

ASSEMBLY, No. 3400

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1975

By Assemblymen GEWERTZ, WEIDEL and KLEIN

(Without Reference)

AN Act to amend the title of "An act authorizing the Commissioner of Transportation to establish a program to provide motor bus transportation services to senior citizens at reduced fares, and making an appropriation therefor," approved May 10, 1973 (P. L. 1973, c. 126), so that the same shall read "An act authorizing the Commissioner of Transportation to establish a program to provide intrastate and interstate motor bus and rail transportation services to senior citizens and handicapped citizens at reduced fares, and making an appropriation therefor," and to amend the body of said act.

1 WHEREAS, The Legislature has found that it is a valid public
2 purpose and in the best interest of the people of the State to
3 provide for reduced bus fares for senior citizens at State expense;
4 and

5 WHEREAS, Pursuant to P. L. 1973, c. 126, the Commissioner of
6 Transportation established a program for State subsidization of
7 half-fares for senior citizen rides on intrastate regular route
8 motor bus passenger service during off-peak hours; and

9 WHEREAS, Section 103(a) of the National Mass Transportation
10 Assistance Act of 1974 (Public Law 93-503) requires that before
11 approving any operating assistance grants the Secretary of
12 Transportation must be assured that any carrier, whose services
13 are to be assisted by Federal funds, directly or indirectly, will
14 not charge fares to elderly persons and handicapped persons
15 during nonpeak hours which would exceed one-half of the regular
16 adult fare; and

17 WHEREAS, It is necessary to amend the present senior citizen legis-
18 lation by providing for reduced fares for the handicapped, as

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

19 well as the elderly, on interstate, as well as intrastate, for rail,
 20 as well as motor bus, passenger service in order to ensure that
 21 the State will qualify for operating assistance under the National
 22 Mass Transportation Assistance Act of 1974; now, therefore,

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

1 1. Section 1 of P. L. 1973, c. 126 (C. 27:1A-64) is amended to
 2 read as follows:

3 1. The Legislature hereby finds and declares that:

4 a. Many senior citizens *and handicapped citizens* of this State
 5 must depend on public transportation facilities to obtain the neces-
 6 sities of life, such as food, clothing and medical services, and to
 7 visit their families and friends; ready access to transportation
 8 services is thus essential to their health, safety and welfare.

9 b. Many [of these] senior citizens *and handicapped citizens* live
 10 on fixed or limited incomes, and the high cost of transportation
 11 services thus makes it difficult for them to take advantage of such
 12 services.

13 c. The need for transportation services for senior citizens *and*
 14 *handicapped citizens* can largely be satisfied by providing reduced
 15 fare service during offpeak times, when many [buses] *public*
 16 *transportation services* are operating below capacity.

17 d. A reduced fare program for senior citizens *and handicapped*
 18 *citizens* will increase riding during offpeak times, thus helping to
 19 insure the continued viability of regular [bus] *public transporta-*
 20 *tion* service during those hours.

21 e. It is therefore a valid public purpose, and in the best interest
 22 of all the people of this State, to provide for reduced bus *and rail*
 23 fares for senior citizens *and handicapped citizens* at State expense.

1 2. Section 2 of P. L. 1973, c. 126 (C. 27:1A-65) is amended to
 2 read as follows:

3 2. For the purposes of this act, unless the context clearly indi-
 4 cates otherwise:

5 a. "Commissioner" means the Commissioner of Transportation;
 6 provided, however, that he may delegate any of his powers or
 7 duties under this act to any subordinate division, agency or
 8 employee of the Department of Transportation.

9 b. "Carrier" means any individual, copartnership, association,
 10 corporation, joint stock company, public agency, trustee or receiver
 11 operating motor buses *or rail passenger service* on established
 12 routes within this State *or between points in this State and points*
 13 *in adjacent states.*

14 c. "Motor bus" means "autobus" as defined in R. S. 48:4-1,
15 and includes those autobuses, commonly called jitneys, as defined
16 in R. S. 48:16-23.

17 d. "Offspeak times" means the hours from 9:30 a.m. to 4 p.m.
18 and from 7 p.m. to 6 a.m. during the weekdays, and all day on
19 Saturdays, Sundays and holidays.

20 e. "Senior citizen" means any [resident of this State of the age
21 of] *individual 62 years of age or over.*

22 f. "*Handicapped citizen*" means any individual who, by reason
23 of illness, injury, age, congenital malfunction, or other permanent
24 or temporary incapacity or disability, is unable without special
25 facilities or special planning or design to utilize mass transporta-
26 tion facilities and services as effectively as persons who are not so
27 affected.

