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R E P O R T

to the

Legislature

by the

Legislative Commission on
Pedestrian School Children Safety

(Pursuant to Assembly
Concurrent Resolution No. 9 of 1970)

January, 1972

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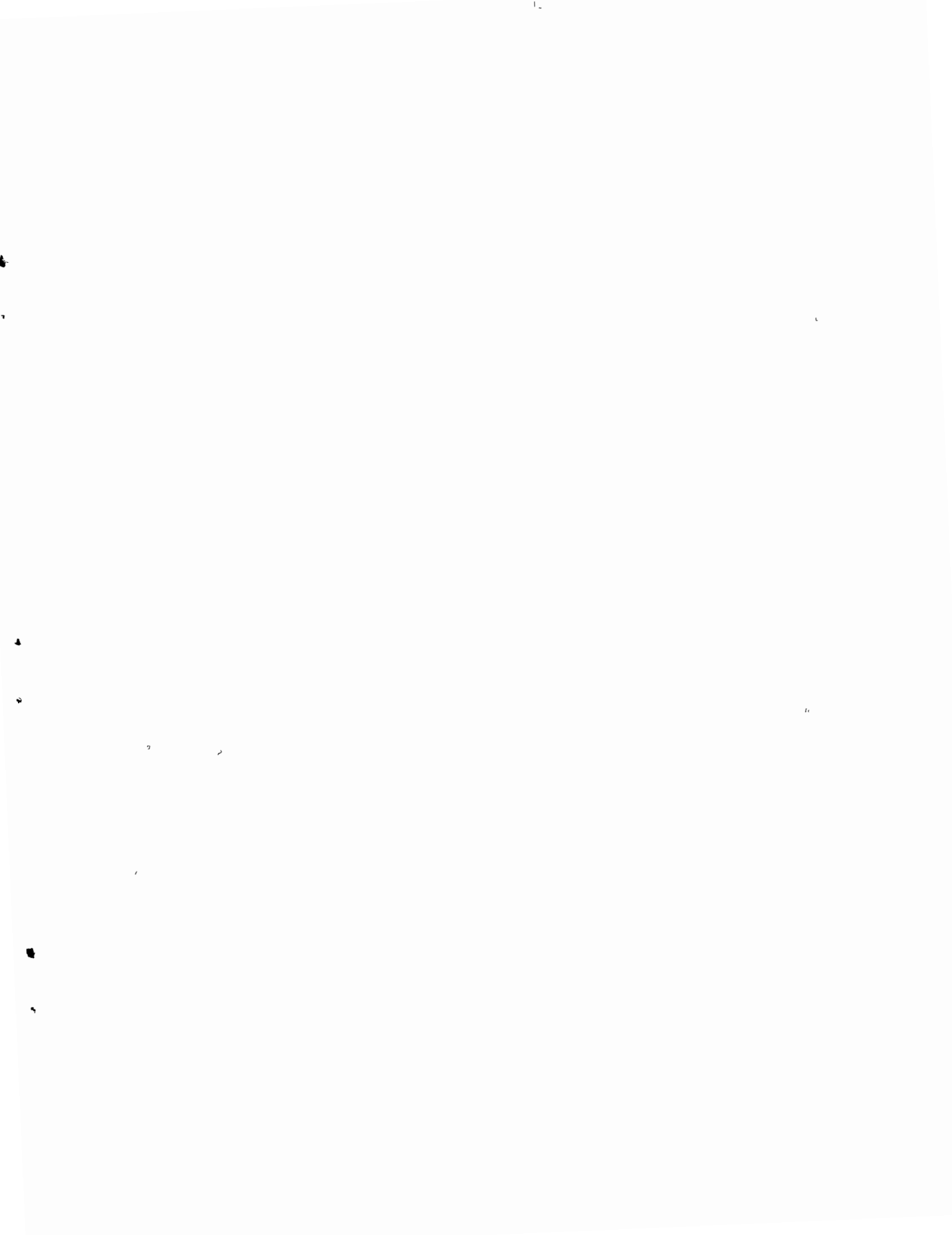


