I.Alternatives Analysis (N.J.A.C. 7:36-26.9(d)2)

The Applicant must identify alternatives and address the specific criteria in N.J.A.C. 7:36-26.9(e)1 to 3 to show why an alternative is not feasible, not reasonable, and/or not available. As discussed below, please provide any additional information you have to support the position that Braddock Park is the appropriate alternative site for the Township's Pre-K program.

A. Alternatives Analysis – Specific Issues cited in DEP's Green Acres' Completeness Review, dated October 5, 2021 (Completeness Review)

1. **DEP's January 31, 2023 Comment: Pre-K Requirements:** In the Completeness Review, DEP cited public comments questioning the need for the diversion. In its pre-application submittals, including the April 2022 Response, the Applicants have cited State requirements for a full-day Pre-K program as part of the public need for the diversion. Please provide additional factual information to identify what the specific State requirements are for full-day Pre-K, and how those requirements support or are relevant to the subject application.

Applicant's Response:

Governor Murphy has emphasized his commitment to establishing high-quality preschool programs throughout all school districts in New Jersey by supporting funding for school districts requiring the expansion of their preschool programs. (**See Exhibit IA-1 *New Jersey Strategic Plan for Preschool Expansion Phase I: The Foundation*, October 2022, created in partnership with The Office of the Governor Philip D. Murphy and New Jersey Department of Education.** https://www.nj.gov/education/earlychildhood/docs/NewJerseyStrategicPlanforPreschoolExpansionPhase1-TheFoundation.pdf) As stated in the Introduction, "[r]esearch is clear – high-quality preschool can change the educational trajectories of young children and influence their lifetime achievement and well-being. Improvements in children's kindergarten readiness lead to increased achievement and school success with such benefits as increased earnings that continue for a lifetime. New Jersey's former Abbott preschool program is proven effective and regularly highlighted as a model for the nation. **For these reasons, Governor Phil Murphy has proposed expansion of full-day, high-quality preschool to all three- and four- year-old children in the state."** While not state-mandated as of yet, Governor Murphy recognizes full day pre-kindergarten as a public need and continues to put significant efforts and funding in place to achieve state-wide pre-kindergarten for all 3- and 4-year-olds. Just recently, the Murphy Administration announced another $120 million for full day pre-kindergarten expansion.

In February 2023, Governor Murphy stated, "[e]xpanding access to free, full-day preschool programs represents an investment in the future of New Jersey's children…More families are benefiting from our increased support for early childhood education every year. A quality preschool education provides students with the foundational skills they need to learn and succeed as they advance through life, which is why we must – and will – continue to work towards universal pre-K throughout New Jersey." (**See Exhibit IA-2 Press Release, Office of Governor Phil Murphy, *Governor Murphy Announces $120 Million for Preschool Facilities, Brings High-Quality Pre-K to 16 More School Districts*, February 23, 2023.** **https://www.nj.gov/governor/news/news/562023/approved/20230223b.shtml**)

Furthermore, NBBOE participated among other districts in a series of conversations about the expansion of public preschool in Hudson County. The National Institute for Early Education Research (NIEER) at Rutgers University was asked by the Governor's Office and DOE to develop a report for each county in the state outlining what is needed to offer universal public preschool. (**See Exhibit IA-3 – Email Communication from Melissa Pearce of NJDOE to NBBOE and others with subject line "Hudson County Preschool Expansion Meeting Invitation" dated February 20, 2023)**.

It is noteworthy that many of North Bergen's neighboring municipalities, which were formerly referred to as Abbott Districts, have many characteristics in common with North Bergen. These neighboring districts have had full day pre-kindergarten for years. These include Union City, West New York, Jersey City, Hoboken, and Harrison. It is critical that North Bergen be able to provide the same full day preschool as those children living literally across the street from North Bergen have.

Full day universal pre-kindergarten has been a goal throughout Governor Murphy's tenure. For example, the Governor's first budget in 2018 included $50 million in a new program, Preschool Education Expansion Aid (PEEA). (**See Exhibit IA- 4-Press Release, Office of Governor Phil Murphy, *Governor Murphy Announces $20.6 Million in Preschool Expansion Aid to 31 School Districts*, September18, 2018 https://nj.gov/governor/news/news/562018/approved/20180918a.shtml**)

The PEEA (Preschool Education Expansion Aid) grant program has now been expanded to include non-Abbott Districts like North Bergen. It requires receiving districts to utilize funds in furtherance of full day pre-kindergarten according to New Jersey Department of Education guidelines. (**See Exhibit IA-5– Document, New Jersey Department of Education, *Notification of Funding Opportunity – Preschool Education Aid (PEA)*, 2022-2023) https://www.nj.gov/education/earlychildhood/preschool/docs/PEA_22-23_NFO_FinalApplication.docx#_1.1_Program_Description).**

As explained in Section 2.1 Program Requirements:

- Only eligible children may be supported with PEA funding. Eligible children are defined as resident, general education three- and four-year-old children. Age eligibility should be determined using the same date used by the district for kindergarten enrollment. Note that children currently in the program cannot be displaced during expansion.

- The district must have space to operate classrooms or plan with existing childcare providers or Head Start agencies for collaboration. Districts contracting with private childcare providers or Head Start agencies are required to submit a letter of intent between the district and the provider pending funding by the Department of Education. The letter of intent must include the signatures of the administrator for the district and provider. If approved, districts will execute a signed provider or Head Start contract and distribute funding based on costs outlined in the provider budget workbook. The Department will provide districts with a contract template.

- Children with disabilities must be placed in the least restrictive environment. Each proposed general education preschool classroom must be considered for placement of preschool children with disabilities. This is beneficial for all children and in compliance with federal and state law. Please note that you will be required by federal law to ensure that your self-contained

preschool disabled classrooms must meet the same length of day as your PEA classrooms. Note that PEA does not support costs for preschoolers with disabilities. Funds for students with disabilities in the general education classrooms will be required to be represented in the PEA budget workbook.

- The projected class size may not exceed 15 children in all general education PEA-funded preschool classes and must be served in a full day program.

Governor Murphy's goal of full day preschool in North Bergen will mean a doubling of enrollment figures, relevant to and supportive of this application. Further as shown above, it will limit class sizes to 15 children, down from 18 for half day programs. For example, currently the North Bergen Board of Education has separate half-day morning and afternoon preschool sessions for its 3- and 4-year-old students still housed in the trailers at Braddock Park. Some students also participate in a full day program there. Bringing all 3 and 4 years olds into a full day Pre-K program means all students will be combined into one full day session. There will be no half-day option. The North Bergen Board of Education ("NBBOE") conducted an extensive search for appropriate property upon which to build a pre-school which provides enough space to meet all the educational facility criteria established by the New Jersey Department of Education ("NJDOE") and the NBBOE. The NBBOE is now on target by September of 2023 to relocate 3 out of 5 preschools to their neighborhood schools in conformance with the established educational and construction criteria. (**See North Bergen Bergen Board of Education School Districting Map attached as Exhibit IA-6 and shown below, N.J.A.C. § 6A:26-6.4 - Educational facility planning standards for school facilities housing preschool students attached as Exhibit IA-7- and the NJ School Zone Design Guide attached as Exhibit IA-8)**. In establishing Districting Maps, school districts like NBBOE are guided by a number of factors such as population density, school capacity, and location of school facilities. The Districting Maps must be submitted as part of the Long Range Facilities Plan to the NJDOE for approval as this one was by North Bergen in 2018.

The New Jersey School Zone Design Guide issued by the New Jersey Department of Transportation is a resource for school boards to advance the goals of the federally funded Safe Routes to School Program to enable and encourage children, including those with disabilities to walk and bicycle to school in safety by meeting specific design methods. The applicants referenced this document in the review of potential sites and used it as a guide to eliminate sites which would be considered unsafe for pedestrians due to a lack of safe pedestrian options (i.e., crossing of a major highway, or a site without options for safe sidewalks). North Bergen has received such funding and has been recognized by the State of New Jersey, through the Department of Transportation, and the Hudson Transportation Management for its Safe Route to School efforts. (**See Exhibit 9-A SRTS Recognition Program https://hudsontma.org/srts-recognition-program/).**

The placement of Horace Mann Elementary School, Robert Fulton Elementary School, ACES, and Non-ACEs PSD Pre-K students in their neighborhood schools **cannot** be achieved as the schools cannot meet the educational standards above. Alternative sites that would have replaced the Braddock Park site with another location for all of North Bergen's Pre-kindergarten students rather than in their neighborhood schools were analyzed and rejected under both NJDEP regulations and NJDOE specifications for Preschool facilities (**See attached Exhibit 10A- Alternatives Analysis Chart (the "Chart").** Even after alternative properties within the area of the NBBOE School Districting Map that serves Horace Mann and Robert Fulton Elementary Schools have been analyzed within this response, none have been found that meet the standards required and must be rejected as viable alternatives as shown in the Chart. Therefore, in order to meet the goal of universal preschool for all North Bergen 3- and 4-year-olds as established by the Murphy administration as well as conform with established NJDOE standards and NJDEP regulations, there is no other alternative to the requested diverted space in Braddock Park.

EXHIBITS:

IA-1 – *New Jersey Strategic Plan for Preschool Expansion Phase I: The Foundation*, October 2022, created in partnership with The Office of the Governor Philip D. Murphy and New Jersey Department of Education

IA-2 – Press Release, Office of Governor Phil Murphy, *Governor Murphy Announces $120 Million for Preschool Facilities, Brings High-Quality Pre-K to 16 More School Districts*, February 23, 2023.

IA- 3 – Email Communication from Melissa Pearce of NJDOE to NBBOE and others with subject line "Hudson County Preschool Expansion Meeting Invitation" dated February 20, 2023

IA-4- Press Release, Office of Governor Phil Murphy, *Governor Murphy Announces $20.6 Million in Preschool Expansion Aid to 31 School Districts*, September 18, 2018

IA-5– Document, New Jersey Department of Education, *Notification of Funding Opportunity – Preschool Education Aid (PEA)*, 2022-2023

IA-6- North Bergen School Districting Map

IA-7 – N.J.A.C. Section 6A:26-6.4 entitled “Education Facility Planning Standards for School Facilities Housing Preschool Students.”

IA-8 – NJ School Zone Design Guide

IA-9 - A SRTS Recognition Program

IA-10-Alternatives Analysis Chart

New Jersey Strategic Plan for Preschool Expansion
Phase I: The Foundation

October 2022

Created in partnership with:

The Office of the Governor Philip D. Murphy

The New Jersey Department of Education

NIEER
NATIONAL INSTITUTE FOR EARLY EDUCATION RESEARCH

RUTGERS
Graduate School of Education

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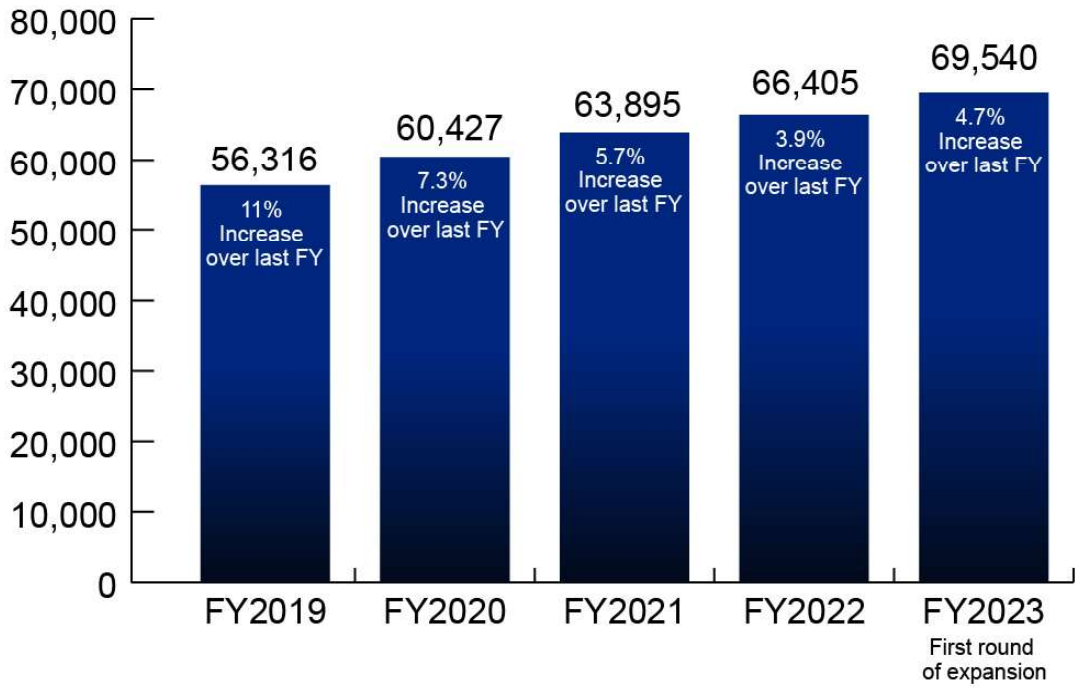
INTRODUCTION

Research is clear – high-quality preschool can change the educational trajectories of young children and influence their lifetime achievement and well-being.[1] Improvements in children's kindergarten readiness lead to increased achievement and school success with such benefits as increased earnings that continue for a lifetime. New Jersey's former Abbott preschool program is proven effective and regularly highlighted as a model for the nation.[2] For these reasons, Governor Phil Murphy has proposed expansion of full-day, high-quality preschool to all three- and four-year-old children in the state.

