 rules and regulations pursuant to the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate
3 the provisions of this act. These regulations shall include, but shall
4 not be limited to, procedures for the effective and timely review of
5 the hazardous route designation.

6
7 4. Section 15 of P.L.2007, c.260 (C.18A:7F-57) is amended to
8 read as follows:

9 15. a. Each school district's and county vocational school
10 district's State aid for transportation shall consist of base aid (BA)
11 and an incentive factor (IF) determined as follows:

12
$$BA = (BA1 \times IF) + BA2$$

13 where

14
$$BA1 = CP1 \times P1 + CD1 \times P1 \times D1;$$

15
$$BA2 = CP2 \times P2 + CD2 \times P2 \times D2;$$

16 P1 is the total number of regular education public pupils and
17 regular nonpublic pupils eligible for transportation pursuant to
18 N.J.S.18A:39-1, excluding preschool pupils except pupils that
19 qualify for free full-day preschool pursuant to section 12 of this act,
20 and of special education pupils eligible for transportation pursuant
21 to N.J.S.18A:46-23 with no special transportation requirements,
22 who are resident in the district as of the last school day prior to
23 October 16 of the prebudget year;

24 D1 is the average home-to-school mileage for P1 pupils;

25 P2 is the total number of special education pupils eligible for
26 transportation pursuant to N.J.S.18A:46-23 with special
27 transportation requirements who are resident in the district as of the
28 last school day prior to October 16 of the prebudget year;

29 D2 is the average home-to-school mileage for P2 pupils; and

30 CP1, CD1, CP2 and CD2 are cost coefficients with values set
31 forth in subsection b. of this section.

32 IF is the incentive factor, which modifies base aid paid for pupils
33 transported on regular vehicles according to each district's
34 percentile rank in regular vehicle capacity utilization. **【Students**
35 **within the district who receive courtesy busing services shall be**
36 **included in the calculation of the district's regular vehicle capacity**
37 **utilization if the courtesy busing services are provided to a student**
38 **who would otherwise be required to walk to and from school along**
39 **a route designated as a hazardous route by the school district**
40 **pursuant to section 2 of P.L.1999, c.310 (C.18A:39-1.5).】 For the**
41 **2008-2009 school year, IF = 1. The Governor shall submit to the**
42 **Legislature at least 60 days prior to the FY 2011 budget address**
43 **proposed transportation incentive factors applicable to the 2010-**
44 **2011 school year and thereafter along with supporting data. The**
45 **incentive factors shall be deemed approved by the Legislature**
46 **unless a concurrent resolution is passed within 60 days of the date**
47 **of submission.**

1 b. For the 2008-2009 school year, the cost coefficients in
2 subsection a. of this section shall have the following values:

3 CP1 = \$383.88;

4 CD1 = \$10.50;

5 CP2 = \$2,675.77; and

6 CD2 = \$5.10.

7 The cost coefficients shall be adjusted by the CPI in the 2009-
8 2010 and 2010-2011 school years as required pursuant to subsection
9 b. of section 4 of this act. For subsequent school years, the cost
10 coefficients shall be established in the Educational Adequacy
11 Report with the amounts adjusted by the CPI for each of the two
12 school years following the first school year to which the report is
13 applicable.

14 c. For the 2008-2009 school year each district and county
15 vocational district shall receive State transportation aid in an
16 amount equal to the school district's or county vocational school
17 district's State aid entitlement calculated pursuant to subsections a.
18 and b. of this section multiplied by 81.4876%.