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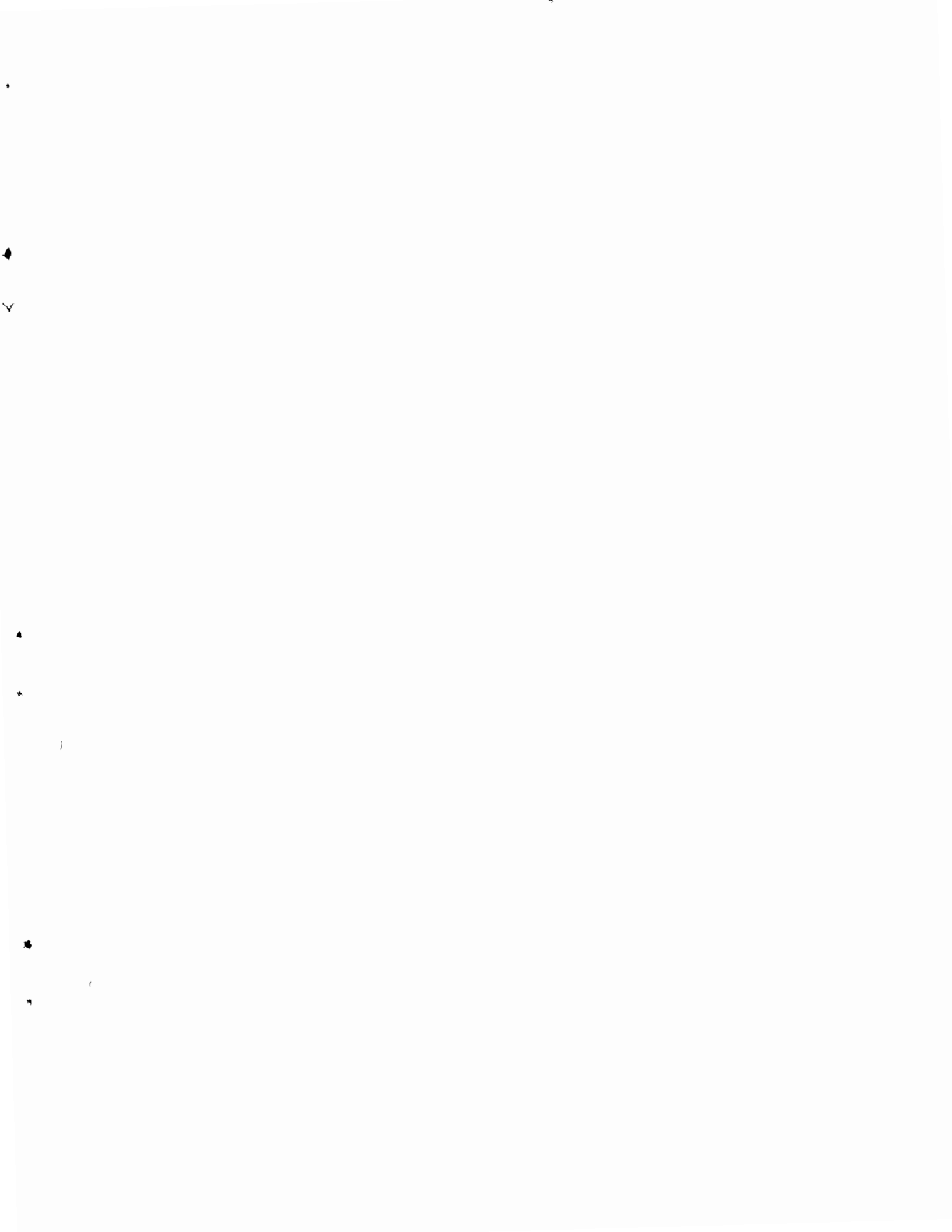
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LETTER OF TRANSMITTAL

HONORABLE MEMBERS OF THE SENATE AND GENERAL ASSEMBLY:

January, 1972

The Legislative Commission on Pedestrian School Children Safety, established pursuant to Assembly Concurrent Resolution No. 9 of 1970, herewith submits its report and recommendations concerning the hazardous conditions confronting pedestrian school children in our State.

/S/ PETER P. GARIBALDI
PETER P. GARIBALDI
Chairman

/S/ WAYNE DUMONT, JR.
WAYNE DUMONT, JR.