Making universal access to high-quality preschool in New Jersey a reality requires bold vision. New Jersey's bold vision is outlined in this *New Jersey Strategic Plan for Preschool Expansion Phase I: The Foundation* which will be supplemented in a subsequent *New Jersey Strategic Plan for Preschool Expansion Phase II: Implementation*. Producing high-quality preschool and realizing its benefits requires strong teachers, specialized facilities, partnerships with early childhood providers (including child care facilities), state capacity to administer and develop coherent policies, and adequate funding. Since Governor Murphy was first sworn into office, the Murphy Administration has increased funding for public preschool by over $310 million, resulting in substantial growth in the number of districts offering state-funded preschool programs and increasing the number of children benefitting from participation in state-funded preschool by nearly 18,000.[3] The Governor's commitment to preschool expansion extends to support for New Jersey's preschool infrastructure through $150 million in federal funding allocated through the Fiscal Year 2023 (FY23) budget for early childhood and child care provider facilities. The Murphy Administration proposes to further expand preschool by building upon the standards set by New Jersey's highly successful full-day Abbott Preschool Program.[4] Key elements are highly qualified teachers, small classes, and a strong continuous improvement system that support children's optimal learning and development.

Total state-funded preschool seats by year during Murphy Administration



RIGOROUS POLICIES, PROGRAM STANDARDS, AND PRACTICES

Public preschool in New Jersey is effective in part because the state has set and maintained rigorous policies, standards, and practices. The critical components for effective preschool listed below are characteristics of every successful preschool program that has operated at scale in the United States.[5]

NEW JERSEY MEETS ALL CRITICAL COMPONENTS FOR EFFECTIVE PRESCHOOL

- Adequate resources and administrative supports
  - Champions, especially the governor
  - Capable early childhood education (ECE) leadership in funding agency(ies)
  - Adequate infrastructure – data systems, facilities, staff preparation programs, coordination/governance systems across agencies.
- Skillful teachers paid at parity with comparable, certified professionals
- Supportive, knowledgeable district and program leaders
- High quantity
  - Class size of 15
  - Full school day for two years
- A coherent and integrated system of instruction and assessment
- Embedded supports for specialized populations (e.g., dual language learners and children with special needs)
- Personalized professional development system
- Continuous improvement process with data-driven decision making at every level

The current New Jersey Preschool Program Implementation Guidelines[6] clearly articulate these rigorous standards but the preschool programs to which they apply are available to less than a third of the children in New Jersey. The benefits of providing preschool with these critical components provide compelling reasons for expansion.

New Jersey is already a national leader in early childhood education due to its strong standards and policies, and by expanding access to preschool while maintaining these policies, New Jersey will be home to the single most comprehensive and robust preschool expansion model in the country.[7]

- Most other states that offer universal access to preschool fall short on other critical components, particularly with how much education is offered. For example, Colorado (starting in 2023), Florida, and Vermont provide universal access but for only 10 hours per week. Colorado, Florida, Oklahoma, and Wisconsin only provide one year of preschool at age four.
- New Jersey is one of just three states (Vermont and Illinois are the others) that prioritize starting at age three and serve at least one in five three-year-old children. Washington, DC also prioritizes preschool at age three.
- Many other states refer to their programs as “universal” but cap funding at levels too low to serve everyone seeking to enroll.
- New Jersey’s mixed-delivery public preschool system is one of the most robust in the nation.[8]

- New Jersey is one of four states (others are Oklahoma, North Carolina, and West Virginia) that provide full funding to support a high-quality school-day preschool program.
- New Jersey has high standards for teachers and is just one of four states (with Hawaii, Oklahoma, and Rhode Island) that requires pay parity with K-12 for all teachers in state-funded preschool.
- New Jersey has the strongest class size limits at 15, followed by Colorado and Maine at 16.[9]
- New Jersey has strong evidence of long-term impact – only North Carolina[10] and Alabama[11] have similar long-term evidence—and states that do not support high quality preschool fail to produce better long-term educational outcomes.[12]

STRATEGIC PLAN OBJECTIVE AND OVERVIEW

Successful expansion of high-quality preschool takes intentional planning in two phases – strategic foundational planning and strategic implementation planning. The objective of the *New Jersey Strategic Plan for Preschool Expansion Phase I:* The *Foundation* is to establish a set of clear priorities to consider for reaching the goal of expanding high-quality preschool. More detailed and extensive research will be conducted to develop the second phase of this work, resulting in a detailed strategic implementation plan to execute the priorities set out in the strategic foundational plan. *The New Jersey Strategic Plan for Preschool Expansion Phase II: Implementation* will be developed later in FY23.

Including school districts approved to expand preschool in September 2022 (FY23 Round 1), Governor Murphy has expanded access to high-quality preschool in 153 districts, funding nearly 70,000 seats for children in public preschool. The road to universal preschool (serving at least 70 percent of three- and four-year-olds) requires about 138,000 total seats for general education preschoolers in the 526 school districts serving elementary school children in the state.

The *New Jersey Strategic Plan for Preschool Expansion Phase I: The Foundation* outlines considerations for reaching this goal in four key policy areas, described below:

FINANCING AND SCALING TO UNIVERSAL ACCESS: Considerations for enrollment targets and funding of the proposed expansion of preschool set the stage for the considerations provided in each of the following sections.

FACILITIES: Research-based considerations for minimum facilities standards for preschool classrooms and considerations for development of the capacity to meet preschool expansion goals.

WORKFORCE: What is known about the current early childhood workforce and capacity to meet the needs of a growing program with considerations for increasing the number of qualified preschool teachers and ensuring adequate and fair compensation for all teaching staff.

MIXED DELIVERY: Child care centers and Head Start working in partnership with public school districts are essential to secure the workforce and facilities needed to expand preschool throughout the state while ensuring the availability of child care beyond school hours. Considerations focus on strengthening this mixed delivery system that are critical to New Jersey's preschool success to date.

OPTIONS FOR APPROACHES TO STATE FINANCING OF UNIVERSAL PRESCHOOL

A key policy decision for expansion of preschool in New Jersey is how the state will fund new and existing preschool seats. The options that follow explore the likely benefits and concerns regarding several approaches the state can take to fund expanded access to preschool and reach a level of coverage that could be considered universal.

STATE FUNDING OPTION 1: INCREASE ACCESS THROUGH FULLY STATE-FUNDED PRESCHOOL

Following the current Preschool Education Aid (PEA) model, the state could fully fund all operating costs for preschool and require that, within a reasonable timeframe, all districts accepting preschool funds serve at least 90 percent of their three- and four-year-old children in a full-day program. West Virginia provides universal pre-K that does not have an explicit or implicit local share. However, in West Virginia only half the cost is borne by the state with the other half paid for primarily with federal Temporary Assistance for Needy Family (TANF) funds and Head Start funds; this is facilitated by the percentage of low-income families in West Virginia. Georgia's model is to fund a full-day universal preschool entirely from funding derived from state lottery revenue, but since the lottery-derived funding is less than $5,000 per pupil, it is unlikely that this covers the actual cost of their preschool program. Additionally, Georgia increased class sizes from 20 to 22 seats because of funding inadequacy. See the box below for an illustration of how enrollment and expenditures might roll out if New Jersey opted to be the sole funder of universal preschool.

Likely Benefits

- A fully state-funded preschool program would eliminate local financial capacity as a barrier to provision of preschool.
- Districts already approved for preschool expansion funding applied with the understanding that all expanded seats would be fully state funded.

Concerns

- This is the most expensive option for the state.
- The state would pay the full cost for preschool in high wealth districts with substantial local financial capacity as well as in moderate and low wealth districts.
- This approach may create pressure to underfund the program and lower standards.

SAMPLE PLAN FOR PRESCHOOL EXPANSION ROLL-OUT: FULL STATE-FUNDING MODEL

The details below illustrate one example for how the state might reach universal preschool. Cost estimates are for universal coverage with all children served fully funded by the state (State Funding Option 1, above). This represents the maximum cost to state government, as cost to the state would be reduced if the state chooses a funding option that includes a local share and/or parent fees.

Calculations are based on the following data and assumptions:

Funding Data and Assumptions

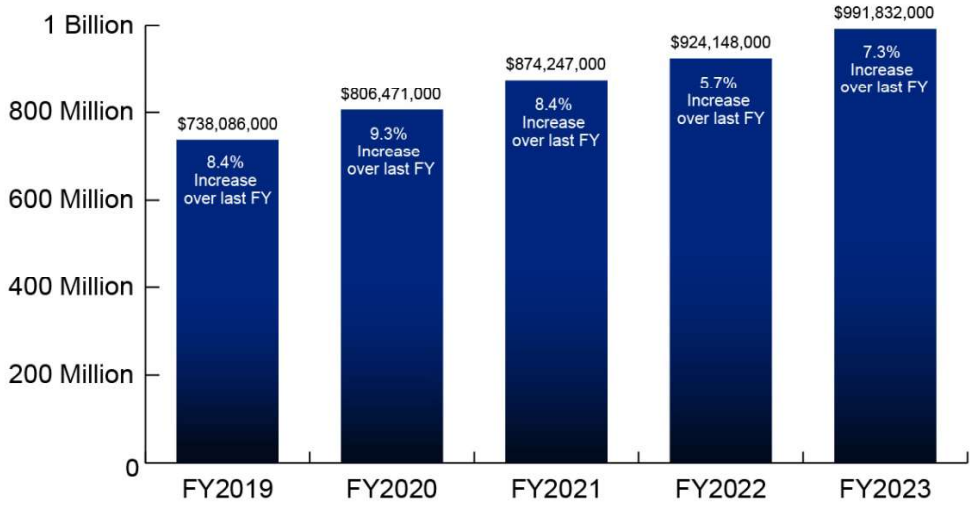
- FY22 Preschool Education Aid (PEA) is $924,148,000.
- A reasonable per-child rate estimated at $15,800.
- FY23 funding in the approved budget was $991,832,000, an overall increase of $68 million over FY22 preschool funding, including $40 million to expand preschool into new districts.

Enrollment Data and Assumptions

- 210,000 three- and four-year-old children in New Jersey.
- FY23 PEA will support 62,774 full-day, high-quality preschool seats at $15,800 per child.
- About 14,000 preschoolers with disabilities are served throughout the state.
- About 137,540 (65.5%) preschool-aged children are not supported through state preschool aid or special education aid.

Not including other costs to support implementation (e.g., facilities, scholarships, state capacity), the state will need approximately $1.3 billion in additional funding to provide universal access to preschool. During the second phase of this strategic plan, a more precise estimate will be calculated based on the considerations detailed in Phase I.

Total state-funding for preschool by year during Murphy Administration



STATE FUNDING OPTION 2: FOLLOW THE REQUIREMENTS ALREADY LAID OUT IN THE SCHOOL FUNDING REFORM ACT (SFRA)

The SFRA[13] legislated a plan for preschool expansion designating some districts as "universal" and some as "targeted". Language in the SFRA defines universal preschool as reaching 90 percent of eligible three- and four-year-olds, but only for districts with a significant portion of low-income children. A modified, or targeted definition of access is used for all other districts. In targeted districts, only low-income children would receive state funding for preschool and all other children could either be funded locally or charged tuition. Districts applying to expand state-funded preschool are already permitted to charge tuition to certain parents, providing precedent for charging fees.[14]

Likely Benefits

- The cost to the state budget is less than a fully state-funded model, is already supported by legislation, and ensures access for low-income children.
- Most of the districts in the universal designation of SFRA are already PEA-funded.

Concerns

- District eligibility has been broader than the SFRA universal definition for most rounds of preschool expansion. As a result, a small group of districts classified as "targeted" under the SFRA already serve more children with full state funding than would be permitted under the SFRA.
- The SFRA classifies targeted and universal districts in part based on District Factor Groups (DFGs) that have not been updated since 2000 and may no longer accurately reflect variations in district wealth and needs.
- The state may be less likely to achieve universal coverage with this approach because, to adequately fund classrooms to meet state standards, local tuition costs would need to equal the preschool per pupil rate of the district. This is much higher than typical private preschool tuition costs and could result in fewer children receiving the benefits of the higher quality state preschool program. However, districts can partially subsidize costs and the marginal cost of additional children may be lower than the average cost.

