ASSEMBLY, No. 5024

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
Assemblywoman YVONNE LOPEZ
District 19 (Middlesex)

Co-Sponsored by:
Assemblymen Verrelli, Johnson and Assemblywoman McKnight

SYNOPSIS
Establishes "New Jersey Transit Bus Riders' Bill of Rights."

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 2/24/2021)

AN ACT concerning bus passenger service, and supplementing Title 27 of the Revised Statutes, and amending P.L.1979, c.150.

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

1. (New section) This act shall be known and may be cited as the "New Jersey Transit Bus Riders' Bill of Rights."

2. (New section) The Legislature finds and declares:

a. New Jersey is the most densely populated state in the country, and the residents of New Jersey depend on access to a modern and efficient transit network;

b. New Jersey residents have long relied on public transportation to get to jobs and appointments, go shopping, visit family and friends, and enjoy the freedom of movement;

c. Less public attention has been focused on bus service relative to heavy rail and light rail service despite bus service providing more trips, serving more municipalities, and offering less costly service than rail service;

d. Bus services often reduces inequalities in low-income minority communities by providing access to public transit and, via transit, to healthier food, better jobs, and more affordable housing; and

e. It is the intent of the Legislature to provide bus passengers with a defined set of guaranteed bus transit service standards via the State transit service, provided by the New Jersey Transit Corporation, to be known as the New Jersey Transit Bus Riders' Bill of Rights. The Bill of Rights will ensure that a person on a passenger bus operated by the New Jersey Transit Corporation or any other provider contracted by the New Jersey Transit Corporation to provide bus passenger service operating on a regularly scheduled route in this State, or between points in this State and points in other states, will have the right to reliable, affordable, and on-time transportation; accurate and timely information about bus arrival times and service delays; clear communication about service changes and reductions; protection against discrimination based on race, color, or national origin; accommodations for disabilities as required by the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.12101 et seq.); and safe buses, bus stops, and bus terminals.

3. (New section) a. The corporation shall ensure that all bus passengers are provided with the following guarantees of quality service:

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 <u>thus</u> is new matter.

(1) A sufficient number of buses operating seven days per week to accommodate every customer;

(2) Clear audio or visual communication available in advance of arriving at a bus stop that provides information regarding arrivals, departures, delays, service changes, service implications, and alternate routes at all impacted bus stops along the route, provided via the corporation's website, and other appropriate electronic forms of communication;

(3) Accurate, open-sourced data published at a regular frequency, covering topics including but not limited to: ridership numbers and on-time performance based on published scheduled departure times, using a standard of no less than six minutes from bus terminal departure, intermediate points along the bus route, and end-of-route arrival;

(4) Bus schedules and routes that are evaluated and adjusted at least every twelve months, with adjustments based on bus ridership metrics;

(5) Up-to-date maps of bus routes and schedules in printed form, in languages, including braille, primarily spoken or used by customers who regularly use a given route on buses and at bus shelters and stations along the route; and in all major languages in electronic form, available from the corporation's website, mobile application, and other digital communication channels;

(6) Sanitized, well-maintained vehicles with functioning level boarding that meet federal and State health, safety, and vehicle inspection requirements, and offer priority seating areas for passengers with disabilities;

(7) Proper safety equipment and training to protect bus operators and passengers, and safety requirements and regulations that are clearly posted and enforced for both passengers and operators;

(8) Bus operators who shall be regularly trained in: health safety requirements, operating accessibility equipment such as lifts or ramps and wheelchair securement, laws pertaining to service animals, and proper procedures in dealing with passengers who have any type of disability;

(9) A modern fare payment system that allows passengers to use mobile applications, reloadable passes, bank cards, or cash, in the most customer-friendly manner practicable; and

(10) Fares that meet the needs of all customers, based on age, socioeconomic status, and disability, and fare increases that are only enacted as a last resort, and only after the proper statutory public process, when all other funding options have been exhausted, and the State shall provide stable operating funding for the corporation to allow for service improvements and system expansion.

b. In order to maximize public awareness of these passenger guarantees, the corporation shall: develop and maintain a document

listing the individual paragraphs of subsection a. of this section as a bus rider's bill of rights; prominently display the document in an easily noticeable location on all corporation motorbuses and in all bus stations and terminals; make the document easily accessible on the corporation's website; and provide a written link to the document on all regular route bus schedules.