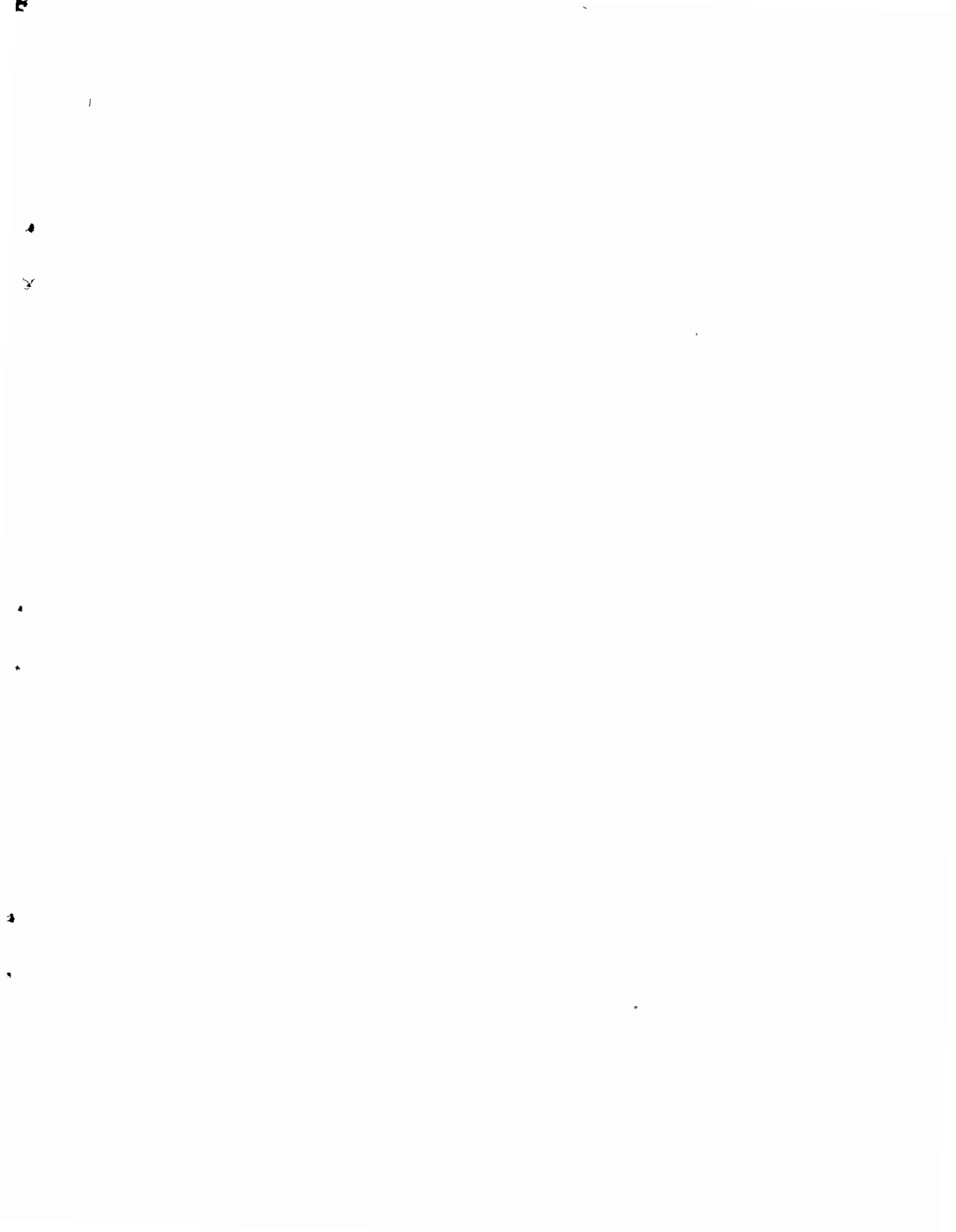
/S/ RICHARD J. COFFEE *
RICHARD J. COFFEE

/S/ JOHN L. MILLER
JOHN L. MILLER

/S/ JOHN N. DENNIS
JOHN N. DENNIS

/S/ JOSEPH A. LE FANTE
JOSEPH A. LE FANTE

* With supplemental letter and statement. (see page 24)



LEGISLATIVE COMMISSION ON
PEDESTRIAN SCHOOL CHILDREN SAFETY

Members

Assemblyman Peter P. Garibaldi, Chairman
District 7A (Part of Middlesex)

Senator Wayne Dumont, Jr.
District 15 (Sussex, Warren and Hunterdon Counties)