STATE FUNDING OPTION 3: EXPAND AND FUND PRESCHOOL LIKE KINDERGARTEN

The state could support preschool expansion by funding preschool the same way it funds kindergarten. Districts would have the option of offering public preschool unless already required to do so (i.e., the former Abbott districts). Districts choosing to offer public preschool would receive state funding in the same manner as kindergarten, with a wealth-equalized state share of per-child costs. Districts that opt-in would be expected to provide access to all preschool children in their district. This approach was adopted by several states with universal preschool including Iowa, Maine, Oklahoma, and Wisconsin. Other states with a required local share include Alabama, Colorado, and North Carolina.

Likely Benefits

- This option would lower costs to the state budget compared to full state funding or the SFRA model since many districts would contribute a local share for all children, not just those over income eligibility.
- The state could offer financial incentives beyond the "typical" state share (for example, funding for start-up costs) to encourage district participation.

Concerns

- This model may take longer to reach universal access as some districts may not opt in for many years as with the expansion of kindergarten. Pockets across the state might remain unserved (though in other states using this approach, such as Oklahoma and Wisconsin, 99 percent of districts participate).
- Over 120 non-Abbott districts currently receiving PEA funding applied to expand with the expectation that they would receive full funding even though the annual appropriation was not guaranteed.
- This option could impact property taxes in many districts and might initially require an exception to the 2 percent cap increase.

STATE FUNDING OPTION 4: EXPAND PRESCHOOL BY COMBINING THE SFRA AND KINDERGARTEN MODELS

The state could require and fully-fund preschool in districts with high concentrations of poverty (e.g., 40 percent, 20 percent or more children qualifying for free/reduced lunch). The state would fully fund all low-income children in districts with lower concentrations of poverty that opt in. Other districts could offer preschool to all children with the state providing a wealth-equalized state share of per-child costs.

Likely Benefits

- This option would also lower costs to the state budget compared to full state funding or the SFRA model.
- Most districts currently operating state-funded preschool would continue to receive full-funding.

Concerns

- Costs to the state budget would be higher than when there is a more limited local share, assuming enrollment is at least as high as in other options.
- This approach may take longer to reach universal access than options with a more limited local cost share, and a few districts may never opt in.
- This option could impact property taxes in some districts and might initially require an exception to the 2 percent cap increase.

OPTIONS FOR SCALING TO UNIVERSAL ACCESS

New Jersey has two options for scaling up to universal preschool access. The options have different implications for who is served and how quickly the program reaches universal coverage in the districts that offer preschool. For example, the current approach of adding districts willing to open even a very small number of classrooms produces a different pattern of expansion than prioritizing districts that plan to rapidly achieve universal coverage (which likely is easier to accomplish in districts that already offer preschool). The state could employ a mix of the two strategies to balance geographic expansion with saturation of high need communities that produces economies of scale and stronger child outcomes. The following descriptions explore these options:

SCALING OPTION 1: CONTINUING THE CURRENT APPROACH

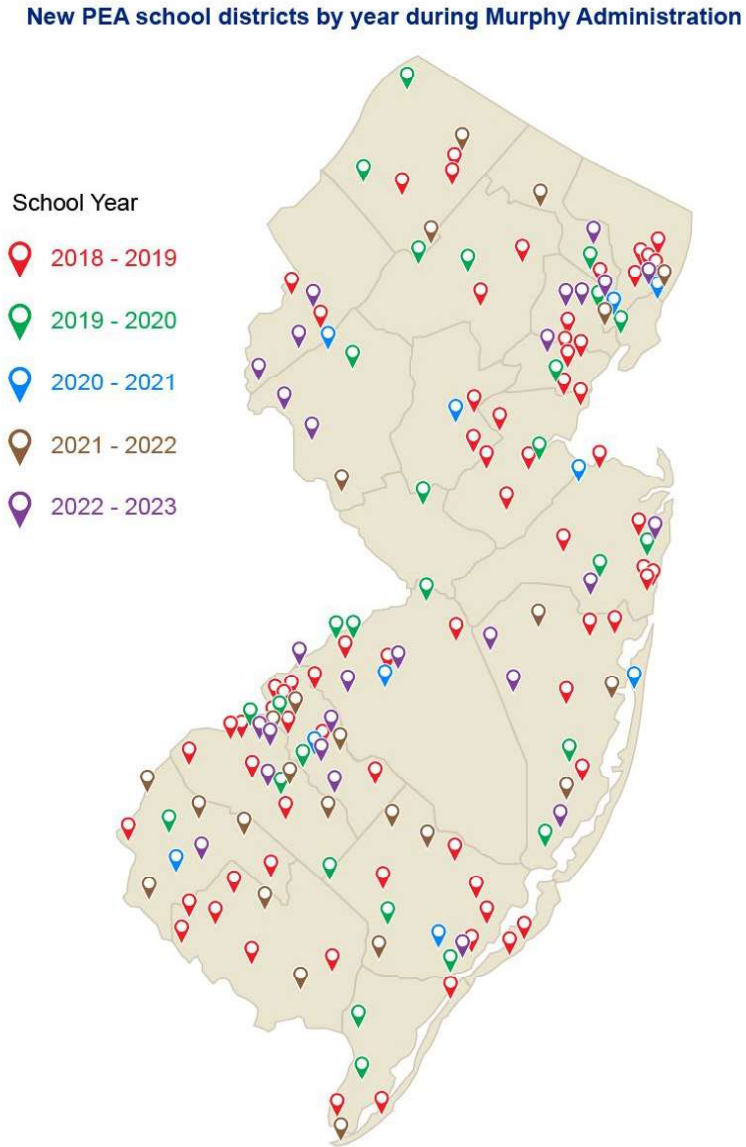
For the past five years, the state has allowed new districts with more than 20 percent of children qualifying for free or reduced-price lunch (FRPL) to apply for preschool funding as well as all districts that already receive state aid for preschool. In 2022, this was expanded to districts with more than 10 percent qualifying for FRPL. This approach prioritizes broad access across the state geographically but does not assure that districts provide universal access or that they prioritize enrolling the most disadvantaged children in their communities.

Likely Benefits

- Focusing on adding new districts each year provides more geographically diverse program access.
- Districts choose to apply when they are ready to implement preschool.
- Maximizing the number of eligible districts likely increases the take-up rate and speeds expansion.

Concerns

- Most of the newly expanded districts serve only a small percentage of their preschool children and do not have a firm deadline for universal access.
- There is no assurance that children with the greatest needs who would benefit most are enrolled.
- Efforts to recruit districts to apply increases costs.
- Universal coverage may be long delayed.



SCALING OPTION 2: PRIORITIZE DISTRICTS COMMITTED TO UNIVERSAL ACCESS

New Jersey could focus on reaching universal coverage by requiring that districts receiving preschool aid submit plans specifying a date to achieve universal coverage. This would likely focus expansion more within districts that already receive state aid for preschool but also would allow new districts to join if they are willing to commit to universal access. From a statewide perspective, this approach prioritizes universal coverage which assures that the most disadvantaged children will not be left out.

Likely Benefits

- Children with the greatest needs will be served in each community, improving equity and outcomes.
- When most children attend the program, peer effects and saturation increase long-term outcomes.[15]
- Programs operating at a larger scale are needed to adequately fund the full complement of district support and administrative staff essential for strong implementation, and economies of scale lower costs per child.

Concerns

- It may take longer for children in other parts of the state to receive state preschool.
- Districts unwilling to commit to universal preschool may delay offering any preschool.

Note: Currently, seven school districts do not offer full-day kindergarten and others offer it to only some of their students. During scaling, ensuring that all kindergarten students have access to full-day kindergarten will need to be taken into consideration.

OPTIONS FOR ESTIMATING ADEQUATE PRESCHOOL FUNDING LEVELS

Maintaining New Jersey's current high standard requires a substantial and sustained investment in direct services to children, district administration, teacher training, and facilities. It is necessary to periodically assess the adequacy of funding per child to support highly effective programs that will continue to produce the strong long-term outcomes the program produced in the past. The descriptions that follow explore options for assessing the adequacy of preschool per-child rates. Program size (economies of scale), labor markets, facilities and utilities costs, and needs of the student population can impact the cost to adequately fund preschool over time.

FUNDING LEVEL OPTION 1: USE A COST MODELING TOOL TO ESTIMATE PER-CHILD RATES

A cost modeling tool can be used to estimate the cost of implementing a high-quality preschool program with enrollment increases added each year. The modeling tool should provide detailed estimates of costs including such support services as classroom observations and program evaluation as well as classroom-associated costs and building and district level program administration. The tool should be adaptable to add more specifics as needed.

Likely Benefits

- The cost is low as this approach entails limited data collection and requires only staff and/or consultant time to conduct and review the estimation procedures and to evaluate the results.
- Cost estimates – current and future – can be produced within a few weeks or months.

Concerns

- When key information is unknown, modeling relies on assumptions that cannot be verified, potentially leading to less-accurate estimates.

- The pandemic, inflation, and labor market changes have affected early childhood programs in ways that increase uncertainty about current and future costs.
- Information is lacking on private provider costs compared to public schools, which makes it more difficult to accurately estimate contracted private provider costs per child.

FUNDING LEVEL OPTION 2: CONDUCT A STUDY OF CURRENT PROGRAM BUDGETS

More accurate information on appropriate program costs would be obtained by conducting a study of existing district and private provider budgets currently participating in the state preschool program. An analysis of these budgets would result in data to estimate the funding level necessary for districts and private providers to fully meet state standards. Subsequently, these estimates could be updated annually using a cost modeling tool and information on a few key cost drivers such as teacher and assistant salaries and benefits.

Likely Benefits

- Such a study will provide more accurate, up-to-date information on costs and how they vary by district and type of provider than is currently available for modeling.
- A cost study will instill greater confidence in the field that changes brought on by the pandemic and inflation are taken into account and that rates are accurate for all types of providers (including private and Head Start) and all regions of the state.
- Using existing budget data from current preschool program participants is less intensive, less costly, and quicker than conducting a statewide survey of costs (see Funding Level Option 3).

Concerns

- This approach is somewhat costlier and more time-consuming than relying on a cost modeling tool alone.
- Budgets may differ somewhat from actual costs, but differences are likely to be quite small on average.

FUNDING LEVEL OPTION 3: CONDUCT A COMPREHENSIVE, STATEWIDE COST STUDY

The most accurate cost information would be obtained by conducting a comprehensive, statewide cost study of districts, private providers, and Head Start agencies currently participating in the state preschool program. The most intensive version of this approach would obtain cost information directly through a survey of every participating program. In future years, estimates based on the survey could be updated based on periodic future surveys or projections based on information on a few key cost drivers. North Carolina recently used a preschool cost survey[16] to provide estimates for that state's legislature to use in setting funding levels.

Likely Benefits

- A comprehensive cost study is the most accurate method for estimating the per-child rates necessary to adequately fund preschool and understand how adequate rates per child vary by district and type of provider.
- A cost study will instill greater confidence in the field that changes brought on by the pandemic are considered and that rates are fair across districts and provider types.

Concerns

- This approach is costlier and more time-consuming than other outlined approaches.
- The state will need to require or strongly encourage that districts and contracted providers fully participate in a cost survey.

- The survey requires time and effort from preschool program providers who may also need some guidance on how to complete the survey.

CONSIDERATIONS FOR POLICIES THAT AFFECT FINANCING

In addition to the broad strategies discussed above, other more specific policies related to financing influence how quickly and successfully New Jersey can provide universal preschool throughout the state. The considerations that follow explore possible policy changes based on lessons learned from implementing New Jersey's existing preschool programs.

FUNDING POLICY CONSIDERATION 1: FACILITATE INCREASED PROGRAM ACCESS AND QUALITY IN THE REMAINING ECPA AND ELLI PROGRAMS

There are 23 school districts remaining in the former Early Childhood Program Aid (ECPA) program and Early Launch to Learning Initiative (ELLI) receiving partial funding to serve just under 2,000 preschoolers. These programs, which are no longer in effect, differ considerably from New Jersey's expansion model. Despite eligibility for preschool expansion funding, these districts have not applied and instead continue to offer programs with less stringent standards (e.g., larger class sizes), more limited eligibility and duration. Most children served in ECPA/ELLI districts attend half-day programs. Only 10 serve any three-year-olds. None collaborate with private providers.

Likely Benefits

- More children would be served in high-quality, effective programs, increasing equity and improving outcomes for children.
- Preschool funding calculations would be streamlined under one system, eliminating the need to conduct separate calculations for a very small number of districts.
- There is little oversight of program quality in the remaining ECPA and ELLI districts, and it would be more efficient for the state to extend oversight and support if they operated under the same standards as other districts.

Concerns

- Some ECPA and ELLI districts may choose to offer no preschool program without adequate supports and reasonable timelines to meet the "new" program standards.

FUNDING POLICY CONSIDERATION 2: DETERMINING AND PAYING FOR DISTRICT-WIDE COSTS

The preschool per-child rates include funding for district-wide costs (including coaches, nurses, professional development, preschool intervention and referral, and program supervision), but it can be difficult for districts to determine how much state funding to set aside to support these costs. Preschool aid could be reconfigured to pay for district-wide and building level (including private provider) costs separately. This could account for economies of scale and other variations that affect district-wide and individual child costs differently.