4. Section 8 of P.L.1979, c.150 (C.27:25-8) is amended to read as follows:

8. a. The corporation or any subsidiary thereof shall not be considered a public utility as defined in R.S.48:2-13, and except with regard to subsection c. of this section, subsection b. of R.S.48:3-38, section 2 of P.L.1989, c.291 (C.27:25-15.1), and R.S.48:12-152, the provisions of Title 48 of the Revised Statutes shall not apply to the corporation or any subsidiary thereof.

b. The authority hereby given to the corporation pursuant to section 6 of P.L.1979, c.150 (C.27:25-6) with respect to fares and service, shall be exercised without regard or reference to the jurisdiction formerly vested in the Department of Transportation regarding rates and rate schedules under R.S.48:2-21; discontinuance, curtailment, or abandonment of service under R.S.48:2-24; and the issuance of a certificate of public convenience and necessity under R.S.48:4-3, and transferred to the New Jersey Motor Vehicle Commission by P.L.2003, c.13 (C.39:2A-1 et al.). The New Jersey Motor Vehicle Commission shall resume jurisdiction over service and fares upon the termination and discontinuance of a contractual relationship between the corporation and a private or public entity relating to the provision of public transportation services operated under the authority of certificates of public convenience and necessity previously issued by the New Jersey Motor Vehicle Commission or its predecessors; provided, however, that a private entity shall not be required to restore any service discontinued or any fare changed during the existence of a contractual relationship with the corporation, unless the New Jersey Motor Vehicle Commission shall determine, after notice and hearing, that the service or fare is required by public convenience and necessity.

c. Notwithstanding any other provisions of P.L.1979, c.150 (C.27:25-1 et seq.), all vehicles used by any public or private entity pursuant to contract authorized by P.L.1979, c.150 (C.27:25-1 et seq.), and all vehicles operated by the corporation directly, shall be subject to the jurisdiction of the department with respect to maintenance, specifications, and safety to the same extent that jurisdiction is conferred upon the department by Title 48 of the Revised Statutes.

d. (1) Before implementing the substantial curtailment or abandonment of rail passenger services, the corporation shall hold at least two public hearings in the area affected, as close as possible

to the highest trafficked stop on the route. At least one of the two hearings shall take place on a State working day. One hearing shall take place for at least two hours between the hours of 9:00 a.m. and 5:00 p.m., and the other hearing shall take place for at least two hours between the hours of 6:00 p.m. and 10:00 p.m. Before implementing the substantial curtailment or abandonment of motorbus regular route services, the corporation shall hold at least one public hearing in the area affected, as close as possible to the highest trafficked station on the route. Each public hearing required pursuant to this paragraph shall be attended by at least two members of the corporation's board of directors.

(2) Before implementing any fare increase for any motorbus regular route or rail passenger services, at least 10 public hearings shall be held and shall be distributed geographically throughout the State. Not more than one hearing required pursuant to this paragraph shall take place in each county, and each hearing shall be located as close as possible to both a rail passenger service line and a motorbus regular route. At least half of the hearings required pursuant to this paragraph shall take place on State working days. Five of the hearings shall take place for at least two hours between the hours of 9:00 a.m. and 5:00 p.m., and the other five hearings shall take place for at least two hours between the hours of 6:00 p.m. and 10:00 p.m. Each public hearing required pursuant to this paragraph shall be attended by at least two members of the corporation's board of directors.

(3) Before implementing any fare increase or the curtailment or abandonment of any motorbus regular route service, the corporation shall be required to produce a public impact report. For a fare increase, the report shall identify other funding strategies pursued by the corporation to avoid a fare increase and prove the necessity of the fare increase. For a curtailment or abandonment of motorbus regular route service, the report shall perform an analysis of the impacted motorbus regular route service, showing that riders will benefit overall from the service changes, and that reasonable considerations have been made to mitigate rider impacts in areas where service is to be reduced or eliminated. The corporation shall make this report available to the public, include it in public hearing notices, and publish it on the front page of the corporation’s website at the same time as the notice of public hearings required pursuant to this subsection.

