

18A:39-22 to 18A:39-25

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:39-22 to 18A:39-25 (School buses-permit use by senior citizens groups)

Laws of 1977 Chapter 5

Bill No. A1557

Sponsor(s) Hewman and others

Date Introduced Feb. 19, 1976

Committee: Assembly Education

Senate Education

Amended during passage Yes No Amendments during passage denoted by asterisks

Date of passage: Assembly June 23, 1976

Senate August 12, 1976

Date of approval January 18, 1977

Following statements are attached if available:

Sponsor statement Yes No Below

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsor's Statement:

The purpose of this bill is to authorize boards of education to permit use of school buses by senior citizens groups.

See:

974.90 H.J. Governor's Task Force on  
044 the Special Needs of the Elderly.  
1975 Report of the Governor's Task  
Force on the Special Needs of the  
Elderly. 1975

10/4/76 (recommends legislation) (attached)

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1/18/77

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## ASSEMBLY, No. 1557

## STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1976

By Assemblymen NEWMAN, DOYLE, FROUDE, SCANLON,  
McMANIMON, BORNHEIMER, CALL, ESPOSITO, CODEY,  
PERKINS, Assemblywoman MISZKIEWICZ, Assemblymen  
GEWERTZ, DEVERIN, SCHUCK, HAWKINS, HERMAN,  
VISOTCKY, WOODSON, BURSTEIN and OTLOWSKI

Referred to Committee on Education

AN ACT permitting the use of school buses for the transportation  
of senior citizens' groups and supplementing Title 18A of the  
New Jersey Statutes.

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

1 1. The board of education of any district may, pursuant to rules  
2 adopted by it, permit the use of school buses owned or leased by  
3 the school district for the purpose of transporting senior citizens'  
4 groups *\*[intrastate]\** to and from *\*[recreational, cultural and*  
5 *civic]\** *\*such\** events *\*[and such other activities]\** *\*within its*  
6 *district or in any contiguous district,\** as may be approved by the  
6A board; provided that such use of school buses shall not interfere  
7 with the transportation of school pupils; and provided that school  
8 buses so used shall be operated only by persons licensed as bus  
9 drivers. The board *\*[may]\** *\*shall\** require groups seeking such  
10 use of school buses to pay all or part of any costs incurred by the  
11 district in permitting such use, including but not limited to the  
12 costs of fuel, driver salaries, insurance and depreciation.

1 *\*2. The use of school buses for the transportation of senior*  
2 *citizens as herein provided shall not be construed as use for hire*  
3 *and shall in no way affect the no fee registration of such vehicles*  
4 *as provided in R. S. 39:3-27.*

1 *3. The State Board of Education shall develop rules and regula-*  
2 *tions governing the use of school buses pursuant to section 1 of*  
3 *this act.\**

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

1     \***[2.]**\* \*4.\* Notwithstanding the provisions of any law\*, *rule or*  
2     *regulation*\* of this State to the contrary, the use of school buses or  
3     the recovery of costs as herein authorized, shall not subject such  
4     school buses to regulation by or the jurisdiction of the Board of  
5     Public Utilities Commissioners.

1     \***[3.]**\* \*5.\* This act shall take effect \***[immediately]**\* \*Septem-  
2     ber 1, 1976\*.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1557**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 10, 1976

For the past several years, there has been considerable legislative interest in making provisions for the utilization of school buses by senior citizen groups. After careful consideration, the Assembly Education Committee has determined that Assembly Bill No. 1557 as amended provides a viable and necessary resolution of this matter.

**PROVISIONS**

Under the provisions of this bill, boards of education may permit school buses to be used for the transportation of senior citizen groups to and from social, civic and recreational meetings. Organizations seeking to use school buses shall pay the costs.

**FISCAL IMPLICATIONS**

With the sponsor's amendments, there would be no fiscal impact on the State or the local districts. Costs would be borne by the organization using the buses.

**TECHNICAL CONSIDERATIONS**

Section 2 of this bill addresses the major technical problem associated with the use of school buses by adults. Present statutory definition of "school buses" (R. S. 39:1-1 and R. S. 48:4-1) specifically excludes adult use of school buses except when serving as chaperones. It is the Attorney General's opinion that the use of school buses is restricted by present law to the transportation of pupils to and from school. In the past, the PUC has issued summonses whenever they discover that school buses were being used to transport adults. They argue that under the present definition such use of school buses is prohibited and represents an attempt to use a vehicle for charter service which does not meet PUC requirements. Section 2 of this bill would alleviate this difficulty.