19 d. Each executive county superintendent of schools shall
20 complete a study of pupil transportation services in the county no
21 later than 18 months after the effective date of P.L.2007, c.260
22 (C.18A:7F-43 et al.). The purpose of the study shall be to
23 determine ways to provide pupil transportation services in a more
24 cost-effective and efficient manner. The study shall be transmitted
25 upon completion to the Commissioner of Education and to the
26 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).
27 (cf: P.L.2007, c.260, s.15)

28

29 5. N.J.S.18A:39-1 is amended to read as follows:

30 18A:39-1. Whenever in any district there are elementary school
31 pupils who live more than two miles from their public school of
32 attendance or secondary school pupils who live more than 2 1/2
33 miles from their public school of attendance, the district shall
34 provide transportation to and from school for these pupils. A
35 district shall also provide transportation to and from school for a
36 public elementary school pupil who lives two miles or less from his
37 public school of attendance and a public secondary school pupil
38 who lives 2 1/2 miles or less from his public school of attendance if
39 that pupil lives along a hazardous route designated by the
40 Commissioner of Transportation pursuant to section 2 of
41 P.L. , c. (C.) (pending before the Legislature as this bill).
42 Notwithstanding any provision of law to the contrary, a district
43 shall be entitled to State aid in an amount equal to 100% of the cost
44 of providing transportation to public school pupils who live along a
45 hazardous route.

46 When any school district provides any transportation for public
47 school pupils to and from school pursuant to this section, including
48 transportation to pupils who live along a hazardous route,

1 transportation shall be supplied to school pupils residing in such
2 school district in going to and from any remote, or in the case of
3 transportation along a hazardous route non remote, school other
4 than a public school, not operated for profit in whole or in part,
5 located within the State not more than 20 miles from the residence
6 of the pupil; except that if the district is located in a county of the
7 third class with a population of not less than 80,000 and not more
8 than 120,000 transportation shall be provided to a nonpublic school
9 located outside the State not more than 20 miles from the residence
10 of the pupil, if there is no appropriate nonpublic school within the
11 State located closer to the residence of the pupil; provided the per
12 pupil cost of the lowest bid received does not exceed \$675 for the
13 1992-93 school year or the amount determined for subsequent years
14 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), and if such
15 bid shall exceed that cost then the parent, guardian or other person
16 having legal custody of the pupil shall be eligible to receive \$675
17 for the 1992-93 school year or the amount determined pursuant to
18 section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years
19 toward the cost of his transportation to a qualified school other than
20 a public school, regardless of whether such transportation is along
21 established public school routes.

22 Notwithstanding any provision of law to the contrary, a district
23 shall be entitled to State aid in an amount equal to 100% of the cost
24 of providing transportation to nonpublic school pupils who live
25 along a hazardous route.

26 It shall be the obligation of the parent, guardian or other person
27 having legal custody of the pupil attending a remote, or in the case
28 of transportation along a hazardous route non remote, school, other
29 than a public school, not operating for profit in whole or in part, to
30 register said pupil with the office of the secretary of the board of
31 education at the time and in the manner specified by rules and
32 regulations of the State board in order to be eligible for the
33 transportation provided by this section. If the registration of any
34 such pupil is not completed by September 1 of the school year and
35 if it is necessary for the board of education to enter into a contract
36 establishing a new route in order to provide such transportation,
37 then the board shall not be required to provide it, but in lieu thereof
38 the parent, guardian or other person having legal custody of the
39 pupil shall be eligible to receive \$675 or the amount determined
40 pursuant to section 2 of P.L.1981, c.57 (18A:39-1a), or an amount
41 computed by multiplying 1/180 times the number of school days
42 remaining in the school year at the time of registration, times \$675
43 for the 1992-93 school year or the amount determined pursuant to
44 section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years,
45 whichever is the smaller amount. Whenever any regional school
46 district provides any transportation for pupils attending schools
47 other than public schools pursuant to this section, said regional

1 district shall assume responsibility for the transportation of all such
2 pupils, and the cost of such transportation for pupils below the
3 grade level for which the regional district was organized shall be
4 prorated by the regional district among the constituent districts on a
5 per pupil basis, after approval of such costs by the county
6 superintendent. This section shall not require school districts to
7 provide any transportation for pupils attending a school other than a
8 public school, where the only transportation presently provided by
9 said district is for school children transported pursuant to chapter 46
10 of Title 18A of the New Jersey Statutes or for pupils transported to
11 a vocational, technical or other public school offering a specialized
12 program. Any transportation to a school, other than a public school,
13 shall be pursuant to the same rules and regulations promulgated by
14 the State board as governs transportation to any public school.

