

## CHAPTER 78

SENIOR CITIZEN AND DISABLED RESIDENT  
TRANSPORTATION ASSISTANCE ACT PRO-  
GRAM GUIDELINES AND PROCEDURES

## Authority

N.J.S.A. 27:25-5(e), N.J.S.A. 27:25-32(a).

## Source and Effective Date

R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

## Executive Order No. 66(1978) Expiration Date

Chapter 78, Senior Citizen and Disabled Resident Transportation Assistance Act Program Guidelines and Procedures, expires December 17, 1995.

## Chapter Historical Note

Chapter 78, Senior Citizen and Disabled Resident Transportation Assistance Act Program Guidelines and Procedures, became effective October 7, 1985 as R.1985 d.490. See: 17 N.J.R. 1532(a), 17 N.J.R. 2445(a). The chapter was readopted as a new rule. See Source and Effective Date.

See section annotations for specific rulemaking activity.

## CHAPTER TABLE OF CONTENTS

## SUBCHAPTER 1. GENERAL OVERVIEW

16:78-1.1 Purpose  
16:78-1.2 Definitions

## SUBCHAPTER 2. APPORTIONMENT

16:78-2.1 General  
16:78-2.2 Formula  
16:78-2.3 Funds availability  
16:78-2.4 Transfer of allocations

## SUBCHAPTER 3. ELIGIBILITY

16:78-3.1 Eligible recipients  
16:78-3.2 Eligible service areas  
16:78-3.3 Eligible activities  
16:78-3.4 Coordination plan requirements

SUBCHAPTER 4. PROGRAM DEVELOPMENTS AND  
MANAGEMENT

16:78-4.1 General  
16:78-4.2 Regional public hearings  
16:78-4.3 Annual audit  
16:78-4.4 Technical assistance  
16:78-4.5 Reporting requirements

## SUBCHAPTER 5. LOCAL ASSISTANCE APPLICATION

16:78-5.1 General  
16:78-5.2 Description of proposed services  
16:78-5.3 Budget  
16:78-5.4 Coordination  
16:78-5.5 Description and certification of maintenance of effort (MOE)  
16:78-5.6 Public involvement  
16:78-5.7 Governing body resolution

## SUBCHAPTER 1. GENERAL OVERVIEW

## 16:78-1.1 Purpose

(a) The general purpose of the Senior Citizen and Disabled Resident Transportation Assistance Program is to make available and accessible transportation so that senior citizens and disabled residents may obtain the necessities of life, including, but not limited to, employment, post-secondary education, social and recreational activities, shopping, and non-emergency medical services.

(b) The purposes of this program are as follows:

1. To assist counties to:

i. Coordinate the activities of the various participants in this program in providing the services to be rendered at the county level and between counties, and

ii. Develop and provide accessible feeder transportation service to accessible fixed-route transportation services where such services are available, and accessible local transit service to senior citizens and the disabled, which may include, but will not be limited to, door-to-door service, feeder service, fixed route service, local fare subsidy, and user-side subsidy, which may include, but will not be limited to, private rider or taxi fare subsidy.

2. To enable the Corporation to:

i. Coordinate the program within and among counties;

ii. Render technical information and assistance to counties eligible for assistance under these guidelines; and

iii. Develop, provide and maintain those portions of capital improvements that afford accessibility to fixed route and other transit services which make rail cars, rail stations, bus shelters and other bus equipment accessible to senior citizens and the disabled.

## 16:78-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings:

“Accessible” means a service or facility that can be used by all individuals, including those who cannot negotiate steps or who can negotiate steps only with great difficulty.

“Board” means Board of Directors of the New Jersey Transit Corporation.

"Consumers" means senior citizens or disabled persons. In addition, for purposes of meeting the 51 percent minimum requirement for consumers on local senior citizen and disabled advisory committees, parents or legal guardian of disabled minors and non-professional advocates for mentally or emotionally disabled persons will be considered consumers.

"Corporation" means the New Jersey Transit Corporation.