Likely Benefits

- Separating district-wide costs would relieve districts from the burden of determining how much funding to pull from state per-child rates, reduce tensions between districts and providers, and assure adequate funding reaches the classroom level.

Concerns

- The state would need to obtain relevant information from districts and manage the rate determinations.

FUNDING POLICY CONSIDERATION 3: STATE PRESCHOOL FUNDING AND THE SCHOOL FUNDING FORMULA

Although preschool rates are referenced in the SFRA, Preschool Education Aid is calculated and managed separately from state aid provided through the school funding formula for K-12. This leaves preschool distinguished as a discretionary program that is disconnected from the state's primary means of assuring that education funding is fair and adequate. Preschool funding could instead be integrated into the school funding formula.

Likely Benefits

- Managing preschool funding through the school funding formula system would indicate that state preschool is viewed as a permanent and integral part of public education in New Jersey with stable funding.[17]
- This would provide a clear signal of the state's vision for preschool as part of a continuous preschool through grade 12 educational system.

Concerns

- Adjustments are likely to be needed as districts scale up their programs. Preschool budget amounts would need to be based on something like projected enrollment increases instead of five-year growth rates until the program reaches maturity.
- The funding formula may need provisions to account for how the mix of in-district, child care and Head Start settings affects districts' operating costs as payments to child care and Head Start typically cover facility costs not included in operating costs for children served in public school buildings.
- To prevent misallocation, the preschool funding amount could be directed to a restricted fund that prevents shifting preschool funds to other uses.

FUNDING POLICY CONSIDERATION 4: LEVERAGE AVAILABLE FEDERAL FUNDING TO SUPPORT UNIVERSAL PRESCHOOL

Current preschool program costs are offset by federal dollars from special education and Medicare, federal food programs, Head Start, child care subsidy, and other sources. As the program expands, the state will continue to look globally across ECE funding streams to see where efficiencies may be made.

As originally proposed, the federal Build Back Better Act would have significantly offset the additional state funding needed to expand high-quality preschool. Estimates based on current state funding and full implementation of the original legislation suggest that New Jersey could have been eligible for $1.3 billion in federal funding, ultimately supporting almost 60 percent of the total cost of providing universal preschool.[18] Although no viable bills are currently proposed to provide additional federal funding for public preschool, New Jersey should remain vigilant in pursuing opportunities as they arise.

CONSIDERATIONS FOR IMPROVING AND EXPANDING PRESCHOOL FACILITIES

Achieving universal preschool at New Jersey's current high standard will require a substantial investment in facilities including upgrades to existing child care facilities, conversion of other facilities for use as preschool facilities, and new construction. To reach a credible threshold of enrollment for universal preschool, New Jersey needs to increase preschool enrollment by approximately 5,000 more children per year, which requires 333 classrooms per year. We estimate that 70 percent of the children remaining to be enrolled (a figure consistent with experience to date) are in private providers. With a target enrollment increase of 5,000 per year, this would be 3,500 children in 175 private provider classrooms with a need for 58 additional classrooms to meet the requirement of 15 students per classroom. Another 100 classrooms would be required annually for children not already attending a private program. Of course, some existing classrooms may not be converted to use for public preschool. Taking this into account, a rough estimate of the annual space needs for universal preschool is 166 new classrooms and 166 existing private provider classrooms. The considerations that follow explore short- and long-term strategies to expand the availability of adequate preschool facilities within New Jersey's mixed delivery system.

FACILITIES CONSIDERATION 1: PRESCHOOL FACILITIES STANDARDS AND WAIVERS

The DOE developed preschool facilities standards based on the best available evidence now used for nearly two decades. These standards are consistent with recommendations from the Child Welfare League of America, American Academy of Pediatrics, American Public Health Association, and federal General Services Administration.[19] They require more space per child than standards for most other states that are based on child care licensing standards. One way to balance the need for optimal facilities against the need to accelerate the pace of expansion to serve more children is to maintain standards but permit waivers for existing child care facilities. Such waivers could be permanent or time-limited depending on how far below standards a facility falls. For example, child care facilities that meet current Department of Children and Families (DCF) licensing standards differ much less from the DOE square foot requirements than those built under older DCF standards.

Likely Benefits

- Waivers for licensed child care facilities permit faster expansion of preschool to serve more children and equalize access to high-quality preschool, as they are available immediately and at a lower cost.
- Requiring plans with a fixed date for improvement or replacement of the facilities that do not meet current standards ensures that significant variations that impede quality are temporary.

Concerns

- The current minimum usable square footage requirements for DCF classrooms is just six percent lower than DOE standards if both are limited to 15 children per room. Although the smaller size of the child care classrooms may make some small difference, it may not be detectable and is unlikely to be large enough to justify delays in expansion to serve more children or the cost to replace them with new facilities.
- Child care classrooms that meet the older DCF standard even with 15 children provide 20 percent less space than the DOE preschool standard. Research is not precise enough to indicate how much this matters, but this seems like a noticeable difference for children and teachers.
- Waivers will allow more inequality in facilities quality but reduce inequality in whether children receive high-quality preschool at all.

FACILITIES CONSIDERATION 2: STANDARDS FOR NEW CHILD CARE FACILITIES

Even if all suitable, available facilities are utilized, some new facilities will likely be needed to ensure adequate capacity and quality. These could be constructed by raising DCF child care licensing standards for new facilities

serving children ages three and four so that there is one set of joint DOE-DCF standards. Such a policy change could be announced well in advance of its implementation to preclude adverse impacts on facilities planning and development.

Likely Benefits

- This will raise the quality of child care and preschool facilities to the benefit of the children served.
- Facilities standards alignment will support seamless integration of private providers into the state's universal preschool program.

Concerns

- Higher facilities standards for licensed child care could raise the cost of child care slightly.

FACILITIES CONSIDERATION 3: COUNTY-SPECIFIC FACILITIES PLANNING WITH STATE SUPPORT

The large number of small school districts in New Jersey makes planning preschool expansion to serve all children in a mixed delivery system complex and difficult for district administration. County-wide planning may facilitate the optimal use of Head Start and private provider agencies that serve multiple school district attendance areas, enhance shared services agreements across districts, and reduce demands on individual district administration. County-wide planning could be led and supported by DOE county office staff in partnership with county Child Care Resource and Referral agencies (CCR&Rs). Districts could cooperate with interested private providers in developing detailed plans to serve all children in a county including maximizing use of existing facilities before developing new facilities. This work would require technical support to populate a database on facility supply and demand with district-specific information. Such support should augment existing capacity in the DOE county offices and the CCR&Rs. Support would include: (a) a list of existing facilities serving preschoolers, whether they meet or depart from DOE standards and their expected lifespan (including Temporary Classroom Units that may need replacement); and (b) estimates of the numbers of three- and four-year-olds enrolled currently and projected. The facilities list could be geocoded to provide a map of facilities availability to compare with the estimated and projected need.

Likely Benefits

- A county database would allow private providers to indicate their willingness to partner in providing preschool, describe the facilities capacity they have, and identify their needs for facility upgrades. Districts would not need to seek out this information on their own.
- A county database would facilitate shared services agreements and other cross-district collaborations (private providers that serve children in more than one district) to meet program requirements.
- Expansion will be faster, more equitable, and better implemented if districts have realistic facilities plans to accommodate all eligible children and these plans are based on capacity in neighboring districts that could easily serve their children.

Concerns

- There will be costs to support planning and the initial development and on-going maintenance of the county databases. Costs may be minimized if a central state office supports one person in each county office who works in conjunction with those already engaged in county level planning for child care.
- Local district authority must be respected while encouraging and supporting joint planning across districts.

FACILITIES CONSIDERATION 4: SUPPORT FOR ADEQUATE PRESCHOOL FACILITIES

State financial support for facilities improvements in public and private settings could be provided through a combination of one-time start-up funding, a set-aside of annual funding, and inclusion of facilities costs in rates paid per child enrolled. Some facilities investments could be targeted based on county-wide facilities assessments to ensure maximum use of existing district and child care facilities prior to new construction. Increasing the length of private provider contracts could facilitate private investments in facilities improvement and construction.

Likely Benefits

- Start-up grants could be used for renovation to upgrade to DOE standards. For example, Alabama allows school districts and private providers to apply for up to $120,000 per classroom in start-up capital funding.
- As most private providers rent facilities, long-term contracts will increase private provider ability to acquire long-term leases for quality facilities and to persuade landlords to upgrade and maintain facilities to meet the specific needs of high-quality preschool.
- Allocating a specific portion of annual funding for facilities may prevent underinvestment in facilities and encourage proper maintenance.
- COVID-relief funding made available through the EDA to make improvements to child care facilities may help to support facilities development, especially if grantees are encouraged to meet DOE standards.

Concerns

- Capacity will be needed to review a constant stream of proposals for start-up funds.
- Specialized expertise will be required to support planning and efficient use of facilities' development which is complex, technical, and involves economic uncertainties and unique local circumstances.
- Restricting how funding is allocated between operating and facilities costs reduces local flexibility.

FACILITIES CONSIDERATION 5: ORGANIZATIONS TO ASSIST WITH FACILITIES DEVELOPMENT

In the FY23 budget, $120 million in federal American Rescue Plan (ARP) funds is allocated to upgrade existing classrooms and build new preschool facilities to ensure New Jersey can continue to deliver high-quality preschool through expansion efforts. In addition, $30 million more in ARP funds is allocated in the budget to the Economic Development Authority to support the improvement of child care provider facilities.

To supplement the above funding, the state could offer to assist with facilities development by private providers and public schools through one or more organizations. Private organizations such as the Early Learning Property Management[20] (ELPM) organization in Atlanta partnered with philanthropy to support facilities development by private providers. A state agency could be charged with providing similar facilities development services to public schools.

Likely Benefits

- A state organization could oversee or provide the following services: technical assistance on design and construction, management of development and construction, full or partial financing, the sale of publicly financed facilities to private providers, and management of facilities rented to private providers.
- State oversight of facilities improvements would facilitate full use of existing state funding streams eligible for private provider and/or public school use.

Concerns

- There could be a cost for staff to fulfill this new role.

INCREASING PRESCHOOL WORKFORCE CAPACITY

To achieve universal preschool at New Jersey's current high standard, we estimate that 5,000 new or upgraded classrooms will be required. The Abbott experience confirmed that the current teaching force in private provider classrooms is experienced and has interest in early childhood education as a profession. This valuable asset was critical to the rapid expansion and on-going success of the Abbott preschool program. However, using results from an extensive needs assessment conducted in 2009 to inform preschool expansion, an estimated 50 percent of the 3,000 – 4,000 current teachers in child care and Head Start centers will need to obtain a bachelor's degree to meet state preschool certification requirements.[21] This is not easy to accomplish when working a full-time, 40-hour per week, 12-month job and generally making up to $30,000 annually, typically without benefits. Most of the remaining teachers have a bachelor's degree but often without a P-3 teaching license and will need to enroll in an alternate route program. The considerations that follow explore ways to support current teachers in obtaining the degree and certification necessary to teach in state preschool classrooms.

WORKFORCE CONSIDERATION 1: PROVIDE SCHOLARSHIPS TO EXISTING CHILD CARE AND HEAD START TEACHERS TO OBTAIN CREDENTIALS WITHIN SIX YEARS

During scale-up, provide scholarship dollars to assist teachers in contracting private provider classrooms to become fully qualified. Scholarships could be provided in conjunction with existing state scholarship systems (e.g., Grow NJ Kids). Replicating the successful scholarship program offered under Abbott expansion, the state could allow contracting with private provider classrooms if the teachers are enrolled in a college teacher education program, including alternate route, and have a plan approved by an institution of higher education to complete the requirements for licensure within six years.

Likely Benefits

- Obtaining higher credentials will professionalize the current child care workforce and allow them to teach within the state preschool program.
- Preparing existing child care teachers will reduce the number of new teachers needed to achieve expansion goals.
- Child care centers and Head Start employ a more diverse workforce. Ensuring that the existing teachers stay in their jobs by supporting their educational attainment will maintain diversity.

Concerns

- The estimated cost of obtaining the credentials is about $43,320 per teacher over the course of six years, including tuition, books, and testing fees. However, the State can take advantage of existing federal programs to support scholarships costs. Also, preschool per-child rates support salary parity for certified teachers in private provider locations. The cost of providing scholarships to uncertified teachers may be largely offset by the difference in their salaries while still working towards certification.
- Some teachers may choose not to obtain certification within a reasonable timeframe and would then need to be replaced as lead teachers. During Abbott expansion, these teachers often chose to become assistant teachers or move into infant/toddler classrooms.

WORKFORCE CONSIDERATION 2: INCENTIVIZE CREDENTIAL COMPLETION

Institute a salary structure for teachers working toward the teacher license that would provide regular salary increases as they meet milestones toward completion (e.g., 30 credits, 60 credits, 90 credits). For alternate route candidates, provide salaries at 80 percent of the district salary scale as soon as they enroll in the alternate route program with full salary parity as the incentive to complete the program on time.

