

Hazardous Routes

Who is responsible for safe travel along public roadways or walkways?

According to the Department of Education's FAQ, case law has long held that safety along public roads and walkways is a municipal responsibility. It is for this reason that municipalities install sidewalks, traffic signals and signs, and paint crosswalks. Pursuant to section 40A:9-154.1 of New Jersey statute, school crossing guards are appointed by the municipality and are under the supervision of the chief of police or other chief law enforcement officer.

Mr. Rubin, our Board Attorney has indicated that Case Law cited from the Commissioner of Education to support this, in *Potter v. Board of Educ. of Tp. of Wayne*, 93 N.J.A.R.2d (EDU) 162, the Commissioner held: [T]he law is clear that the petitioners, who live within two miles of their children's school, are not entitled to busing under [N.J.S.A. 18A:39-1](#) and N.J.A.C. 6:21-1.3 [the predecessor citation to the current Code section]. The law is also clear that this conclusion is not altered by the existence of roadway danger since safety conditions of roadways are the responsibility of the municipality, not the Board.

What is the process for determining hazardous routes?

District boards of education have the ability to assess hazardous routes by:

- *working in conjunction with municipal officials in determining the criteria necessary for the designation of a hazardous route.*
- *adopting a policy regarding the transportation of students who must walk to and from school along hazardous routes. The policy shall include a list of hazardous routes in the district requiring the courtesy busing of students and the criteria used in designating the hazardous routes. In adopting its policy, the school district may consider, but shall not be limited to, the following criteria:*
 - (1) *Population density;*
 - (2) *Traffic volume;*
 - (3) *Average vehicle velocity;*
 - (4) *Existence or absence of sufficient sidewalk space;*
 - (5) *Roads and highways that are winding or have blind curves;*
 - (6) *Roads and highways with steep inclines and declines;*
 - (7) *Drop-offs that are in close proximity to a sidewalk;*
 - (8) *Bridges or overpasses that must be crossed to reach the school;*
 - (9) *Train tracks or trestles that must be crossed to reach the school; and*
 - (10) *Busy roads or highways that must be crossed to reach the school.*

Is it a district's responsibility to provide transportation for students who live less than remote from school when hazardous road conditions exist?

According to the Department of Education's FAQ, boards of education are not required by law to provide busing for students who live less than remote from school even for safety reasons. However, boards are permitted, at their own discretion and expense, to provide transportation for students who reside less than remote from school and may charge the student's parents or legal guardians for this service. Municipalities may also contract with boards of education for this service and charge the parents. This transportation service is called Subscription Busing.

Who would pay for hazardous route transportation?

According to Section: 18A:39-1.1 -1.2, the board of education of any district may provide, by contract or otherwise, in accordance with law and the rules and regulations of the State board, for the transportation of other pupils to and from school.

- *Whenever the governing body of a municipality finds that for safety reasons it is desirable to provide transportation to and from a school for pupils living within the municipality, other than those living remote from the school or those physically handicapped or with an intellectual disability, the governing body and the board of education of the district are authorized to enter into a contract pursuant to the "Interlocal Services Act," P.L. 1973, c.208 (C.40:8A-1 et seq.), under the terms of which the board shall provide such transportation.*
- *Any funds required to be paid by the municipality to the board of education under such a contract shall be appropriated by the governing body and paid to the secretary or treasurer of school moneys, as appropriate, of the district.*
- *Nothing in this section shall prevent a board of education from providing transportation at its own expense.*
- *According to Section: 18A:39-1.1, districts shall not receive State transportation aid pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-57) for the transportation of pupils pursuant to this section.*