"Demand responsive service" means a transportation mode in which a vehicle operates on demand to a variety of different origins and destinations.

"Disabled" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. Escorts may be allowed to use this service pursuant to rules established by the individual operators.

"Eligible counties" means counties, or the recipient designated by a county, submitting a proposal meeting the program guidelines.

"Fixed route service" means a transportation mode in which a vehicle operates on a regular basis along a predetermined route according to a schedule.

"General administration" means the management activities necessary to implement the purpose and objectives of the Senior Citizen and Disabled Resident Transportation Assistance Program. The NJ TRANSIT audit required by the Act will be funded as one of these management activities.

"Geographic region" means one of the following regions of the State: the Northern Region encompassing the counties of Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union, Warren; the Central Region encompassing the counties of Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset; and the Southern Region encompassing those counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

"Local fare subsidy" means an arrangement in which the designated recipient contracts with private and/or public operators of public transportation to reduce the fare to the senior citizen and disabled persons.

"New Jersey Special Services Citizen Advisory Committee" means a committee representing advocacy groups from senior citizens and the disabled and other interested parties appointed by the Executive Director of New Jersey Transit.

"Private ride" means a program whereby the designated recipient reimburses an individual or volunteer who provides transportation to senior citizens and disabled persons on an incidental and non-commercial basis.

"Senior citizen" means any individual who is 60 years of age or older.

"Taxi fare subsidy" means an arrangement in which the designated recipient contracts with a taxi operator to reduce its fare to senior citizens and disabled persons.

"Technical assistance" means those activities, of NJ TRANSIT or its representatives, designed to assist local designated recipients in the planning, organizing, implementing, operating, monitoring, and evaluating existing and future transportation services. The result of technical assistance activities is improvement of the efficiency, effectiveness and safety of transportation provided to the senior citizens and disabled persons.

"User side subsidy" means a program in which the designated recipient makes tickets available to senior citizens and disabled persons to purchase transportation at reduced rates.

Amended by R.1990 d.616, effective December 17, 1990.

See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Designated recipient added to definition of eligible counties.

## SUBCHAPTER 2. APPORTIONMENT

### 16:78-2.1 General

In each fiscal year there is authorized to the Corporation from the Casino Revenue Fund established pursuant to section 145 of P.L. 1977, c.110 (N.J.S.A. 5:12-145) a sum equal to 7.5 percent of the revenues deposited in the Casino Revenue Fund during the preceding fiscal year, as determined by the State Treasurer.

### 16:78-2.2 Formula

(a) Moneys under this program will be allocated by the Corporation in the following manner:

1. 75 percent will be available to be allocated to eligible counties for the purposes specified under N.J.A.C. 16:78-1.1(b)1. of the program.

2. 25 percent will be available for use by the Corporation for the purposes specified under N.J.A.C. 16:78-1.1(b)2. of the program and for the general administration of the program, but no more than 10 percent of the total moneys allocated under this program will be used for the general administration of the program.

(b) The amount of money which each eligible county may receive will be based upon the number of persons 60 years of age and older residing in that county expressed as a percentage of the whole number of persons in this State of 60 years and older, as provided by the U.S. Bureau of Census. As similar data becomes available for the disabled population, such data will be used in conjunction with the senior citizens data to determine the county allocation formula. No eligible county will receive less than \$150,000 nor more than 10 percent of the total funds available for allocation to the counties during a fiscal year under this program. NJ TRANSIT's Office of Special Services shall establish a minimum and maximum allocation at the start of each fiscal year. No matching funds are required.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Minimum and maximum allocation added at (b).

### 16:78-2.3 Funds availability

(a) Available funds must be committed by June 30 of each year or they will revert back to the General Casino Fund.