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

17 Nothing in this section shall be so construed as to prohibit a
18 board of education from making contracts for the transportation of
19 pupils to a school in an adjoining district, when such pupils are
20 transferred to the district by order of the county superintendent, or
21 when any pupils shall attend school in a district other than that in
22 which they shall reside by virtue of an agreement made by the
23 respective boards of education.

24 Nothing herein contained shall limit or diminish in any way any
25 of the provisions for transportation for children pursuant to chapter
26 46 of this Title.

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

28

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

31 25. a. Notwithstanding the provisions of subtitle 4 of Title 27
32 of the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.),
33 the commissioner may, pursuant to appropriations or authorizations
34 being made from time to time by the Legislature according to law,
35 allocate to counties and municipalities funds for the planning,
36 acquisition, engineering, construction, reconstruction, repair,
37 resurfacing and rehabilitation of public highways and the planning,
38 acquisition, engineering, construction, reconstruction, repair,
39 maintenance and rehabilitation of public transportation projects and
40 of other transportation projects which a county or municipality may
41 be authorized by law to undertake.

42 b. The commissioner shall, pursuant to appropriations or
43 authorizations being made from time to time by the Legislature
44 according to law, allocate at his discretion State aid to counties and
45 municipalities for transportation projects, except that the amount to
46 be appropriated for this program shall be seven percent of the total
47 amount appropriated pursuant to subsection d. of this section. This

State aid shall be set aside prior to any formula allocations provided for in subsections c., d., e., f., and g. of this section, and shall be known as the "Local Aid Infrastructure Fund." In the fiscal year commencing July 1, 2016, any amount appropriated to the Local Aid Infrastructure Fund above \$7,500,000 shall be deposited into the State Transportation Infrastructure Bank Fund, established pursuant to section 34 of P.L.2016, c.56 (C.58:11B-10.4).

c. The commissioner shall, pursuant to appropriations or authorizations being made from time to time by the Legislature according to law and pursuant to the provisions of subsections b. and d. of this section, allocate State aid to municipalities for public highways under their jurisdiction. The amount to be appropriated shall be allocated on the basis of the following distribution factor:

$$DF = \frac{P_c}{P_s} + \frac{C_m}{S_m}$$

where, DF equals the distribution factor

P_c equals county population

P_s equals State population

C_m equals municipal road mileage within the county

S_m equals municipal road mileage within the State.

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

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

d. There shall be appropriated at least \$175,000,000 for each fiscal year commencing July 1, 2006 through the fiscal year commencing July 1, 2015, and \$400,000,000 for each fiscal year commencing July 1, 2016 and for each fiscal year thereafter, for the purposes provided herein and in subsections b., c., e., f., and g. of this section. (1) Of that appropriation, the commissioner shall allocate 37.5 percent of the total appropriation as State aid for municipalities pursuant to the provisions of subsection c. of this

1 section, provided that \$5,000,000 for each fiscal year commencing
2 July 1, 2006 through the fiscal year commencing July 1, 2015, and
3 \$10,000,000 for each fiscal year commencing July 1, 2016 and for
4 each fiscal year thereafter of the amount allocated as State aid for
5 municipalities shall be set aside and sub-allocated as State aid to
6 any municipality qualifying for aid pursuant to the provisions of
7 P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall
8 allocate the aid to each municipality in the same proportion that the
9 municipality receives aid under P.L.1978, c.14 (C.52:27D-178 et
10 seq.). (2) The commissioner shall allocate 37.5 percent of the total
11 appropriation pursuant to the provisions of subsection e. of this
12 section for the Local County Aid Program. (3) The commissioner
13 shall allocate seven percent of the total appropriation pursuant to
14 the provisions of subsection b. of this section for the "Local Aid
15 Infrastructure Fund." (4) The commissioner shall allocate seven
16 percent of the appropriation pursuant to the provisions of subsection
17 f. of this section for the "Local Freight Impact Fund." (5) The
18 remaining 11 percent of the appropriation shall be allocated
19 pursuant to the provisions of subsection g. of this section for the
20 "Local Bridges Fund."