Other technical problems are resolved by the proposed amendments.

**COMMITTEE AMENDMENTS**

The proposed amendments are designed to remedy certain technical problems with regard to nonstudent use of school buses.

1. There are two major reasons for limiting the use of these buses to a relatively restricted area. The first involves the safety and comfort of the adult passengers. School buses are not designed for high speed, long distance travel. Secondly, restricting the area to the district or a contiguous district would avoid competition with charter bus companies. These companies have strongly opposed this legislation, but have withdrawn opposition if the area served is limited.

2. The amendments mandate that the costs associated with this program be passed on to the organizations which use the buses. School boards feel that there would be a great deal of pressure on local boards to absorb these costs if the legislation is permissive in this regard. This is especially important since under T&E the State pays 100% of transportation costs, including depreciation. This program would accelerate depreciation and shorten the life span of the buses. Current regulations require that school buses be retired after 100,000 miles.

3. Section 2 protects the free registration of the vehicle. According to the Department of Transportation, whenever there is a payment for the use of a vehicle, it is construed as a charter vehicle, and therefore would not qualify for free registration under R. S. 39:3-27.

4. Section 3 would allow the Division of Pupil Transportation of the Department of Education to issue specific regulations for use of school buses by adult groups.

REFERENCE USE ONLY

SENATE EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1557**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: JULY 19, 1976

For the past several years, there has been considerable legislative interest in making provisions for the utilization of school buses by senior citizen groups. After careful consideration, the Senate Education Committee has determined that Assembly Bill No. 1557 as amended by the Assembly Education Committee provides a viable and necessary resolution of this matter.

PROVISIONS

Under the provisions of this bill, boards of education may permit school buses to be used for the transportation of senior citizen groups to and from social, civic and recreational meetings. Organizations seeking to use school buses shall pay all or part of the costs.

FISCAL IMPLICATIONS

With the amendments recommended by the sponsor and adopted by the Assembly Education Committee, there would be no fiscal impact on the State or necessarily on the local districts.

TECHNICAL CONSIDERATIONS

Section 2 of this bill addresses the major technical problem associated with the use of school buses by adults. Present statutory definition of "school buses" (R. S. 39:1-1 and R. S. 48:4-1) specifically excludes adult use of school buses except when serving as chaperones. It is the Attorney General's opinion that the use of school buses is restricted by present law to the transportation of pupils to and from school. In the past, the Public Utilities Commission has issued summonses whenever they discover that school buses were being used to transport adults. They argue that under the present definition such use of school buses is prohibited and represents an attempt to use a vehicle for charter service which does not meet PUC requirements. Section 2 of this bill would alleviate this difficulty.

The Assembly Education Committee amendments were designed to remedy certain technical problems with regard to nonstudent use of school buses.

1. There are two major reasons for limiting the use of these buses to a relatively restricted area. The first involves the safety and comfort of the adult passengers. School buses are not designed for high speed, long distance travel. Secondly, restricting the area to the district or a contiguous district would avoid competition with charter bus companies.

2. The amendments mandate that some or all of the costs associated with this program be passed on to the organizations which use the buses.

3. Section 2 protects the free registration of the vehicle. According to the Department of Transportation, whenever there is a payment for the use of a vehicle, it is construed as a charter vehicle and therefore would not qualify for free registration under R. S. 39:3-27.

4. Section 3 would allow the Division of Pupil Transportation of the Department of Education to issue specific regulations for use of school buses by adult groups.

#### POSITIONS ON THE PROPOSED LEGISLATION :

The State Department of Education and the New Jersey School Boards Association support this legislation.

The charter bus companies strongly opposed this legislation, but indicated to the Assembly Education Committee that they would withdraw this opposition if the area served were limited. However, the New Jersey School Bus Owner Association and the New Jersey Motor Bus Association have advised the Senate Education Committee that they oppose this legislation.

These three programs significantly improved the availability of low-cost transportation to the aged. In April of 1975, approximately 365,000 senior citizens and more than 225 participating bus companies were involved in the reduced fare program. Additionally, A. 3400 having passed both houses of the State legislature, if signed by the Governor, will expand the program in the following two ways:

- 1) the reduced fare would be available on interstate buses and rail facilities within a limited number of miles from New Jersey's borders; and
- 2) transportation for the handicapped will also be available at reduced fares.