(b) The total NJ TRANSIT portion of the annual appropriation can be committed immediately upon adoption of a budget. A budget will be adopted using the following process. The Office of Special Services shall have the lead role in preparing the annual program budget. All organization units with eligible projects will submit requests with justification to the Office of Special Services, where requests will be put into priority order. That list will then be reviewed by the NJ TRANSIT Special Services Citizen Advisory Committee. The priority list and Special Services Citizen Advisory Committee comments will then be submitted to the Capital Program Committee for action, normally with the entire capital program. The Budget Office will be asked to review each project for opening budget impacts. The list of projects is then forwarded to the Executive Committee for action. The Board will then be asked to review and adopt the program. The Special Services staff shall complete Project Initiation Forms and work with appropriate staff at NJ TRANSIT Bus, Rail and Corporate to coordinate activities.

(c) The funds will be committed to a county upon notification of a grant awarded by NJ TRANSIT to the designated recipient.

1. The county or its designated recipient shall submit an application to NJ TRANSIT prior to May 15 for funds available for the calendar year starting the following January 1.

2. County contracts will run from January 1 through December 31 and require at least quarterly financial reports to be submitted within 30 days of the end of the quarter. This is a reimbursement program. Requests for reimbursement may be submitted monthly. When war-

ranted, monthly advances may be given, but payments will be withheld if financial reports are not received when due.

3. Starting with the contract period which ends December 31, 1990, the balance of county funds remaining unexpended and/or unobligated by the county will be returned to NJ TRANSIT. Unexpended county funds at the end of the contract period will be reallocated as specified in N.J.A.C. 16:78-2.4.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Program to be administered on calendar year basis.

### 16:78-2.4 Transfer of allocations

Any unexpended funds remaining at the end of the contract period will, after appropriate close-out and audit, be placed into a special project account. Each county will be eligible to submit an application for any and/or all available funds in this account. Applications will be reviewed on a competitive basis by NJ TRANSIT.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Unexpended allocations to be used for special projects, as determined by NJ TRANSIT.

## SUBCHAPTER 3. ELIGIBILITY

### 16:78-3.1 Eligible recipients

(a) The governing body of the county is an eligible recipient and may make application to the Board for monies available under N.J.A.C. 16:78-2.2(a)1. The governing body of a county may relinquish this designation to an agency, group or groups to replace it as the applicant. Relinquishing this designation requires that a public hearing be held. NJ TRANSIT will deal with only one applicant from each county.

(b) The purpose of the public hearing is to afford an opportunity for senior citizens, the disabled and other interested individuals or parties, to comment on the appropriateness of such designation.

### 16:78-3.2 Eligible service areas

The recipients are allowed to provide service beyond county and State boundaries under this program, and are strongly encouraged to do so, as long as services benefit eligible residents of New Jersey (see N.J.A.C. 16:78-5.4(c)). At a minimum, recipients must provide service into contiguous counties.

### 16:78-3.3 Eligible activities

(a) Eligible county activities are as follows:

1. The development and provision of additional or expanded accessible feeder transportation service to ac-

cessible fixed-route transportation services must be provided where such services are available, and accessible local transit service to senior citizens and the disabled, which may include but not be limited to door-to-door service, fixed-route service, local fare subsidy, and user-side subsidy which may include but not be limited to private ride or taxi fare subsidy and to coordinate the activities of the various participants in this program in providing the services to be rendered at the county level and between counties. Only passenger transportation services are eligible for reimbursement under this program. The transport and/or delivery of meals or other goods is not an eligible activity under this program. Transportation services for medical purposes are eligible as long as they are of a non-emergency nature. Specifically, eligible activities include, but are not limited to, the following:

- i. Planning: Analysis and inventory of needs, existing services; determination of unmet needs, development of county's coordination plan, analysis of costs, etc.
- ii. Capital investment: Purchase of vehicles, lifts, radios and other necessary equipment.
- iii. Operating costs: Any activity related to providing transportation services. Such activities include drivers' salaries, maintenance, insurance, gas and oil, dispatching expenses, driver training, etc.

2. The recipients must make serious efforts to provide transit service for disabled persons needing employment and post-secondary education transportation.