Likely Benefits

- Salary increases will motivate teachers to complete their certification within a six-year timeframe, decrease teacher turnover and provide compensation for increased knowledge.

Concerns

- Graduated increases while teachers are earning certification will lower the amount of offset per-child funding that can be used to pay for scholarships.
- Adjusting private provider budgets to account for lower teacher salaries will complicate the budget approval process.

WORKFORCE CONSIDERATION 3: INCENTIVIZE PARTNERSHIPS BETWEEN COUNTY AND FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION (IHE) TO FACILITATE PRESCHOOL TEACHER CERTIFICATION

County and four-year colleges can establish partnerships to marshal preschool teachers through the coursework necessary to obtain P-3 teaching certification. County colleges and four-year colleges could establish joint courses for freshmen and sophomores in which students from both institutions are enrolled. In this model, partnering IHEs would develop articulated programs to ensure continuity in coursework and assist in the management of tuition costs for students.

Likely Benefits

- County colleges are typically more adept at facilitating recruitment of non-traditional students, providing coursework in ways that are accessible to working students, and personalized advisement and mentoring of teacher candidates.
- Four-year colleges and universities have well-developed course content for completing early childhood teacher licensure as well as relationships with providers and districts to facilitate practicum and student teaching placements.

Concerns

- IHEs would need new funding to establish partnerships, plan for additional enrollment and hire additional faculty to meet the anticipated need. This might include short-term grant funding of, for example, $150,000 in the first year, and $50,000 for two subsequent years for 17 teams of strategically placed county and four-year IHEs to recruit and mentor preschool teachers in all 21 counties.

WORKFORCE CONSIDERATION 4: INCREASE BILINGUAL EXPERTISE AND DEVELOP "GROW YOUR OWN" TEACHER RECRUITMENT MODELS

About 30 percent of young children in New Jersey are Hispanic[22] and most of them speak Spanish at home. An additional 27 percent are Black or other minority.[23] However, only eight percent of K-12 teachers are Hispanic and nine percent are Black or other minority.[24]

To recruit and retain a qualified Spanish/English preschool teacher workforce, the State could implement a cohort support model for current private provider teachers who are fluent in Spanish, provide funding to become fluent in English for those that need it, and allow extra time for completion of the degree.

To increase persons of color in the teacher pipeline, the State could provide grants to districts serving majority students of color to establish "Grow Your Own" teacher development projects in coordination with area community colleges by providing high school coursework equivalent to six credits of ECE coursework.

Likely Benefits

- Bilingualism confers multiple lifelong advantages including greater achievement in school. Increasing the number of qualified bilingual ECE teachers allows school districts and their partners to support bilingual acquisition for all preschool children.
- All children benefit from having diversity in the teacher workforce.[25]

Concerns

- These considerations are targeted to specific teachers and districts. Other teachers, especially those who speak other non-English languages, and districts may object to being excluded.

WORKFORCE CONSIDERATION 5: ESTABLISH QUALIFICATIONS FOR ASSISTANT TEACHERS AS INSTRUCTIONAL ASSISTANTS

Research indicates that the professional preparation of preschool teacher assistants is associated with program quality. Like lead teachers, assistant teachers in New Jersey preschool classrooms should meet specific qualifications such as a Child Development Associate (CDA) credential or equivalent, develop annual professional development plans with their supervisor or coach, be provided with that professional development, participate in all professional development offered to teachers, and receive commensurate compensation and benefits.

Likely Benefits

- Increasing expectations for teacher assistants will elevate program quality by allowing them to serve as co-teachers and instructional assistants in the classroom.

Concerns

- Support and systems will need to be developed and implemented.
- Current assistant teachers may not meet these qualifications.

WORKFORCE CONSIDERATION 6: EXPLORE COMPARABLE BENEFITS FOR TEACHERS IN PRIVATE PROVIDER SETTINGS

New Jersey Administrative Code requires that public preschool teachers in child care and Head Start settings receive compensation that is “comparable” to their peers in public school classrooms, but compensation is often interpreted to represent only teacher salaries. Benefits (health care, retirement, paid time off) are an important component of an employee’s overall compensation and the disparity between benefit packages for teachers in public and nonpublic settings contributes to teacher turnover in private provider settings.

Likely Benefits

- Ensuring that comparable compensation includes both salaries and benefits will improve recruitment and retention of qualified teachers, reinforcing quality across mixed delivery settings.

Concerns

- Per-child costs will likely need to be adjusted to support comparable benefits.

CONSIDERATIONS FOR STRENGTHENING AND EXPANDING MIXED DELIVERY PRESCHOOL

Achieving universal preschool at New Jersey’s current high standard will require maintaining and enhancing the current mixed delivery model, in which preschool children are served in a combination of public school classrooms

and private provider settings, specifically child care centers and Head Start programs. A mixed delivery system takes advantage of existing private provider facilities to meet the goal of universal access while remaining responsive to parental choice and enhancing the benefits of preschool by raising quality for the entire birth to third-grade continuum. Kindergarten readiness, third-grade literacy, and college and career preparation are more attainable if all programs serving children under the age of five are adequately funded to provide the critical components of effective care and education. The following considerations explore ways to reinforce and expand the state's current mixed delivery system for public preschool.

MIXED DELIVERY CONSIDERATION 1: ESTABLISH A TIMELINE FOR DISTRICTS TO COLLABORATE WITH ALL WILLING AND ABLE PRIVATE PROVIDERS

Collaboration with all willing and able private providers is mandated in the Abbott districts and is the reason for the program's rapid early expansion. It is unlikely that the state will achieve universal preschool access without the capacity of private providers. Additionally, child care centers and Head Start agencies also provide services to other children and families including children at younger ages (and sometimes school-age); if three- and four-year-olds leave these programs, the administrative and other overhead costs must be borne by the remaining children and families, which could raise the costs of infant-toddler care and could force some out of business, and reduce supply.

Likely Benefits

- A timeline for mixed delivery when districts are not reaching their universe will set up many districts to reach all children without the unnecessary expense and time it takes to build new district facilities.
- Approximately 70 percent of preschool-aged children outside the state preschool program are receiving services in private provider settings. A timeline for mixed delivery will ensure that the private providers already serving these children won't lose them to the free public program.
- Reinforcing the role of private providers in the care and education of young children supports these small businesses (which are often owned by minority women) and the individuals they employ (also often minority women).
- Collaboration with Head Start agencies offers a cost savings by leveraging the federal funding used to serve children in Head Start centers. It also leverages the additional services Head Start agencies are required to provide for low-income children and families.
- The early learning expertise in existing child care and Head Start programs can be valuable to school districts that typically have no experience with operating preschool classrooms.

Concerns

- There may be some efficiencies lost by serving children across multiple types of settings.
- Some districts may resist the expectation, but there is strong and successful precedent from the Abbott experience.

MIXED DELIVERY CONSIDERATION 2: IMPLEMENT STRATEGIES THAT MAKE COLLABORATION MORE ATTRACTIVE TO DISTRICTS AND PRIVATE PROVIDERS

Even within the context of a timeline for collaboration, the State can explore incentives that make collaboration a more attractive endeavor for districts and private providers. Private providers could be offered funding through a quality set-aside for non-contracted classes (i.e., other age groups, especially infants and toddlers) and wrap-around care.[26] The State could also build upon existing systems of shared services to assist districts and providers with the provision of such things as coaching, preschool intervention and referral, professional development, benefits, materials procurement, and accounting services (for private providers).[27]

Likely Benefits

- Shared service agreements are an effective mechanism for providers and districts to pool resources to strengthen business and teaching practices. Especially in districts with a small universe of children, alliances would help create efficiencies in hiring preschool-related staff.
- Agreements would encourage the kinds of cross-district partnerships that result in the exchange of best practices and lessons learned.

Concerns

- State level facilitation may be needed to establish systems of shared services as the program expands across the state.

MIXED DELIVERY CONSIDERATION 3: IDENTIFY DISTRICTS AND PRIVATE PROVIDERS WITH STRONG COLLABORATIVE PRACTICES TO SERVE AS MENTORS TO OTHERS

The Abbott districts have almost 25 years of experience with mixed delivery. Some of these districts have particularly strong collaborative practices that can be documented and shared with districts that are newer to mixed delivery preschool. In fact, some other Abbott districts may benefit from this information as well.

Likely Benefits

- Instead of asking districts and private providers to figure out collaborative relationships on their own, the state can leverage examples of successful mixed delivery to give them a head start.
- Districts each tend to approach collaboration differently, which can cause confusion when private providers share experiences with each other, and especially when private providers work across several districts. Documenting best practices with the expectation that districts and providers implement them resolves inconsistencies across the state.

Concerns

- State time will be needed to investigate and document the best practices.

MIXED DELIVERY CONSIDERATION 4: STRENGTHEN COUNTY-WIDE SUPPORT TO ENSURE EARLY AND ON-GOING COLLABORATION WITH PRIVATE PROVIDERS

Within the county-wide structure outlined above, the DOE will have information on the availability and willingness of private providers to participate in the state preschool program and where providers can add to districts' capacity to serve children. This information will help the DOE to differentiate between situations where districts and providers are unwilling to collaborate versus situations where districts and providers are unable or unavailable to collaborate. The DOE can then engage with districts and providers to mitigate the issues preventing successful collaboration.

Likely Benefits

- Increased state monitoring and support for mixed delivery will signal the state's commitment to a mixed delivery system.
- Increasing the DOE's understanding of the issues preventing collaboration will lead to better guidance and policies to support mixed delivery in the long-term.

Concerns

- The State will need to build capacity, especially at the county level, to effectively engage with the large number of districts and providers to resolve issues inhibiting collaboration.

MIXED DELIVERY CONSIDERATION 5: ESTABLISH A PRESCHOOL SUBCOMMITTEE TO THE NEW JERSEY COUNCIL FOR YOUNG CHILDREN (NJCYC) TO IMPROVE DISTRICT AND PROVIDER COLLABORATIONS

Although New Jersey's mixed delivery system is one of the most robust in the country,[28] there are opportunities to improve the system. Communication between the state, school districts, and private providers can be improved to achieve more uniform implementation of program rules and standards across settings and to clarify guidance to facilitate successful expansion. A formalized subcommittee of the NJCYC focused specifically on preschool implementation could be used to strengthen the mixed delivery system. Membership should adequately represent preschool stakeholders, influential organizations and thought leaders in early learning who can provide informed recommendations.

Additionally, this committee could advise on facilities issues and develop recommendations to create incentives, minimize barriers, and reduce costs for facilities development. Preschool facilities development is complex, and we have found no examples of statewide systemic approaches to preschool facilities funding anywhere in the country.

Likely Benefits

- A subcommittee would reinforce the role of the NJCYC as a body responsible for advising the state on policy issues related to universal preschool.
- The scope of the NJCYC goes beyond preschool and can ensure that recommendations consider the entire birth-3rd grade continuum of care and education.
- The DOE can use feedback from the subcommittee to clarify and/or strengthen guidance to support collaboration.

Concerns

- The structure of the NJCYC would dictate that subcommittee recommendations go through the larger Council, and then to the DOE through the Interdepartmental Planning Group (IPG). The IPG consists of the administrators from each of the state's departments with oversight of programs and services for children from pregnancy to age eight, including the Head Start Collaboration Director. Especially during the initial years of expansion when implementation decisions may be needed quickly, the timing and frequency of NJCYC and IPG meetings may delay the time it takes for critical recommendations to reach the level of attention needed to facilitate successful collaboration.

MIXED DELIVERY CONSIDERATION 6: DEVELOP STRATEGIES TO SUPPORT INFANT AND TODDLER CARE

Expansion of state-funded preschool programs may have unintended adverse effects on programs serving infants and toddlers. Infant and toddler care is expensive, largely because of the lower adult-to-child supervision ratios required, so revenue from preschool classrooms, with higher ratios, are often used to offset these costs.[29] Public preschool does not allow funds to be used to off-set other costs, resulting in the full cost of infant and toddler care being covered by tuition rates that are difficult for many families to afford. Additionally, higher funding for public preschool classrooms provides an incentive to convert infant and toddler space into preschool space. Both are likely to result in a reduction of care for infants and toddlers.[30] The State could provide funding incentives to ensure the adequate and affordable provision of infant and toddler care even while public preschool expands. One possibility is a set-aside to improve quality in infant and toddler classrooms within collaborating private providers.

Likely Benefits

- Providing a safeguard for infant and toddler care will ensure that working families still have access to affordable care for young children.

- Raising the quality of infant and toddler care will have a positive impact on the trajectory of children before they even reach preschool.

Concerns

- Additional funding would be needed to ensure stability in the provision of infant and toddler care.

CONCLUSION: ACTION STEPS TOWARD IMPLEMENTATION

This *New Jersey Strategic Plan for Preschool Expansion Phase I: The Foundation* provides broad considerations for achieving universal access to effective preschool education. Specific action steps are recommended to operationalize and enact this plan:

1. Hold information sessions with key stakeholder groups including those in public school, Head Start, private preschool programs, and higher education, as well as parent groups, advocates, and others.
2. Identify and map key needs and resources for expansion such as availability and quality of facilities, teachers, teaching assistants, administrators, and support in each county (ideally for each district) and aggregate these up to inform state level decisions.
3. Create an updated scaling plan and budget based on aggregated county reports. This will project over time the expected needs for funding and staffing—including at the state-level—to make high quality preschool education available to every child in New Jersey.