For the hearings required under paragraphs (1) and (2) of this subsection, notice of the hearing shall be given by the corporation at least 15 days prior to the hearing to the governing body of each county whose residents will be affected and to the clerk of each municipality in the county or counties whose residents will be affected; the notice shall also be posted at least 15 days prior to the hearing in prominent places on the railroad cars and buses serving the routes to be affected. In addition to the public hearing, the

corporation shall post, in prominent places on the railroad cars and buses serving the routes to be affected, a postal mailing address and electronic mailing address where members of the public may provide written comments to the corporation regarding the proposed fare increase or substantial curtailment or abandonment of service. The corporation shall prepare and publish a written response concerning any issue or concern raised by a member of the public at any public hearing or in any written comment provided pursuant to this subsection.

e. Public hearings shall be concluded at least seven days prior to final action by the board.

f. For the purposes of this section, "substantial curtailment" and "substantially curtail" shall mean a change in service that: (1) discontinues or abandons all service on an entire bus route, rail line, or light rail line; (2) discontinues or abandons all service on a portion of a bus route, rail line, or light rail line that represents more than 25 percent of the route or line's miles; provided however that "substantial curtailment" or "substantially curtail" shall not mean the discontinuance or abandonment of a portion of a route or line's service if alternate service is available by existing duplicative service that is provided by the corporation or another transit provider or by transfer to another route with a comparable level of service; (3) discontinues all service on a particular day or days of the week for an entire bus route, rail line, or light rail line, or on a portion of a bus route, rail line, or light rail line that represents more than 25 percent of the route or line's miles; (4) reduces service on a regular bus route or light rail line in a way that the headway on the peak service increases by more than 50 percent, or that more than doubles the non-peak headway; (5) reduces service on a rail line in a way that reduces the amount of total service on the line by more than 25 percent or reduces service on a rail line during peak hours in a way that reduces the total number of daily trips provided during peak hours; (6) completely closes an existing bus terminal, rail station, or light rail station; or (7) reduces service that would change the span of service on a rail line, regular bus route or light rail line by two hours or more during non-peak hours or reduces the span of service during peak hours by more than 20 minutes.

For the purposes of this section, a temporary change in service lasting two weeks or less, and where service returns to the regularly scheduled service within two weeks of the start of the change, shall not constitute "substantial curtailment," but shall require public notice for all temporary changes and, for temporary changes where the impact to riders is significant, alternate provision of service.

g. Nothing contained herein shall prevent the corporation from taking any action necessary to address emergency or exigent circumstances, provided that if such action constitutes a substantial curtailment under this section, the corporation shall hold public hearings as soon as practicable. The corporation shall explain to the

public the reasons for the emergency at the hearing, and shall take public input concerning the impacts of the emergency on riders. The corporation shall take the public testimony into account when determining alternate service measures to mitigate the impact of the substantial curtailment.

(cf: P.L.2018, c.162, s.5)

5. This act shall take effect immediately but shall remain inoperative until the 90th day following enactment.

STATEMENT

This bill establishes the "New Jersey Transit Bus Riders' Bill of Rights." The bill of rights enumerates a series of operating principles and minimum guaranteed levels of bus service that the New Jersey Transit Corporation (NJ Transit) is required to guarantee to all of its bus passengers. NJ Transit is to draft the bill of rights as a public document and to display it prominently on motorbuses, bus terminals and bus stations, as well as post it on the NJ Transit website and provide a link to the website on all bus schedules.

The bill of rights guarantees:

1. Sufficient buses operate to service every customer;

2. Clear audio or visual communication that provides information about arrivals, departures, delays, service changes, service implications, and alternate routes is provided via website and other forms of communication;

3. Public ridership numbers and on-time performance data are published at a regular frequency;

4. Bus schedules and routes are evaluated and adjusted at least every twelve months based on bus ridership metrics;

5. Up-to-date maps of bus routes and schedules are provided in all major languages;

6. Sanitized, well-maintained vehicles are provided that meet federal and State health, safety, and vehicle inspection requirements, and offer priority seating areas for passengers with disabilities;

7. Proper safety equipment and training are provided to protect bus operators and passengers;

8. Bus operators are regularly trained in certain subject matter areas;

9. A modern fare payment system is available to allow payment methods in the most customer-friendly manner practicable; and

10. Fares meet the needs of all customers, based on age, socioeconomic status, and disability, with fare increases as a last resort, and that the State will provide stable operating funding to allow for service improvements and system expansion.

The bill also amends the public hearing process for fare increases and substantial curtailment or abandonment of service to require NJ Transit to produce a public report at the same time that it provides public notice for statutorily required public hearings. This report will require public justifications for fare increases or service changes that are consistent with the service guarantees provided in the bus rider's bill of rights.