To help the senior citizen deal with equipment which is not generally designed for the person with less than normal mobility, recent modifications of bus specifications for a purchase of 528 transit buses includes a revision in the design of the steps at the doorway of the bus. These revisions now call for a "kneeling feature" on the front suspension step which is seven inches lower than the steps on most buses today. At a cost of an additional \$400 per bus, totaling \$210,000, this should greatly increase riding convenience to both the senior citizens and handicapped individuals

Under Section 16(b)2 of the National Mass Transportation Act of 1974, New Jersey is allocated \$523,000 in federal funds. These monies were obtained by private non-profit agencies because the Department of Transportation provided the local matching share of \$130,750.

If additional funds were to be made available the Department of Transportation could begin to implement the following programs:

- 1) free rather than reduced fare for senior citizens;
- 2) increase the number of 16(b)2 type projects to fulfill the transit needs of the senior citizen; and
- 3) make additional resources available to upgrade equipment for easier use by seniors.

It has also been suggested that school buses be utilized to transport senior citizens during non-school hours and while children are in classes. Several pieces of legislation have been introduced in both the Senate and Assembly that would enact such a program. There are, however, many problem areas that would have to be resolved before such a program could be undertaken. For example, school buses do not comply with minimum PUC safety standards. It is possible that legislation could be developed to exempt school buses from this requirement for transportation services to the elderly. Charter bus operators strongly oppose the use of school buses for regular transportation services. Some means of compensating the school district for use of the vehicles would have to be worked out as well as some accommodations with problems of insurance and union contracts. Finally, there is the problem of vehicle design (described above) that limits the usefulness of school buses in some instances.

Considering all these obstacles, the utilization of school buses for senior citizen transportation may not be a feasible alternative, however, a pilot program should be developed by the State in cooperation with a local school district. Such a program would provide the State with the experience



it would need to either duplicate the program in other school districts or abandon the idea completely. There are currently several bills in the legislature that would permit the use of school buses for senior citizen transportation. The appropriate bill should be supported by the Administration as part of its effort to operationalize a pilot.

#### SOCIAL SERVICES

At the State level, the majority of social service programs for the elderly are administered through the Division on Aging and its local Area Offices on Aging and nutrition projects. Much of the funding for the Division's activities comes from Titles III and VII of the Older Americans Act. These funds are supplemented by funds from Titles IV-A and VI (Title XX) of the Social Security Act, which the Division on Aging administers through an interdepartmental agreement with the Department of Institutions and Agencies.

Each County has an aging office which has been designated as an Area Agency on Aging whose responsibilities are to encourage, develop and coordinate the establishment of necessary social services for the elderly. The AAA's must construct an Area Plan which outlines their annual objectives and use of resources to meet the goals. AAA's do not, however, provide direct services other than providing an effective information and referral service that is available to most elderly. The AAA's are funded under Title III, OAA, and to date have \$2.4 million in Federal funds. Local agencies participating in service contracts add 25% to the Federal funds. AAA's are the focal point for aging activities, and all future planning on Federal, State or Local levels must involve them.

The increase in their responsibilities in FY '75 has made demands upon most AAA's they are still not prepared for. The quality of personnel is irregular, the number of staff is often not sufficient to meet the responsibilities, and in some counties, aging needs are low priority. A county level advocacy program directed at the Freeholders would bring needed focus to the present status of their aging community. Greater planning and coordination among State agencies is another need. The Division on Aging has begun to organize an Interdepartmental Council on Aging at the State level. This Council will begin tying together the programs and resources currently available and necessary for future action.

Under Title VII, OAA, the DOA administers the Nutrition Project for the Elderly. FY '76 Federal funds amount to \$4.9 million and support 90 nutrition sites throughout the State feeding over 6000 seniors per day. In addition to the hot meal, nutrition sites also make available a range of supplementary services that include nutrition, education, escort and shopping assistance, transportation, health and welfare counseling and recreation.

The nutrition projects have worked very well in the communities in which they have been established, developing much senior volunteer help and in-kind resources such as space, utilities, equipment and donated professional services. The DOA promoted agreements between individual Nutrition Projects and the New Jersey Department of Agriculture which permits the nutrition projects to share in the Federally sponsored commodities program. A drawback to overcome is the limited number of commodities that are presently available. This must be addressed in the Federal level.