During this planning period, preschool expansion continues in districts throughout the state. The FY23 budget advances the Governor's goal of universal pre-K with an additional $68 million for preschool. This includes $40 million to create almost 3,000 more preschool seats in new districts.[31]

The Murphy Administration has proposed a bold plan to make New Jersey's public preschool program the most robust in the nation. When fully implemented statewide, no other state will match New Jersey in providing universal preschool access to children at the quality necessary to achieve lasting benefits.

ENDNOTES

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Exhibit IA-3 – Email Communication from Melissa Pearce of NJDOE to NBBOE and others with subject line "Hudson County Preschool Expansion Meeting Invitation" dated February 20, 2023

From: Pearce, Melissa <Melissa.Pearce@doe.nj.gov>
Date: Mon, Feb 20, 2023, 5:57 PM
Subject: Hudson County Preschool Expansion Meeting Invitation
To: Yeo, Grace <gyeo@sboe.org>, Daniela Riser <driser@sboe.org>, Michelle Rosenberg <mrosenberg@alkschool.org>, Jolene Mantineo <jmantineo@alkschool.org>, George Solter <gsolter@northbergen.k12.nj.us>, Steven Somick <ssomick@northbergen.k12.nj.us>, ecrespo@weehawken.k12.nj.us<ecrespo@weehawken.k12.nj.us>, mwhitfor@weehawken.k12.nj.us<mwhitfor@weehawken.k12.nj.us>, Francesca Amato <famato@weehawken.k12.nj.us>, Dennis Degnan (DDegnan@bboed.org) <ddegnan@bboed.org>, Castles, Daniel <dcastles@bboed.org>, John Niesz <jniesz@bboed.org>, Rosaura Bagolie <rbagolie@eastnewarkschool.org>, edandrea@eastnewarkschool.org<edandrea@eastnewarkschool.org>, Kearny Juan Faciolince <jfaciolince@kearnyschools.com>, Flora Encarnacao <fencarnacao@kearnyschools.com>

I'm writing to invite you to join a series of conversations about the expansion of public preschool in Hudson County. The National Institute for Early Education Research (NIEER) at Rutgers University was asked by the Governor's Office and Department of Education (DOE) to develop a report for each county in the state outlining what is needed to offer universal public preschool. To inform these reports, we'd like to get your insights on some of the opportunities and challenges for preschool expansion efforts in our county. NIEER will be facilitating 3 virtual meetings with a small group of school districts and private preschool providers, along with staff from the DOE's County Office, the DOE's Division of Early Childhood Services, and our Child Care Resource and Referral Agency.

We hope you (or a designee) are willing and able to join us. The first 2 meetings are scheduled as follows:

Meeting 1, Friday, March 10, 10-11 am
Please register in advance: https://rutgers.zoom.us/meeting/register/tJUud-ivpzIpHNGkZhYPS2sv93xfBSOgWEct

Meeting 2, Wednesday, March 22, 2-3:30 pm
Please register in advance: https://rutgers.zoom.us/meeting/register/tJUpf-Guqj0uGdwOCkZnKuJA6AuYFHi3_xTx

After registering, you will receive a confirmation email containing information about joining the meeting. The third meeting will be scheduled in a few months, after NIEER has drafted our county report.

Please let me know if you have any questions or concerns. For additional background information, you may find it helpful to look through the Governor's Strategic Plan for Preschool Expansion. We look forward to your important contributions to the conversation.

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION

Notification of Funding Opportunity

Preschool Education Aid (PEA)

2022-2023

Angelica Allen-McMillan, Ed.D.
Acting Commissioner
New Jersey Department of Education

Contact:
Cary A. Booker
Assistant Commissioner
Division of Early Childhood Services

Contact Number: (609) 376-9077

doeearlychild@doe.nj.gov

Proposal Due Date:
November 22, 2022
12:00 p.m.

Table of Contents

I. Program Information

1.1 Program Description

This funding notification is to announce the availability of Preschool Education Aid (PEA) to increase access to high-quality preschool for three- and four-year-old children in the 2022-2023 school year. The final FY 2023 budget appropriation included $40 million to increase the number of school districts offering high-quality state-funded preschool and the overall number of New Jersey children served in high-quality preschool programs. Excluding school districts that are already fully funded (e.g., districts formerly known as Abbott and current PEA districts), districts are eligible for funding to increase the number of children served, the length of program day offered, and the quality of the programs.

The New Jersey Department of Education (Department) intends that school districts implement this program beginning no later than January 9, 2023. Priority will also be given to school districts implementing a mixed delivery model (i.e., contracting with Head Start and licensed child care providers). Additional consideration will be provided to Early Childhood Program Aid (ECPA) and Early Launch to Learn Initiative (ELLI) funded districts who can transition to Preschool Expansion.

1.2 Eligibility to Apply

Districts already offering a state-funded general education preschool program (ECPA/ELLI) may apply to expand their current program to serve more children or to offer longer hours. Districts who do not receive state funding for preschool but have a Free and Reduced Price Lunch (FRPL) percentage of 10 percent or greater are eligible. Districts that are fully funded for preschool are not eligible to apply for this funding. Priority consideration will be given to districts with higher FRPL percentages via the following process:

- Districts at 20 percent FRPL or above, with successful applications, will receive priority funding.
- Districts at 15-19 percent FRPL, with successful applications, will be eligible to receive funding in the second round of consideration.
- Districts at 10- 14 percent FRPL, with successful applications, will be eligible to receive funding in the final round of consideration.

Districts at 10-19 percent FRPL are encouraged to apply due to the FY23 expansion of preschool funding.

1.3 Statutory/Regulatory Source and Funding

The application and implementation of the program must be in conformance with all applicable state and federal regulations. The Administration, in concert with prevailing early childhood research, recognizes that providing our youngest learners with high-quality early education will have long-lasting benefits to the children served, their families, and the communities they live in. The FY 2023 budget agreement will invest $40 million in new preschool funding to continue expanding high-quality preschool education across the state.

From the amount appropriated for Preschool Education Aid, the Commissioner of Education shall provide State aid to districts to provide free access to full-day preschool for three and four-year-old children residing in the school district in accordance with the preschool quality standards adopted by the Commissioner. The Commissioner shall determine which districts shall receive Preschool Education Aid based on a district's demonstration of its readiness to operate a preschool program consistent with the preschool quality standards.

1.4 Dissemination of this Notice

Through the Division of Early Childhood Services, the Department makes notice of this funding opportunity available to eligible districts in the State of New Jersey, as described above in Section 1.2, Eligibility to Apply. Superintendents, School Business Administrators, Executive County Superintendents, and Executive County Business Officials in eligible districts will receive notification of the availability of these funds via correspondence dated October 21, 2022.

Copies of this application are available on the Division of Early Childhood Services webpage or by contacting the Division of Early Childhood Services at the New Jersey Department of Education at doeearlychild@doe.nj.gov

1.5 Technical Assistance Workshop

The Division of Early Childhood Services will host **mandatory** Technical Assistance (TA) Workshops for all Preschool Education Aid (PEA) applicants. **If you attended a Technical Assistance Workshop in July 2022, you are not required to attend one of these sessions.** The workshops are scheduled for Wednesday, October 26 from 2:00 p.m. -3:30 p.m. or Friday, October 28 from 1:30 p.m. – 3:00 p.m. It is recommended that districts identify a team of administrators to participate in the technical assistance workshop. The last thirty minutes will be spent discussing the budget portion of the application. Business Administrators may wish to participate in that portion. Districts must send a minimum of one district staff member or district consultant to be eligible to apply. If districts plan to apply collaboratively, a staff member or district consultant from each district in the collaboration must attend. Please email doeearlychild@doe.nj.gov with the session you wish to attend and the names and email addresses of the district representative(s) on the virtual meeting. A link to the selected session will be sent. Districts are only required to attend one of the two sessions and must stay for the entire presentation. The sessions are identical, so there is no need to attend both. **The registration deadline is 12:00 p.m. on Thursday, October 25, 2022.**

1.6 Proposal Submission

Applicants must upload required application documents via NJ Homeroom **no later than 12:00 p.m. on November 22, 2022.** If you have any issues submitting via Homeroom, please contact your in-district Homeroom administrator. The Department will **not accept a late proposal**. The responsibility for a timely submission resides with the applicant. The applicant district will not be eligible for an award if the proposal is **incomplete** or **received after the due date.**

1.7 Budget Reporting

Districts should refer to the Division of Early Childhood Services District Budget Planning Workbook Instructions for Preschool Education Aid for 2022-2023.

1.8 Disbursement of Funds

Funding will be disbursed evenly across the district's remaining state aid payments for FY 2023 using 218 as the fund and program codes for PEA. Funding may be expended immediately upon initial disbursement if start-up supplies are needed (furniture, classroom materials, supplies, staff training, etc.). All funding is contingent upon approval.

II. Project Guidelines

Applicants must submit a completed PEA Application and PEA Budget Statement, using the forms provided by the Department of Education due November 22, 2022.

2.1 Program Requirements

- Only eligible children may be supported with PEA funding. Eligible children are defined as a resident, general education three- and four-year-old children. Age eligibility should be determined using the same date used by the district for kindergarten enrollment. Note that children currently in the program cannot be displaced during expansion.

- The district must have space to operate classrooms or plan with existing child care providers or Head Start agencies for collaboration. Districts contracting with private child care providers or Head Start agencies are required to submit a letter of intent between the district and the provider pending funding by the Department of Education. The letter of intent must include the signatures of the administrator for the district and provider. If approved, districts will execute a signed provider or Head Start contract and distribute funding based on costs outlined in the provider budget workbook. The Department will provide districts with a contract template.

- Children with disabilities must be placed in the least restrictive environment. Each proposed general education preschool classroom must be considered for placement of preschool children with disabilities. This is beneficial for all children and in compliance with federal and state law. Please note that you will be required by federal law to ensure that your self-contained preschool disabled classrooms must meet the same length of day as your PEA classrooms. Note that PEA does not support costs for preschoolers with disabilities. Funds for students with disabilities in the general education classrooms will be required to be represented in the PEA budget workbook.

- The projected class size may not exceed 15 children in all general education PEA-funded preschool classes and must be served in a full day program.

- Regardless of the setting, preschool classroom teachers must hold a bachelor's degree and, at a minimum, a certificate of eligibility or certificate of eligibility with advanced standing for preschool through grade three or other equivalent preschool certification as set forth in NJAC 6A:9B.

- The proposed program follows the general district's school calendar and length of day (minimum 180 days and 6 hours).

- Districts must meet the NJAC 6A:13A, Elements of High Quality Preschool Programs and Abbott Preschool Program Implementation Guidelines, which delineate higher standards, including, but not limited to: Master Teachers/Coaches, Preschool Intervention and Referral Specialists (PIRS) trained in the Pyramid Model, and use of a developmental screening tool on all incoming children upon entry. Districts must demonstrate a plan to hire appropriate staff to meet the requirements of the program.

- The proposed program must implement a research-based curriculum model approved by the Department and meet the Division of Early Childhood Services' Preschool Teaching and Learning Standards.

- The district must have an existing or newly established Early Childhood Advisory Council (ECAC) or equivalent. The ECAC provides an opportunity for diverse stakeholders to review community needs data, evaluate and identify the needs of the children and families and serve as a conduit for resources to address those identified needs. The ECAC is representative of the community and should include, but not be limited to, the following groups: parents, representatives from the school district, child care providers, Head Start (if applicable to the district), municipal agencies, health professionals/agencies, higher education, and other child and family

Field Code Changed

Field Code Changed

advocates that can provide resources and supports and work collaboratively for continuous improvement of program quality.

- Funded districts and contracted sites must enroll in Grow NJ Kids and complete the Grow NJ Kids self-assessment during the 2024-2025 school year and begin the rating process in the 2025-2026 school year

- No temporary classroom units (TCU's) or other temporary facilities, as defined in NJAC 6A:26, shall be used for preschool classrooms.

- All contracted providers and Head Start programs shall apply to participate in the Child and Adult Care Food Program (CACFP). *Private providers should be aware of CACFP requirements and application timelines prior to entering into a signed agreement with the Board of Education in order to ensure a smooth transition. For more information on the CACFP and to begin the application process, private providers should contact Steven Kraemer at* NJCACFP-PEA@ag.nj.gov.

Although not required, the following factors lead to more comprehensive and equitable programs

- Offering dual language programs (e.g., English-speaking children learn Spanish while Spanish-speaking children learn English in a systematic and well-planned curriculum).

- Placing no more than two to three children with IEPs in a general education classroom.