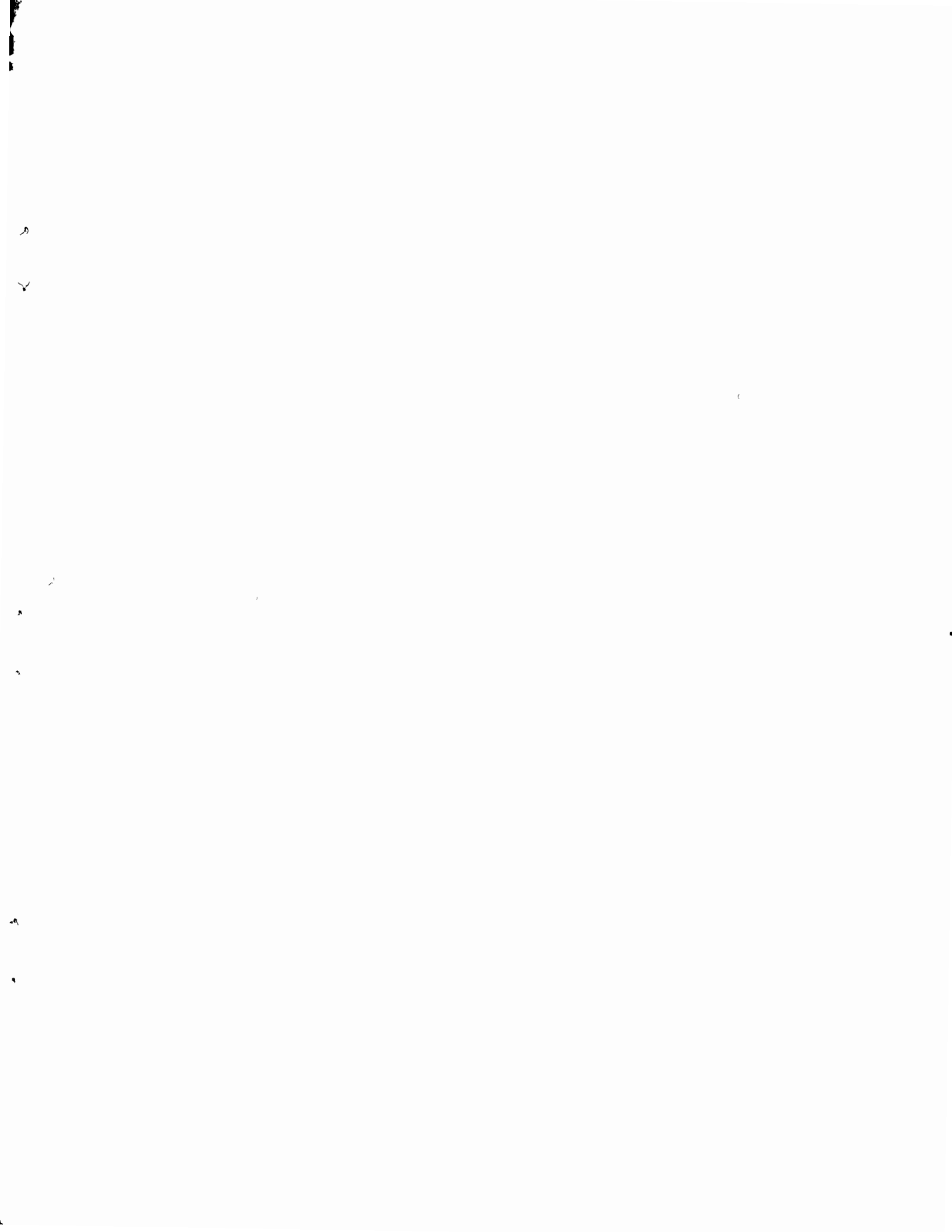
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District 3C (Part of Camden County)

Assemblyman John N. Dennis
District 11E (Part of Essex County)

Assemblyman Joseph A. LeFante
District 12A (Part of Hudson County)

Secretary, Paul M. Muller



FILED MAY 13, 1970

ASSEMBLY CONCURRENT RESOLUTION No. 9

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblymen GARIBALDI, HAELIG, KRAVARIK
and MACRAE

A CONCURRENT RESOLUTION creating a commission to study the hazardous conditions confronting pedestrian school children in many areas of the State, to define and outline these hazards, and to make recommendations for eliminating such conditions.

1 WHEREAS, There are many school districts throughout the State
2 in which there are highways and roads without sidewalks or
3 adequate side paths; and

4 WHEREAS, Children going to and from school in these districts
5 are obliged to walk in and upon said highways and roadways
6 thereby endangering their safety; and

7 WHEREAS, The hazards of use of such highways and roads by
8 pedestrian school children have no relationship to the distance
9 of their residence from schools;

10 WHEREAS, A thorough study of the modern transportation needs
11 of school children including an evaluation of the present stand-
12 ards, derived many decades ago, to ascertain their adequacy
13 in our highly mobilized and motorized society, and a serious
14 attempt to define and outline the hazards confronting pedestrian
15 school children is long overdue; now, therefore,

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. There is hereby created a commission to consist of 6
2 members, 3 to be appointed from the membership of the Senate
3 by the President thereof, no more than 2 of whom shall be of
4 the same political party and 3 to be appointed from the membership
5 of the General Assembly by the Speaker thereof, no more than
6 2 of whom shall be of the same political party, who shall serve
7 without compensation. Vacancies in the membership of the com-
8 mission shall be filled in the same manner as the original appoint-
9 ments were made.

1 2. The commission shall organize as soon as may be after the
2 appointment of its members and shall select a chairman from among
3 its members and a secretary who need not be a member of the com-
4 mission.

1 3. It shall be the duty of said commission to study the hazardous
2 conditions confronting pedestrian school children in many areas of
3 the State, to define and outline these hazards, and to make such
4 recommendations for eliminating these conditions as it deems neces-
5 sary.

1 4. The commission shall be entitled to call to its assistance and
2 avail itself of the services of such employees of the State Depart-
3 ment of Education, State Highway Department and any other
4 State, county or municipal department, board, bureau, commission
5 or agency as it may require and as may be available to it for said
6 purpose, and to employ such stenographic and clerical assistants
7 and incur such traveling and other miscellaneous expenses as it
8 may deem necessary, in order to perform its duties, and as may be
9 within the limits of funds appropriated or otherwise made available
10 to it for said purposes.

1 5. The commission may meet and hold hearings at such place
2 or places as it shall designate during the sessions or recesses
3 of the Legislature and shall report its findings and recommenda-
4 tions to the Legislature, accompanying the same with any legislative
5 bills which it may desire to recommend for adoption by the Legis-
6 ture.