21 e. The commissioner may, pursuant to appropriations or
22 authorizations being made from time to time by the Legislature
23 according to law, allocate additional funding to the Local County
24 Aid Program for public highway projects, in accordance with a
25 formula similar to that provided for in subsection c. of this section,
26 except that Cm equals road mileage under county jurisdiction and
27 Sm equals total county road mileage within the State.

28 f. The commissioner shall, pursuant to appropriations or
29 authorizations being made from time to time by the Legislature
30 according to law, allocate at the commissioner's discretion, State aid
31 to counties and municipalities for transportation projects that
32 address the impacts of freight travel in local communities and on
33 local transportation infrastructure, except that the amount to be
34 appropriated for this program shall be seven percent of the total
35 amount appropriated pursuant to subsection d. of this section. This
36 State aid shall be set aside prior to any formula allocations provided
37 for in subsections c., d., e., and g. of this section, and shall be
38 known as the "Local Freight Impact Fund."

39 g. The commissioner shall, pursuant to appropriations or
40 authorizations being made from time to time by the Legislature
41 according to law, allocate at the commissioner's discretion, State aid
42 to counties and municipalities for transportation projects that
43 address the condition of bridges under the jurisdiction of counties
44 with an emphasis on repair and reconstruction of those with the
45 greatest structural deficiencies, except that the amount to be
46 appropriated for this program shall be 11 percent of the total
47 amount appropriated pursuant to subsection d. of this section. This
48 State aid shall be set aside prior to any formula allocations provided

1 for in subsections c., d., e., and f. of this section, and shall be
2 known as the "Local Bridges Fund."

3 (cf: P.L.2016, c.56, s.9)

4
5 7. Section 2 of P.L.1999, c.310 (C.18A:39-1.5) is repealed.

6
7 8. This act shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill requires public school districts to provide transportation
13 services to public and nonpublic school students who live along a
14 hazardous route. The bill stipulates that the district will be entitled
15 to State aid in an amount equal to 100% of the cost of providing
16 such transportation.

17 Under the bill's provisions, the Commissioner of Transportation,
18 in consultation with the Commissioner of Education, will develop
19 three definitions of "hazardous route" for the purposes of this
20 transportation requirement. The definitions will differentiate
21 between urban, suburban, and rural routes. In developing the
22 definitions, the commissioners will consider the following criteria:
23 population density; traffic volume; average vehicle velocity;
24 existence or absence of sufficient sidewalk space; roads and
25 highways that are winding or have blind curves; roads and
26 highways with steep inclines and declines; drop-offs that are in
27 close proximity to a sidewalk; bridges or overpasses that must be
28 crossed to reach the school; train tracks or trestles that must be
29 crossed to reach school; and busy roads or highways that must be
30 crossed to reach school.

31 The Commissioner of Transportation, in consultation with the
32 local police department, will designate hazardous routes in the State
33 using the established definitions. The Commissioner of
34 Transportation will then notify the Commissioner of Education of
35 the designated routes. The Commissioner of Transportation will
36 also conduct an annual review to determine whether the designated
37 routes continue to need the hazardous designation, and will notify
38 the Commissioner of Education if a determination is made to
39 discontinue a hazardous route designation.

40 Finally, the bill provides that when the Commissioner of
41 Transportation determines discretionary aid from the New Jersey
42 Transportation Trust Fund, he must give highest priority to projects
43 intended to remedy conditions on the designated hazardous routes.

44 The bill amends and repeals sections of a prior law which had
45 authorized school districts to adopt a list of hazardous routes in the
46 district requiring courtesy busing services.