(b) Eligible NJ TRANSIT activities are as follows:

1. Technical assistance to render technical information and assistance to counties eligible for assistance. Such activities may include but not be limited to the collecting and dissemination of information on the coordination of transportation services and funding sources, vehicle scheduling, routing, and dispatching, specifications for vehicle procurement and maintenance.

2. Accessible capital improvements which include the design and purchase of capital improvements that provide additional or expanded accessible fixed route and other transit service. These accessible capital improvements include improvements to rail cars, rail stations, buses, bus facilities, and other related rail and bus facilities which make transportation services accessible to senior citizens and disabled persons.

3. Operating costs associated with the operation and maintenance of additional and expanded accessible capital improvements.

4. The administration of the program within and among the counties as well as coordinate NJ TRANSIT's improvements allowed under the program. The total dollars allowed for general administration of these activities may not exceed 10 percent of the total moneys allocated under this program.

5. The planning of Statewide activities leading to improved additional or expanded accessible transit services.

#### 16:78-3.4 Coordination plan requirements

(a) In order for a county to be eligible for assistance under the program, the governing body of that county or an agency, group or groups authorized by the governing body will develop a county plan for that assistance in accordance with the program regulations. The plan must be reviewed by the local citizen advisory committee. The county plan will be approved by the governing body of that county and then be subject to approval by the NJ TRANSIT Board of Directors.

(b) Recipients are required to coordinate the activities of the various participants in the program. Mere cooperation is not sufficient. Coordination involves at least some of the following activities:

1. Central gasoline purchasing
2. Central vehicle maintenance
3. Centralized vehicle dispatch
4. Centralized passenger trip request
5. Centralized billing and accounting

(c) Usually, the best economies of scale are realized through actual consolidation of all the transit activities. It is intended that recipients incorporate these coordination activities not only among their own transit operators, but to also make efforts to attract other local transit operators to join the coordinated system.

(d) The county plan shall include, but not be limited to the following:

1. Provisions for the coordination of existing and future transportation services at the county level and for intercounty transportation services;
2. Information as to what existing accessible and non-accessible transportation services are available;
3. What additional and/or expanded accessible and non-accessible transportation services will be provided;
4. The methods that will be utilized to deliver these services;
5. The anticipated financial costs to be incurred from the implementation of the services; and
6. The financial resources to be put in place to meet these costs, including fares and/or voluntary contributions/donations.

(e) The application for funds must comply with a comprehensive planning document as described in (d) above. The plan must be updated annually or as needed and a copy of the updated plan included in subsequent applications for funding.

(f) In order to afford individuals the capability of influencing transportation decisions at all stages of development, the governing body of each county must appoint a citizen advisory committee. The objective of the committee is to advise the recipient on planning, implementing and operating coordinated transportation services at the county level.

(g) The governing body may choose to appoint an existing advisory committee to satisfy the objective set forth herein. However, committee membership must consist of at least 51 percent consumers (for example, senior citizens and disabled residents) of the service.

(h) The recipient shall provide NJ TRANSIT with the following information about the local citizen advisory committee:

1. Committee By-Laws
2. Membership, terms of office, positions
3. List of consumers
4. Notice of meetings
5. Copy of minutes

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Compliance with planning document in (d) required at (e).

#### SUBCHAPTER 4. PROGRAM DEVELOPMENTS AND MANAGEMENT

##### 16:78-4.1 General

NJ TRANSIT in conjunction with the NJ TRANSIT Special Services Citizen Advisory Committee, its other advisory bodies, representatives and associations of counties, and other interested parties, has developed these regulations for transportation assistance to senior citizens and the disabled. The instrumentalities of local government, particularly the counties of this State, should play a major role in facilitating the provision of that transportation assistance. NJ TRANSIT and the counties should coordinate existing transportation services provided at the local level including but not limited to those services funded by any other State agency, and establish coordinated inter-county transportation services.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Requirement to involve N.J. Dept. of Transportation Office of Coordination in coordination of services deleted.