INTRODUCTION

The Commission held its initial hearing on September 2, 1970, in the Assembly Chamber, Trenton. Testimony was given at the hearing by representatives of the State Departments of Education and Transportation, the New Jersey State Safety Council, the New Jersey Congress of Parents and Teachers and the New Jersey School Boards Association. To the disappointment of the Commission, only one person gave testimony as the parent of a pedestrian school child. Consequently, the Commission decided to hold two additional hearings in order to get opinions and factual information from parents, parent groups and local school and municipal officials.

The first of the hearings was held on September 29, 1970, in Cherry Hill for those living in the southern portion of the State and the second on January 27, 1971, in New Brunswick for those living in the northern section of the State. As anticipated, these meetings were attended by parents and local school and municipal officials who were able to give substantive information concerning local pedestrian problems encountered by school children.

Unfortunately, due to the malfunctioning of the recording equipment, the tapes of the two additional hearings were inaudible and, therefore, not transcribed. Fortunately, however,

many of the persons presenting statistical and factual information made copies of their testimony available to the Commission.

FINDINGS

The following are the significant statistical and informational findings that were gathered by the Commission at its three public hearings. They represent a distillation and compilation of the many facts, figures and observations of those giving testimony. In addition, pertinent sections of school law (Title 18A of the New Jersey Statutes), school law decisions (S.L.D.) of the State Board of Education and Commissioner, and court decisions are included in order to give the legal context in which pupil transportation is currently provided and responsibility for pedestrian safety is allocated.

Other sections of school law dealing with accident prevention instruction are included for background and reference information.

1. PEDESTRIAN ACCIDENT STATISTICS

* Nationally, highway accidents are the third most common cause of death for children between the ages of one and four and the second most common cause of death for children 5 to 14 years of age.

* Based on estimates made by the Division of Motor Vehicles, 31 children were killed in New Jersey on their way to and from school and another 31 were killed at other times during the day in the 1969-70 school year. In addition to this toll, another 25 died on weekends.

* Using a 10:1 ratio of injury to death, it can be assumed that in New Jersey approximately 620 youngsters suffered pedestrian injuries on weekdays during the 1969-70 school year and another 250 were victims over the weekends.

* Currently, there is a complete lack of significant statistical information relating to any pedestrian accidents. The latest figures made available to the Commission by the Department of Transportation were for 1967 and were very inconclusive. The information did not include the number of fatal accidents, the number of accidents on county and municipal roads, the age of the victims, the time and location of the accidents, and the circumstances surrounding the incidents. Also, there was no indication that a tally was made of the number of accidents occurring at particular places on any of the state, county or municipal roads in anticipation of correcting hazardous conditions.

every fatal accident on the State's highway system. This operation was discontinued because of a lack of funds and the inability of the department to recruit qualified personnel in this area.

2. CAUSES AND CONTRIBUTING FACTORS

* In many instances pedestrian hazards are generated by the building of shopping centers, the gradual development of shopping areas and the building of housing developments and apartment complexes.

* Most, if not all, the testimony concerning hazardous conditions indicated they were a danger not only to children but to all pedestrians and in many cases even to motorists.

* The factors giving rise to hazardous conditions for all pedestrians are many and varied and include the following:

- lack of sidewalks and curbing,
- lack of traffic lights,
- insufficient time to cross highways when traffic lights are available,
- lack of guardrails along sidewalks immediately bordering a road or highway,
- volume and speed of traffic,
- use of side streets by motorists trying to avoid congested or traffic-delay areas,
- attitude of motorists with regard to traffic control devices - failure to obey speed limits, lack of caution at dangerous section of roadways, etc., and
- the number and complexity of highways, traffic circles, access ramps and roads, service roads, etc., constructed in a community.

* In addition to the above factors which apply to all pedestrians, including school children, the following factors

give rise to hazards for school children walking to and from school. These factors include the following:

- volume of commuter traffic in the morning,
- lack of crossing guards at dangerous crossing points on major roadways,
- poor location of school bus stops, crosswalks, etc.,
- poor location of schools, and
- difference of opinion between local school and municipal officials as to who is responsible for pedestrian school children safety and what course of action should be taken.

3. RESPONSIBILITY FOR PEDESTRIAN SAFETY

* There is general misunderstanding at the local level as to whether the school board or the municipal governing body is primarily responsible for pedestrian school children safety.