2.2 Cost Proposal

Costs of Full-day Programs

For full-school day programs of at least six hours, per-pupil funding will be provided commensurate with the county rates listed below:

Costs of Full-Day Programs
2022-2023

County	District	Provider	Head Start
ATLANTIC	$13,495	$15,168	$8,381
BERGEN	$13,993	$15,728	$8,690
BURLINGTON	$13,710	$15,410	$8,515
CAMDEN	$13,598	$15,283	$8,445
CAPE MAY	$13,127	$14,754	$8,152
CUMBERLAND	$13,268	$14,913	$8,240
ESSEX	$14,252	$16,019	$8,851
GLOUCESTER	$13,509	$15,183	$8,389
HUDSON	$14,397	$16,182	$8,941
HUNTERDON	$14,039	$15,779	$8,719
MERCER	$14,043	$15,784	$8,721
MIDDLESEX	$13,986	$15,720	$8,686
MONMOUTH	$13,857	$15,574	$8,605
MORRIS	$14,171	$15,928	$8,801
OCEAN	$13,474	$15,144	$8,368
PASSAIC	$13,773	$15,481	$8,553
SALEM	$13,509	$15,183	$8,389
SOMERSET	$14,416	$16,204	$8,953
SUSSEX	$13,745	$15,449	$8,536
UNION	$14,175	$15,993	$8,803
WARREN	$13,449	$15,116	$8,352

Note that the above per-pupil amounts are intended to support both the direct cost of serving children in classrooms and the district-wide oversight of the program. See budget workbook instructions for more detail.

2.3 Allowable Use of Funds (see PEA Budget Workbook Instructions for further details)

PEA funding may only be used to support the cost of serving eligible children in a high-quality preschool program. The eligible population of children is defined as follows:

- General education children who are three-and four-years-old based on the same district cut-off date used for kindergarten enrollment; and
- Children who meet residency requirements of the applicant district(s). If multiple districts collaborate to offer this program, children must meet the residency requirements of one of the partnering districts.

PEA funds may be braided with other funding sources but may only be used in accordance with the line items provided in the PEA Budget Workbook. The proposed budget uses PEA funds only as allowed; otherwise, the district is not eligible (see budget workbook instructions).

The total number of children served and/or duration (length of day) must increase with these funds. If private child care agencies contract with the district to provide a preschool program, they may not increase their profits with this funding.

Existing special education or federal funding sources used to support preschoolers cannot be supplanted by PEA; the district's share of special education or local funding to support preschoolers with disabilities must be included on the budget workbook (see budget workbook instructions).

III. Completing the Application

To apply for funds under this program, each applicant must submit a complete PEA Operational Plan, including all Excel tables and the 2022-2023 PEA Budget Workbook. Narrative responses should total no more than 2 pages per section. Please use the application checklist below as a guide to ensure all components of the district's application are complete and included.

Application Checklist

(add x or ✓ in column 2)

Required Sections	**Included**
Award Proposal Title Page	
Budget Workbook, including:	
Table 1: Enrollment	
Table 2: Capacity	
Table 3: Providers	
Table 4: Teachers	
Table 4a: Teachers' Assistants	
Schedule A Personnel	
Provider Per Pupil Amounts	
Budget Planning Worksheet	
Operational Plan Overview	
Program Plan Components	
Facilities Floor Plans (with square footage)	
Statement of Assurances	
Certified Board Resolution	

IV. Award Selection

Committees consisting of Department staff and other early childhood education experts will evaluate all eligible applications. Applicants must complete the 2022-2023 PEA Application, which will be evaluated based on quality, comprehensiveness, completeness, accuracy, and appropriateness of response to the guidelines and requirements. Applicants may request Information about their evaluation scores by writing to the Department Application Control Center. The Department reserves the right to withdraw from consideration any application that does not include each component to be evaluated and scored in the evaluation process. Eligible applications who meet the cut score will be ranked and funded in descending order, from highest to lowest score and utilizing the priority rankings identified in section 1.2 above , until available funds have been used. Reviewers will use the points indicated in each section to score the application content.

Preschool Education Aid FY 2022-2023 (PEA) Award Proposal Title Page

Title of Program: Preschool Education Aid 2022-2023

Division: Early Childhood Services

Office: Preschool Education

District Name: _____

County Name and County Code: _____

District Name and Code: _____

Address:_____

City:_____ State: _____ Zip: _____

Primary Contact: _____

Telephone Number: (_____)_____ Fax#: (____)_____

Email:_____

Business Administrator: _____

Telephone Number: (_____)_____ Fax#: (____)_____

Email:_____

Duration of fiscal period from: _____ to _____ (mm/dd format)

Total Amount of PEA Funds Requested: $_____

Date of Board Resolution: _____

Attach the Board Certified Resolution or provide the date of expected board resolution.

Proposal Certification: To the best of my knowledge and belief, the information contained in the proposal is true and correct. The document has been duly authorized by the governing body of this agency and we will comply with the attached assurances if funding is awarded. I further certify that the proposal is complete.

_____ _____ _____

Signature of Chief School Administrator Print Name Date

Applicants must upload required application documents via NJ Homeroom, no later than 12:00 p.m. on November 15, 2022. The New Jersey Department of Education *will not accept a late proposal*. The responsibility for a timely submission resides with the applicant. The applicant district will not be eligible for an award if the proposal is incomplete or received after the due date.

V. Application Narrative

The purpose of the 2022-2023 Preschool Expansion Aid (PEA) Application is to provide a comprehensive description of how the school district will implement each required component of a high-quality preschool program for three- and four-year-old children as detailed in the New Jersey Administrative Code (NJAC) 6A:13A and in the New Jersey Department of Education (NJDOE), Division of Early Childhood Services Preschool Implementation Guidelines.

A school district's plan should be built around the Preschool Program Implementation Guidelines, NJAC 6A:13A: Elements of High-Quality Preschool Programs, the Preschool Classroom Teaching Guidelines, preschool program assessments including the Early Childhood Environment Rating Scale-Third Edition (ECERS-3), curriculum-specific program assessment tools (where appropriate), Grow NJ Kids, New Jersey's Quality Rating and Improvement System (QRIS), and any other data source specific to the school district's preschool program.

5.1 Operational Plan Overview (5 points)

Provide a general overview of the district's FY 2023 proposed preschool program operational plan. Listed below are questions the district must address in the narrative:

1. Describe your current preschool program, including demographics and community services/resources offered to the preschool children and families. **Note: Five priority points will be given to current ECPA or ELLI districts whose base score is 70 or higher.**

2. What is the vision of your preschool program? How would additional funding support it?

3. Does your district include preschool in your Title I need assessment?

5.2 Outreach, Recruitment, Enrollment and Facilities (10 points)

1. Describe the strategies the district has in place for serving eligible preschool students, with a five-year plan to serve 90% of the universe of three- and four-year-olds. What efforts will the district implement to recruit and place preschool children, especially the hardest to reach families (e.g., recent immigrants, low-income, teen parents, etc.) and work towards serving the universe?

2. Note that districts are highly encouraged to contract with community child care programs and/or Head Start agencies to offer a high-quality preschool program within a mixed delivery system to serve eligible children. **Note: Districts who contract with Head Start and/or private providers will be given ten (10) priority points if the base score is 70 or higher.**

Please address the specific items below:

a. The program will begin operation no later than October 3, 2022. Please note the projected start date, if earlier.

b. What methods will the district use to attract hard-to-reach families, and how will the district commit to serving a large proportion of low-income children?

c. When applicable, what collaborative arrangements will the district make with community child care programs and/or Head Start to provide services to eligible children?

d. Provide evidence that the plan is based on knowledge of community needs.

Preschool Universe

NJAC 6A:13A, Elements of High-Quality Preschool Programs, 'Universe of eligible three- and four-year-old children means all three- and four-year-old general education children eligible for preschool pursuant to the School Funding Reform Act (PL 2007, c. 260)." The preschool universe is calculated as twice the first-grade enrollment in the district's traditional public, charter and renaissance schools. Note: When applicable, districts can use a lottery system for enrollment, consideration should be given to children whose families are income eligible.

3. Please provide enrollment projections for the general education students for the next five years in the Enrollment Projections table below.

Enrollment Projections for General Education Students

School Year	Universe	Projected Enrollment	Percentage of Universe Projected	Percentage of Universe Served
2022-2023				
2023-2024				
2024-2025				
2025-2026				
2026-2027				

4. Planned recruitment efforts.

Add an X or ✓ in column 2 for all that apply.

Develop promotional materials (e.g. flyers, postcards, bookmarks, magnets, signs)	
Direct outreach to community locations (e.g. churches, grocery stores, day care centers, etc.)	
Engage community leaders to help get the message out	
Engage local service clubs and organizations (e.g., Rotary, Elks) to help promote your program	
Write a feature news story or media announcement for the local newspaper	
Convene the Early Childhood Advisory Council (ECAC) in planning your outreach	
Participate in special community events to help promote your program	
Identify different segments of the community to target your communications	
Utilize billboards and transit advertising	
Conduct an open house, tour, or another kick-off event	
Schedule speaking engagements for program leaders	
Produce and distribute public service announcements to local media	
Utilize social media (e.g. Facebook, Twitter, Instagram) in your outreach efforts	
Devote more staff time to your outreach efforts	
Respond promptly to telephone, website and social media inquiries	
Provide additional information and training sessions for staff to help get the message out	
Seek resources from the community (e.g., marketing consultation)	
Seek businesses or nonprofits in your community willing to help you promote your program	
Locate available resources for advertising your needs and developing an outreach plan	
Other (please specify):	

Facilities

Please complete the facilities chart below for all preschool general education / inclusion classrooms. Do not include preschool self-contained classrooms.

All district and provider classrooms must meet facilities requirements of 950 square feet (inclusive of closets, bathroom, and built-in units) or at a minimum of 750 square feet of instructional space. Districts will be required to provide the total square footage for all projected PEA-funded preschool classrooms in-district and at provider and at contracted provider sites as part of the application.

District must submit floor plans identifying the total square footage for each classroom that will be used for PEA funded preschool classrooms.

Yes	
No	

Facilities Chart

Site **(School, Childcare Private Provider and/or Head Start)** **(i.e. name of provider or district building)**	**Class** **(i.e. Classroom #1)**	**Class size** **(i.e. total sq. footage)**	**Bathroom in classroom** **(Y/N)**	**Bathroom** **In line of sight if not in the classroom** **Y/N/NA** ***in line of sight – is the bathroom visible from the classroom?**	**Floor level**

5.3 Community Collaboration and Family Engagement (10 points)

Refer to the section on Family and Community Involvement in NJAC 6A:13A and in the Preschool Program Implementation Guidelines.

NJAC 6A:13A-4.6 (c) 1. The membership of the council shall consist of stakeholders in the community, as well as parents, contracting private providers, and the local Head Start agency, if applicable, with new representation added as needed; and 2. Elected co-chairs shall preside at quarterly council meetings.

1. Please describe your plan for creating an Early Childhood Advisory Council (ECAC) in responding to the questions below. If your district has an equivalent entity, provide the mission statement, membership roster, and collaboration with the community. Additional information about the Early Childhood Advisory Council can be found in the Preschool Program Implementation Guidelines (page 22).

2. In the Family Engagement Staff table below, please provide the name, title, and email address for each of the in-district family services professionals, including the Community Parent Involvement Specialist (CPIS), working directly with preschool families:

Family Engagement Staff

Title	Name	Indicate if the individual is serving in multiple roles in the program

3. Describe how the needs of preschool families will be assessed throughout the school year.

4. List the proposed activities, meetings, and trainings offered to preschool families in the 2022-2023 school year.

5. How will the district identify families who may need referrals to resources in the community?

6. What will be the process for families to request support and/or referral to local and state-wide social service agencies?

7. For districts that propose to partner with providers. How will the district collaborate with the family workers in contracted child care and Head Start programs? Please include training and other supports offered to these individuals.

8. What will be the primary responsibilities of the Early Childhood Advisory Council (ECAC)?

9. Will the ECAC collaborate with the local County Council for Young Children and/or any other community stakeholder group? (i.e., Human Services Advisory Council, Central Intake Advisory Council) (add x or ✓ in column)

Yes	
No	

If yes, list community stakeholder groups:

10. List the proposed ECAC membership roster in the ECAC Membership Roster table. Please include agency/family member/stakeholder titles and identify the leaders of the council. Stakeholders can include community institutions, local businesses, community colleges, houses of worship, and health agencies.

ECAC Membership Roster

Name	Title and Organization	Indicate if district employee or stakeholders

11. What are the plans for the recruitment of ECAC members? Please describe planned activities:

12. Describe how the ECAC will ensure parents are informed and engaged in the work of the council.

13. What method of assessment and evaluation of the effectiveness of the ECAC will be used?

5.4 Transitions (5 points)

Refer to the section on Transition in New Jersey Administrative Code 6A:13A, and in the Preschool Program Implementation Guidelines. NOTE: All school districts should have a transition team.

1. Who will make up the district transition team, and what are their positions/roles?

2. How will the district ensure collaboration among preschool administrators and other areas (i.e., special education, bilingual, K-third grade teachers, nurses, family workers, social workers, Head Start, and contracted providers)?