##### 16:78-4.2 Regional public hearings

In January of each year the Corporation will conduct at least one public hearing in each of the three geographic regions in order to gather information from interested parties as to the efficiency of the program. A minimum of 30 days notice will be given to every municipal clerk within that geographic region before these meetings. NJ TRANSIT and the local recipients of aid will make reasonable efforts to provide transit service to the public hearings. These public hearings shall be held at accessible locations.

##### 16:78-4.3 Annual audit

The Corporation will cause an annual audit to be made of the program and will, if not conducted by the Corporation, employ a recognized accounting firm for that purpose. The expenses of conducting the audit will be considered as part of the cost of the general administration of the program. Each local recipient will cause an audit to be made of the local program on at least a bi-annual basis. The local recipient's audit will be paid for out of local funds received through this program. If the audit is not conducted by the designated recipient, a recognized accounting firm shall be employed by the designated recipient.

##### 16:78-4.4 Technical assistance

The Corporation will be entitled to call upon the assistance, or contract for services, of any State department, board, bureau, commission or agency as may be necessary to implement the provisions of this program.

##### 16:78-4.5 Reporting requirements

The Corporation will submit an annual report to the Legislature by October 1 of each year covering the period of the previous State fiscal year. The report will cover the status of this program including any recommendations concerning the general improvements of mass transit for the senior citizens and the disabled. The local recipients of aid will provide information to the Corporation, as requested on a timely basis to assist the Corporation in preparing this report. Copies of the annual report will be made available to each local recipient, as well as each county's governing body. Reports shall also be made available to the County Transportation Association (CTA) and the Council on Special Transit (COST).

#### SUBCHAPTER 5. LOCAL ASSISTANCE APPLICATION

##### 16:78-5.1 General

(a) The governing body of an eligible county, or an agency, group, or groups designated as an applicant by the county after a public hearing in which senior citizens and disabled residents will have an opportunity to comment on the appropriateness of such designation, may make application to the Board for moneys available under N.J.A.C. 16:78-2.2(a)1. The application will be in the form of a proposal to the Board. This proposal will include:

1. Description of proposed services
2. Budget
3. Description of coordination efforts
  - i. At the County Level
  - ii. With other Counties
  - iii. With existing Fixed Routes
4. Description and certification of maintenance of effort

5. Description of public involvement
6. Transcript of public hearing
7. Freeholder resolutions
  - i. Approving designated recipient
  - ii. Approving application
8. Reporting Requirements

#### 16:78-5.2 Description of proposed services

(a) The proposed services should be described as follows:

1. Indicate the service or services to be provided. Eligible types of service include, but are not limited to, door-to-door service, fixed-route service, local fare subsidy, and user-side subsidy which may include, but not be limited to, private ride or taxi fare subsidy.

2. Describe the fleet of vehicles to be used in the program. Specify the age, type, mileage, funding source and condition of all vehicles in the fleet. Provide a five year capital replacement schedule.

3. Describe the days of the week, and the hours of the day that service will be available. For each type of service to be provided.

4. Describe the procedure that a prospective passenger would follow in order to register for and receive transportation, including a description of any advance reservation systems that may be used. Identify any phone numbers that consumers need to be aware of.

5. Describe marketing efforts.

#### 16:78-5.3 Budget

The application must contain a program budget which identifies expense categories as identified in *Coordinating Transportation Services for the Elderly and Handicapped, Volume 2, A Model Uniform Billing and Accounting System for Coordinated Transportation Systems*. This publication is sponsored by the United States Department of Transportation and is available from the National Technical Information Service, Springfield, Virginia 22161. These categories must be aggregated into Administration, Planning, Operation, and Capital expense functions. Two budgets should be submitted. The first should include program expenses. The second budget should only reflect the Senior Citizen and Disabled Resident Transportation Assistance Program expenses. Both budgets should be prepared using a January 1 to December 31 calendar year.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Program to be administered on calendar year basis.

#### 16:78-5.4 Coordination

(a) The application must include a description of the means by which the applicant will coordinate intra-county transportation, inter-county transportation and existing accessible fixed route services described in (b) through (d) below. This description should show that the recipient is implementing the comprehensive planning document described in N.J.A.C. 16:78-3.4.