1 3. Section 3 of P. L. 1973, c. 126 (C. 27:1A-66) is amended to
2 read as follows:

3 3. The Commissioner of Transportation is hereby authorized and
4 directed to establish and implement within 120 days of the effective
5 date of this *amendatory* act a program to provide [intrastate]
6 *motor bus and rail* passenger service for senior citizens and handi-
7 *capped citizens* during offpeak times on regular routes of carriers
8 within the State *or between points in this State and points in*
9 *adjacent states* at one-half of the regular adult rates of fare as
10 set forth in the tariffs of [said] carriers filed with the *Interstate*
11 *Commerce Commission*, Board of Public Utility Commissioners or
12 the Commuter Operating Agency. The commissioner may take
13 such action as he deems necessary to implement this program,
14 including contracts with carriers for the provision of transporta-
15 tion services under this program, purchase of regular tickets and
16 resale to eligible senior citizens at one-half the ordinary fare, or
17 direct payments to carriers for services provided to senior citizens
18 *and handicapped citizens* under this program. *Where carriers may*
19 *be entitled to receive or do receive funds from sources other than*
20 *the New Jersey Department of Transportation for provision of*
21 *service to senior citizens and handicapped citizens, reimbursement*
22 *payments which may be made by the New Jersey Department of*
23 *Transportation to the carriers may be adjusted accordingly.*

1 4. Section 4 of P. L. 1973, c. 126 (C. 27:1A-67) is amended to read
2 as follows:

3 4. In establishing this program, the commissioner shall, after
4 consulting with the Commissioner of Community Affairs, the New
5 Jersey State Commission on Aging and the Board of Public Utility
6 Commissioners, establish uniform procedures for:

7 a. Determining the eligibility of persons to receive the reduced
8 fares provided pursuant to this act;

9 b. Making such reduced fares available to eligible persons; and

10 c. Auditing and accounting to insure that no carrier receives
11 payments in excess of the value of services actually rendered to
12 senior citizens *and handicapped citizens* pursuant to this act.

1 5. Section 7 of P. L. 1973, c. 126 (C. 27:1A-70) is amended to
2 read as follows:

3 7. Nothing in this act shall preclude any carrier from providing
4 further fare reductions for senior citizens *and handicapped citizens*
5 or preclude any municipality from contracting for such further
6 reductions pursuant to P. L. 1973, c. 67 (C. 40:58-4.1 et seq.), or
7 any other law.

1 6. Section 8 of P. L. 1973, c. 126 (C. 27:1A-71) is amended to
2 read as follows:

3 8. The commissioner is hereby authorized to hire, employ or
4 assign such secretarial, clerical and other personnel as shall be
5 required for complying with the provisions of this act. The com-
6 missioner may also expend a reasonable sum, not to exceed
7 \$50,000.00 *annually*, for **[initial]** advertising to make **[the]** senior
8 citizens *and handicapped citizens* **[of the State]** aware of the
9 program and the availability of the reduced fares thereunder.

1 7. Section 9 of P. L. 1973, c. 126 (C. 27:1A-72) is amended to
2 read as follows:

3 9. Notwithstanding any of the provisions of chapter 3 of Title 48
4 of the Revised Statutes or of any other law to the contrary, any
5 **[citizen and resident of this State of the age of 62 or more years]**
6 *eligible senior citizen or handicapped citizen* may be transported
7 by any motor bus carrier at less than the usual and ordinary fare
8 charged to one person.

1 8. This act shall take effect immediately.

STATEMENT

Pursuant to P. L. 1973, c. 126, the Commissioner of Transportation has established a program for subsidizing half-fare senior citizen rides on intrastate bus passenger service during off-peak hours. Recent amendments to the Urban Mass Transportation Act of 1964 (section 103(a) of the National Mass Transportation Assistance Act of 1974, P. L. 93-503) require that any carrier, whose passenger services are to receive federal operating assistance, must ensure that fares charged elderly persons and handi-

capped persons during nonpeak hours will not exceed one-half of the regular adult fare.

This bill amends existing State senior citizen legislation to include handicapped persons, rail services, and interstate trips and thus conforms State law to the requirements of section 103(a). Enactment of this bill would ensure that reduced fare programs of the Department of Transportation with carriers whose services are to be assisted by federal funds will meet the requirements of section 103(a). To avoid confusion and unfairness to the eligible riding public, and to insure the uniformity of State-sponsored reduced fare programs, this bill directs the Department of Transportation to implement with all carriers, whether or not the carrier involved is to receive federal operating assistance, a reduced fare program in accord with section 103(a) requirements.

~~9-11-76~~
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JANUARY 8, 1976

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill which provides a major expansion of the reduced fare bus program for senior citizens.

The measure, A-3400, sponsored by Assemblyman Kenneth A. Gewertz, D-Gloucester, extends the program to handicapped persons and expands it to apply to railroad service.

The measure also expands the program to apply to interstate bus service, as well as intrastate service.

"This bill means that for the first time, handicapped citizens regardless of their age will be eligible for the reduced fare program," said Byrne.

"In addition, hundreds of thousands of senior citizens and handicapped persons will be able to ride the trains and interstate buses at reduced fares," he said.

The Governor pointed out that more than 320,000 senior citizens already are taking part in the reduced fare program.

Under the program established originally in 1973, persons 62 years of age or older are eligible to ride buses at half-fare during off-peak hours.

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