* Few people at the local level are aware that decisions of the Commissioner of Education, the State Board of Education and the Courts of the State have held, in essence, to the following concept regarding hazard:

"The provision for safe conditions of travel is a municipal function. A board of education is limited to educational functions. It can provide instruction of safety in order to inculcate habits of safety. It is not within its authority to enforce traffic laws, to provide sidewalks, traffic

lights, crossing guards, police patrols, overpasses to meet the requirements of safe travel for school children. It can and should point out to the responsible governmental body, the traffic hazards and other dangers to which pupils may be exposed." (Peters vs. Board of Education, Township of Washington, 1968 S.L.D. 42)

4. PUPIL TRANSPORTATION - LEGAL REQUIREMENTS

* Section 18A:33-1, N.J.S., provides that local school districts "... shall furnish suitable educational facilities including proper school buildings and furniture and equipment, convenience of access thereto...". The Commissioner, the State Board of Education and the old New Jersey Supreme Court (Board of Education of West Amwell v. State Board of Education, 5 N.J. Misc. 152, (1927)), have required transportation to be furnished where buildings have not been "convenient of access" and decreed that little children cannot be expected to walk over two miles to schools.

* The State Board of Education, taking into consideration the decisions concerning compulsory transportation, has designated State aid reimbursement to be allocated as follows:

"The words 'remote from the schoolhouse' should mean two and a half miles or more for high school pupils and two miles or more for elementary pupils, except for pupils suffering from physical or organic defects. State aid for shorter distances for the sole reason of traffic hazards should not be given inasmuch as traffic hazards are a local responsibility."

* Local boards of education have been granted permissive power by the Legislature (see N.J.S. 18A:39-1.1) to transport the less-than-remote pupil. The cost of transporting these pupils would, however, be excluded in calculating the amount of State transportation aid.

5. PUPIL TRANSPORTATION - STATISTICS

* During the 1969-70 school year, the latest school year for which figures are available, 560,000 pupils were transported to public and private schools. In the same year, the public school enrollment was 1,454,000 pupils. The approximate enrollment for church-related schools was 305,000 and 15,000 for non-church-related schools. The total enrollment in all elementary and secondary schools, both public and private, was 1,774,000 pupils. The difference between the total student population in the State and the number being transported is the number of pedestrian school children, 1,214,000 pupils.

* During the school year 1968-69, the latest school year for which figures are available, a total of \$38,800,000 was expended for pupil transportation in New Jersey. Of this amount, \$24,500,000 was returned to the districts in the form of State aid. The cost to the districts for unaided (less-than-remote) pupil transportation was \$4,600,000.

* In New Jersey the average cost of transporting pupils, other than the handicapped, is between \$60-65 per year not including capital outlay for busses.

6. SCHOOL CROSSING GUARDS

* School crossing guards are employees and under the control of the municipality.

* There are no uniform or minimum standards for the training or assignment of duties of crossing guards.

7. ACCIDENT PREVENTION INSTRUCTION

* Local boards of education are required under section 18A:35-5, N.J.S., to "... conduct ... in the public schools courses in health, safety and physical education, which courses shall be adapted to the ages and capabilities of the pupils in the several grades and departments...."

* Also, the commissioner has been given specific responsibility in this area. Section 18A:35-6, N.J.S., specifies that "Such courses ... shall be subject to the general supervision and direction of the commissioner, who shall appoint... such expert assistants as ... shall be necessary to carry out the purposes of such courses."

* Instruction in accident prevention is also required in the private schools of the State (18A:6-2, N.J.S.).

8. PEDESTRIAN SAFETY DEVICES

* The approximate cost of various pedestrian safety and traffic control devices are:

- pedestrian overpass \$75,000 to \$100,000,
- pedestrian signals \$10,000 to \$12,000,
- sidewalks \$50,000 per mile not including the cost of right-of-way, possible drainage system and widening of bridges.

CONCLUSIONS

While listening to the testimony concerning the many local pedestrian hazards it became obvious to the Commission that pedestrian school children safety is, to say the least, a highly charged, emotional issue. The Commission members readily empathized with the parents and friends of accident victims as they told grim stories of unnecessary death and equally unnecessary injuries which often resulted in permanent mental and physical disabilities.

These same parents and officials vehemently urged the Commission to recommend that local boards of education be required to transport children exposed to hazardous walking conditions. They suggested that this be done by either legislatively reducing the present definitions of "remote" or by defining "hazard" and requiring transportation over hazardous routes.

Unfortunately, few, if any, offered suggestions as to what constitutes "remote" for safety purposes and none gave a consistent and workable definition of "hazard", although many did give specific examples of hazardous conditions in their community. Understandably, their main object was, in some way, to force their boards of education to provide transportation for children traveling, in the opinion of the parents,

"hazardous" routes.

While this testimony gave the Commission members insight into some local safety problems, it did not enable it to formulate a general definition of "hazard" that would be applicable in our central cities, sprawling suburbs and rural areas.

Parents and local officials were not the only ones unable to define "hazard". Because of the variety and complexity of the many hazardous conditions throughout the State, even the experts in the fields of student transportation, traffic control and pedestrian safety were unable to develop or even suggest a workable definition.

Being unable to recommend to the Legislature the mandatory bussing of pupils on the basis of hazardous condition, the Commission then considered reducing the current mileage limit for transportation aid reimbursement as alternately recommended by parents and local officials.