(b) Intra-county coordination describes the means by which the applicant will coordinate accessible and non-accessible transportation services which operate within the county. Any agencies or organizations which the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and disabled residents within the county should also be listed.

(c) Inter-county coordination describes the means by which the applicant will coordinate accessible and non-accessible transportation services which operate between counties. Any agencies or organizations which the applicant has an agreement or letter of intent, whereby the applicant will provide transportation service to the senior citizens and disabled residents between counties should also be listed (Copies of the agreements or letters of intent should be available upon request).

(d) Accessible fixed route coordination describes the means by which the applicant will coordinate existing, expanded, or additional accessible and non-accessible transportation for senior citizens and disabled residents with existing accessible fixed routes operated by public or private operators. Any public or private operators of accessible fixed route service which operate in or through the service area to which the applicant will provide accessible connecting service to should also be listed.

Amended by R.1990 d.616, effective December 17, 1990.  
See: 22 N.J.R. 2911(a), 22 N.J.R. 3761(a).

Program to be administered on calendar year basis.

#### 16:78-5.5 Description and certification of maintenance of effort (MOE)

(a) The purpose of the Senior Citizen and Disabled Resident Transportation Assistance Program is to provide for additional or expanded transportation services to senior citizens and disabled residents. Therefore, designated recipients must maintain the same level of funding for senior citizen and disabled transportation services as prior years.

(b) In order to comply with this Maintenance of Effort (MOE) requirement, the application must contain senior citizen and disabled resident transportation non-capital expense data from the past two years prior to the implementation of the Senior Citizen and Disabled Resident Transportation Assistance Program. This data should include non-capital expenditures of the designated recipient and/or applicant and any other agency, group, or groups which will participate in the coordinated transportation program. Data from groups joining the coordinated system since the implementation of the Senior Citizen and Disabled Resident Transportation Assistance Program must be added to the original MOE. The data from the new groups should cover the two year period immediately preceding their joining the coordinated system.

(c) The applicant must complete a Maintenance of Effort Certification and Schedule, the form of which will be provided by NJ TRANSIT.

**16:78-5.6 Public involvement**

(a) In order to assure that an opportunity is afforded to any interested individual, agency, group, or groups to comment on the appropriateness of an application it will be necessary to hold a public hearing. A transcript of the hearing must be attached to the application.

1. The governing body of the recipient will also provide an opportunity for interested parties to provide the governing body with any facts, materials, or recommendations that would be of assistance regarding the efficacy of the local program.

(b) Notice of any public hearing required to be held pursuant to these rules will be published at least 30 days prior to the date of the public hearing in at least two newspapers circulating in the specific geographic area in which the meeting is to be held. Notice of any hearing will also be transmitted, at least 30 days in advance thereof, to every municipal clerk within the specified geographic area where the meetings will be held and to NJ TRANSIT. All public hearings held pursuant to these rules will be held at locations which are accessible to senior citizens and the disabled. NJ TRANSIT and the local recipients of aid will make reasonable efforts to provide transit service to the public hearings.

(c) The extent of efforts to involve the public in preparation of the application should be described. Public participation, should include senior citizens and disabled individuals, advocacy organizations representing seniors and disabled persons, public and social service agencies, public and private operators of existing transportation services. In particular, the efforts, other than those required in (a) and (b) above, should also be described.

**16:78-5.7 Governing body resolution**

(a) The governing body of each county is designated as the recipient of funds available under this program. If the governing body so chooses to relinquish this designation to an agency, or group it will be necessary for the Board of Chosen Freeholders to pass a resolution designating the agency or group. This resolution must be included in the application. A new resolution is not required for each annual application if the designated recipient remains the same.

(b) The governing body or the appropriate elected official of the designated recipient must pass a resolution and/or authorize the submission of an application. This resolution or authorization must be submitted with the application. The resolution or authorization should provide authority for the recipient to enter into a contractual agreement with NJ TRANSIT to implement the program.