Initially, the Commission favored this type of recommendation. However, several questions were raised by the expert witnesses and the answers to them seem to be definitely in the negative at this time.

First, "Will a mandated State-wide reduction in the mileage limits of the current definition of 'remote' save lives?" There is good reason to believe that the additional busses needed to transport the children would expose all school children as well as the motoring public

to new and increased hazards. For example, reducing the mileage limits to 1 and 1-1/2 miles for elementary and secondary students, respectively, would double the number of school busses on the road at the peak of the morning rush hour. Also, the increased congestion at school building sites brought on by the additional school busses could pose a serious threat to those children crossing streets and congregating in the vicinity of the school.

Second, "Is it possible that crossing guards, sidewalks, pedestrian overpasses, traffic lights, etc., offer a better solution to the problem than does bussing?" On the basis of discussions with professionals in the field of traffic safety it is most likely that one or a combination of these other alternatives, depending on local and neighborhood conditions, will provide greater safety while minimizing any new or increased hazards. Some of the solutions, such as sidewalks and traffic lights, have the added benefit of serving the safety needs of the entire community as well as those of school age children when school is not in session.

* It is the unanimous conclusion of the Commission that until the above answers are shown to be incorrect by either scientific or statistical data it cannot, in good conscience, recommend mandating a State-wide reduction in the present mileage limits. Many of the recommendations which follow are, however,

addressed to gathering the information which might enable future Legislatures to mandate solutions to particular hazardous conditions which face our children on their way to and from school.

* Because of the infinite variety and combination of hazards that exist throughout the state, it is impossible to define "hazard" as it pertains to pedestrian school children.

* Pedestrian safety problems and their solutions are impossible to assess accurately because of a lack of information concerning accidents and the circumstances surrounding them.

* All children, even those riding busses, are pedestrians at some time during their travel to and from school.

* It is the considered judgment of this Commission that hazardous conditions as well as excessive distance place the residence of a child remote from a school.

* Pedestrian safety is basically a municipal responsibility.

* Safety is an attitude that must be instilled in children at an early age and constantly reinforced as they mature.

* The driver's competence and attitude toward pedestrian and traffic safety is the most important factor in accident prevention.

RECOMMENDATIONS

It is the judgment of the Commission that the following recommendations, if carried out by the State and local officials, will contribute significantly to the solution of the safety problems faced by our children. The recommendations are made in the belief that they will stimulate local and individual awareness and initiative in solving problems whose complexity and intensity are directly related to specific local conditions.

The Commission recommends that;

- * The State Board of Education formulate and disseminate guidelines for courses in pedestrian safety,
- * The State Board of Education officially correspond with local boards of education concerning their responsibility under school law to provide courses in safety for their pupils,
- * Local boards of education study at least once during each school year the conditions under which children walk to and from schools or bus stops within the district and maintain a complete record of all pedestrian school children accidents including such information as is necessary to determine the probable cause or causes of the accident and contributory factors. It is further suggested that the results of the study, with suitable

recommendations, be read into the official minutes of the board of education and a copy of these minutes be officially transmitted to the municipal governing body,

- * That the municipal governing body officially respond to the recommendations sent to it by the board of education, as recommended above, and periodically conduct a survey of pedestrian safety needs in their community.
- * Legislation be enacted requiring all pedestrian traffic accidents on State and local roads to be reported to the appropriate division within the Department of Transportation and that such reports shall include all information necessary to determine the probable cause or causes of the accident and any contributory factors.
- * The State Department of Transportation provide for the employment of personnel to analyze the accident data submitted to the department and to make such information available to state and to local school and municipal officials in a form usable in determining hazardous conditions and their probable remedy.
- * That municipal governing bodies require local land developers to provide in their plans and specifications the necessary physical facilities for the safe

movement of pedestrian traffic, especially pedestrian school children.

- * Legislation be enacted requiring driver training programs in all the secondary schools of the State and that schools be reimbursed for 50% of the cost of such classroom instruction.
- * Legislation be enacted requiring municipal governing bodies to provide for the training of school crossing guards and that they receive State aid for 100% of the cost of such training.
- * Legislation be enacted requiring the State Department of Transportation to adopt rules and regulations in cooperation with the Department of Education and the Department of Law and Public Safety governing the training of school crossing guards and requiring such guards to use standardized uniforms and equipment.
- * Legislation be enacted to provide State aid to municipalities for 20% of the cost of employing school crossing guards who have satisfactorily completed the training course for such guards as provided in the rules and regulations of the Department of Transportation.
- * The State Board of Education and the Permanent Commission on State School Support incorporate in any criteria and standards sent to the Legislature, pursuant

to chapter 234, Laws of 1970, criteria and standards relating to pedestrian, driver and traffic safety, and,

- * A copy of this report be sent to each board of education and local governing body in the State.

NEW JERSEY SENATE



RICHARD J COFFEE
ASSISTANT MINORITY LEADER
SENATOR - MERCER COUNTY
120 SANHICAN DRIVE
TRENTON, NEW JERSEY 08618

January 4, 1972

Honorable Peter P. Garibaldi
25 Forsgate Drive
Jamesburg, New Jersey 08831

Dear Pete:

I am enclosing a statement which I request be included as a supplemental statement in the report of the Commission To Study The Hazardous Conditions Confronting Pedestrian Children In Many Areas Of The State (ACR-9) of which you are chairman and on which I had the pleasure of serving as a minority party member.

As I explained to you several weeks ago, I personally feel that the commission should have made a recommendation to reduce the mileage distance in the formula which regulates state aid to local school districts for pupil bus transportation.

Other than for this feature I concur with the recommendations in the report.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dick Coffee".

Richard J. Coffee

RJC:ml
Enclosure

SUPPLEMENTAL STATEMENT

by

SENATOR RICHARD J. COFFEE

The Legislative Commission on Pedestrian School Children Safety is certainly one of the most important commissions to be established in New Jersey during recent years.

In Assembly Concurrent Resolution No. 9, which created the commission, this body was charged with the responsibility to study the hazardous conditions confronting pedestrian school children in many areas of the state, to define and outline these hazards, and to make recommendations for eliminating such conditions.

Another very plain and simple way to phrase the charge to this commission would be -- Find out why hundreds of our children are being maimed or killed each year while going to and from school and tell us how it can be stopped!

While I agree with most of the FINDINGS, CONCLUSIONS AND RECOMMENDATIONS in this report, I regret to state that I feel this commission has skirted the most serious of the problems facing our pedestrian school children. The subject of how far or what distance our elementary and high school children should be required to walk to and from schools.

The present formula as set forth earlier in this report designates that the State Board of Education, taking into

consideration the decisions concerning compulsory transportation, has designated state-aid reimbursement to be allocated on a per-pupil basis for high school students living two and one half miles or more from their high schools and elementary school students living two miles or more from their schools. Local boards of education are empowered by state law to transport pupils who reside less remote than these distances but do not receive transportation aid for these pupils.

To simply conclude that because the traffic safety experts or this commission cannot firmly define what constitutes a remote distance or hazardous condition is not sufficient reason for us not to recommend reducing the current mileage limit for transportation aid reimbursement as was so strongly advocated by many parents and local officials during the public hearings.

With the steady increase of motor vehicle traffic in all sections of our state from year to year and with a steady increase in deaths and injuries to pedestrians on an annual basis, it seems to me that the current mileage limits in the definition of "remote" must be reduced because they constitute a greater degree of remoteness than was true in the past. These same conditions have also created more grimness to the meaning of the word "hazardous" in recent years. This is so because more motor vehicle traffic obviously causes increased hazardous conditions.

I am further disappointed in the commission's failure to recommend the reduction of the mileage or distance factor

when we give as our reasoning only an opinion that the terms "remote" and "hazardous" cannot be properly defined. The commission then goes on to say that if its recommendations in the report are carried out by state and local officials the safety of our children will be enhanced. I agree that most of the recommendations in the report are good ones and should be heeded. Unfortunately, the real reason why this commission chose not to recommend that the mileage factor be reduced is not disclosed nor even mentioned in this report.

The commission considered the matter of reducing the mileage factor in the state aid formula. As a matter of fact I fully expected that the recommendation to do this would be the number one recommendation that our commission would make. I had hoped that we would recommend that the State aid formula for the cost of transporting pupils in grades K-8 go into effect for children living more than 1 mile from their school rather than the present 2 miles and at either 1-1/2 or 2 miles for students in grades 9-12 rather than the present 2-1/2 miles. Unfortunately, this recommendation was not included. The main reason this recommendation was not included was because a majority of the members of the commission were not willing to recommend a reduced mileage formula because of the cost involved. Such a formula would cost both the state and local school districts many millions of dollars each if we were to follow the present cost-sharing formula for such a program. But I ask as so many parents are asking, "Would

it not be best to spend more money to save children's lives?"

As a parent and taxpayer, as a legislator, as a member of another very important study commission "The State Aid to Public School Districts Study Commission (Bateman Commission)," I am thoroughly familiar with state educational financial aid programs. Just as the Bateman Commission could not ignore the fact that the State of New Jersey must contribute more money to the operation of our public schools, neither should this commission ignore the fact that the State of New Jersey should contribute more money for the safety of our school children while traveling to and from their schools.

I personally feel that the mileage factor should be reduced. I advocate that the State of New Jersey assume all or most of the increased costs involved, rather than having the real property taxpayers in the local school district saddled with additional taxes.

Since there is presently another very prominent study commission at work here in New Jersey, the Tax Policy Study Commission, and since I believe they are undertaking a study of complete tax reform for our state, including the matter of financing our public schools, I suggest that now is the ideal time for consideration of not only reducing the mileage factor for transporting our school children but how to pay for this adjustment as well.