3. What strategies will be in place for preschool and kindergarten alignment of curriculum, standards, assessment, and professional development?

4. How will the district use Title 1 funds for transition activities from preschool to kindergarten and kindergarten first grade?

5. List projected transition activities for each category. Please be as specific as possible.

The Projected Transition Activities

Category	Children	Families	Teaching Staff
From early intervention to preschool			
From self-contained to a preschool inclusion class			
From home to preschool			
From a nursery school/day-care program to your program			

Category	Children	Families	Teaching Staff
From preschool (district-operated, child care, and Head Start) to kindergarten			

5.5 Preschool Administration and Health and Safety (10 points)

Refer to the section on Administrative Oversight in New Jersey Administrative Code 6A:13A, and in the Preschool Program Implementation Guidelines.

Note: The appointed supervisor/administrator responsible for the preschool program must hold the appropriate New Jersey Supervisor's Certificate or New Jersey Principal's Certificate and have experience in preschool education. Refer to 6A:13A-4.1(a) for administrative ratio requirements.

1. Fill in the "Administrative Oversight" table below for each administrator, including the appointed supervisor(s) as described above, who will be involved in overseeing the preschool program. Please note the primary program supervisor and any additional site supervisors.

Administrative Oversight

Title	Name	Email Contact Information	Certification	Number of years of preschool experience	Other district responsibilities unrelated to preschool

2. Describe preschool administrators' background and experience in preschool.

3. Describe the training that administrators will receive in the selected curriculum.

Teachers and other staff are qualified as required: preschool classroom teachers hold a bachelor's degree and, at a minimum, a certificate of eligibility or certificate of eligibility with advanced standing for preschool through grade three or other equivalent preschool certification as set forth in NJAC 6A:9B.

4. Please describe changes to staffing or plans for new hires:

Health and Safety

Refer to the section on Health and Nutrition in New Jersey Administrative Code 6A:13A, and in the Preschool Program Implementation Guidelines.

Note: As per code (NJAC 6A:13A), the following services should be provided to preschool children and their families:

- Health screenings (vision, hearing, dental, height, and weight screenings)
- The Division of Early Childhood Services recommends that screenings occur within the first 30 days of school. Families should be notified of the screenings at the beginning of school.

5. List the 2022-2023 proposed schedule of health screenings for preschool children of the Health Screening table below:

2022-2023 Proposed Schedule of Health Screenings

Health Screening	Projected completion Date
Vision	
Hearing	
Dental	
Height/Weight	

5. How will the district ensure that nurses are employed at a ratio of 1:300 children for preschool children enrolled in provider, Head Start, and district classrooms?

6. Please list the proposed health-related family education programs (e.g., nutrition, lead screening, and asthma) and the proposed schedule for 2022-2023?

7. Please list the professional development the nurses will provide to classroom teachers and children within the 2022-2023 school year.

8. Does your district participate in the National School Breakfast Program and the National School Lunch Program? (add an X or ✓ to indicate your choice.)

Yes	
No	

If no, please explain.

5.6 Coaching Supports: Master Teachers/Coaches, PIRS/PIRT (10 points)

Refer to the sections on Master Teachers/Coaches in New Jersey Administrative Code 6A:13A (c) (d) and in the Preschool Program Implementation Guidelines.

Note: Master Teachers should dedicate most of their time to classroom visits, coaching and supporting teachers through the reflective cycle, and follow-up discussions with teachers regarding children's learning and instructional practices.

Master Teachers should not have any teacher, supervisory or evaluator responsibilities.

The Master Teacher must have the following qualifications and experience:

- A master teacher appointed on or after September 1, 2007, shall, at a minimum, hold a preschool through grade three or equivalent preschool certification, as set forth in NJAC 6A:9B.
- Three to five years' experience teaching in preschool programs;
- Experience in implementing developmentally appropriate preschool curricula;
- Experience with a range of appropriate early childhood assessments, including performance-based assessment instruments and classroom quality assessment instruments; and
- Experience providing professional development to classroom teachers.

1. Fill in the "District Master Teachers" table below based on the total number of preschool classrooms in your program. Note that the position(s) should be filled at one full-time Master Teacher ratio per 20 preschool classrooms. **Note: If necessary, indicate any positions for 2022-2023 that are unfilled at the time by entering "To be hired" in the name column.**

District Master Teachers (Coach)

Name	Number of Assigned Classrooms	Indicate date of completion of Master Teacher Fellow Seminar, if applicable.	Indicate if the Master Teacher is serving in multiple roles in the program (i.e., CPIS, PIRT).	Please note the percentage of time that the individual will serve in the Master Teacher role for the district.	Please indicate if the individual is a district employee, shared service with another district or outside contracted consultant.

2. Please describe how the Master Teacher(s) role will be filled, including how they will provide expertise to support teaching and learning specific in the chosen curriculum.

3. If the district plans to contract with Head Start, what efforts will be in place to coordinate with the Head Start coach?

Preschool Intervention and Referral Specialist/ Pyramid Model Coach (PIRS) and Preschool Intervention and Referral Team (PIRT)

Every district must provide the services of a PIRS and a PIRT.

Fully state-funded preschool programs are required to hire a PIRS/**coach** to support teachers in social/emotional and behavioral practices. The recommended ratio is no more than 20 preschool classrooms for each full-time PIRS/Coach. The PIRS can be a combined position. The **PIRS** is the coach, a single individual with preschool experience, providing support to teachers to implement the Pyramid Model of behavioral support. As needed, the PIRS "consults" with a team of experts (PIRT) to provide support and suggest interventions to teachers so that all children can succeed within the general education classroom.

The **PIRT** can include preschool teachers, special education teachers, behavior specialists, psychologists, learning disabilities teacher-consultants, school social workers, speech and language pathologists, or other specialists supervised by the school district preschool administrator.

Roles/Responsibilities of the PIRS:

- **Coaching** preschool teachers on the implementation of the Pyramid Model for Supporting Social Emotional Competence in Infants and Young Children, aka, The Pyramid Model. (National Center for Pyramid Model Innovations)
- A substantial amount of time, but less than that devoted to classroom visits, will be dedicated to planning for and providing professional development for classroom teachers.
- Provide ongoing professional development based upon PBS pyramid for district staff
- Conduct classroom observations using the Teaching Pyramid Observation Tool (TPOT) at least once per classroom per year

Please note: New PIRS will be required to go through the Pyramid Model e-module training and PIRS Seminar to turnkey the Pyramid Model training to district staff in 2022-2023.

4. Please provide the name, Title (specialty, if any), and email address for each PIRS, also indicating if they have received Pyramid Training, TPOT training and if TPOT reliable. **Note:** If necessary, indicate any positions for 2022-2023 that are unfilled at the time by entering "To be hired" in the name column.

Preschool Intervention and Referral Specialist(s) (PIRS)

Name	Number of Assigned Classrooms	Indicate date of completion of Preschool Intervention and Referral Specialist (PIRS) Seminar, if applicable.	Indicate if the PIRS is serving in multiple roles in the program (i.e., Master Teacher, CPIS).	Please note the percentage of time that the individual will serve in the PIRS role for the district.	Please indicate if the individual is a district employee, shared service with another district or outside contracted consultant.

The primary role and goal of the PIRS and PIRT are to provide support and suggested interventions to teachers so that all children can succeed within the general education classroom.

5. Please describe how the role of the PIRS will be filled, including how they will provide expertise to support social emotional learning and development.

6. If the district plans to contract with Head Start, what efforts will be in place to coordinate with the Head Start coach?

The district board of education shall conduct a **developmentally-based** early childhood screening assessment for **each child** as recommended by the developer:

- Identify children with broad indicators of potential problems which may require further assessment; and
- Determine if a child needs a comprehensive diagnostic assessment.

7. What developmental screening tool will your district administer (i.e., Early Screening Inventory-R, Early Screening Inventory-3, Ages and Stages Questionnaire-ASQ)?

8. Who will administer the screening tool?

9. When will the screening be conducted?

5.7 Curriculum Implementation, Child Assessment, and Supporting ELL (15 points)

In the space below, please identify your district's preschool curriculum. If your district is not yet implementing an evidence-based, comprehensive curriculum that meets all of the Preschool Teaching and Learning Standards, please refer to the NJDOE's Early Childhood Curriculum and Assessment webpage. Aligned curricula starting in the 2022-2023 school year will include Connect for Learning, High Scope, Tools of the Mind, and Creative Curriculum.

Districts are encouraged to use the performance-based child assessment instrument that is tied to the comprehensive preschool curriculum, such as High/Scope's Child Observation Record and the Creative Curriculum's Teaching Strategies GOLD. Except for developmental screenings and diagnostic testing or random assessment as part of a Department-approved research design, no standardized testing should be administered on preschool children.

1. What curriculum are you planning to implement in your preschool program? (Select one by adding an X or ✓)

Creative Curriculum	
Connect 4 Learning	
High Scope	
Tools of the Mind	

2. If already in implementation, please note the curriculum choice (including edition), the number of hours of professional development in curriculum completed, and years of implementation.

3. Describe the proposed plan to use performance-based child assessment, such as Teaching Strategies GOLD or High Scope, COR Advantage, or Work Sampling.

4. How will classroom teachers use the performance-based child assessment data to plan for instruction?

5. How will the individual child assessment data be shared with families?

Supporting English Language Learners (ELL)

Refer to the section on Supporting English Language Learners in the Preschool Program Implementation Guidelines.

Note: The optimal classroom model for enhancing the learning and development of English Language Learners is through the support of both the child's home language and English.

The purpose of the Home Language Survey is to identify needed supports. Language proficiency screening tools are not appropriate for making placement decisions about three- and four-year-olds.

6. Will all preschool families given the Home Language Survey at registration?

Field Code Changed

(add an X or ✓ to indicate your choice.)

Yes	
No	

If no, please explain.

7. If applicable to your demographics, what percentage of bilingual preschool teaching staff will be employed in 2022-2023?

8. List the three primary strategies the district will use to ensure that English Language Learners receive needed supports in preschool classrooms.

9. How will families of English Language Learner (ELL) preschool children be supported?

5.8 Inclusion of Children with Individualized Education Programs (15 points)

The district board of education shall ensure the inclusion of preschool children with disabilities in general education settings to the maximum extent possible **as set forth in NJAC 6A:14-4.2(a)1. Districts should be working towards a rate of a minimum of 50% of preschoolers with disabilities in the general education setting.**

Ensure that preschoolers with disabilities are included in general education classrooms with ratios guided by naturally occurring proportions. Naturally occurring proportions are defined as including the same percentage of children with disabilities in general education classrooms as the percentage of their presence in the general population of the preschool program (Policy Statement on Inclusion, 2015). **It is recommended that students with disabilities be dispersed 2-3 children per class throughout all general education classrooms.**

1. Outline the district's plan to ensure the inclusion of preschool children with disabilities in general education settings to the maximum extent possible. The program should be designed to provide appropriate support for preschool children with disabilities during the regular routine, such as adaptive activities and materials, adjusted schedules, and integrated therapies**.**

2. Outline the district's plan for special education staff, master teachers, and PIRS/PIRT and/or I&RS (Intervention and Referral Services) to consult with and support teachers to address goals. (It is not necessary to have special education teachers in each classroom.)

3. Describe the district's plan for providing integrated therapies to children. Pull-out services are not recommended and should be used on a minimal basis, if at all.

4. Describe how classroom teachers will participate in all meetings throughout the IEP process and provide input through the utilization of the Review of the Preschool Day.

5. In the Two-Year Projection table below, complete a two-year projection on the inclusion of preschoolers with disabilities.

Two-Year Projection: Inclusion of Preschoolers with Disabilities

School Year	Projected # of students on IEPs	Projected # of students on IEPs included in general education settings	Projected inclusion rate	Actual # of students on IEPs	Actual # of students on IEPs included in general education settings.	Actual Inclusion rate
2022-2023						
2023-2024						

5.9 Program Evaluation and Professional Development (10 points)

Program Evaluation

1. Describe measurable methods of program evaluation and the effects on children. Include information about the district's planned program evaluation methods. Include evidence of the use of structured observation tools (i.e., Early Childhood Environment Rating Scale – Third edition, curriculum fidelity checklists, Teaching Pyramid Observation Tool, etc.). [See the Preschool Program Implementation Guidelines as a reference.]

2. Outline how data will be used to inform program planning and improvement. The program evaluation plan will result in valid Information that will be useful in program development and planning for individual children.

3. Outline the district's plan to participate in Grow NJ Kids. In-district programs and all contracted provider sites will be expected to enroll in Grow NJ Kids complete the program self-assessment, develop and utilize a quality improvement plan and then proceed through the rating process after one year of program implementation. Information on how to enroll can be found at https://njccis.com/njccis/help

Professional Development

4. Will the district use your Title 1 needs assessment to identify preschoolers' professional development (PD) topics?

(add an X or ✓ to indicate your choice.)

Yes	
No	

5. Describe in detail the PD plan for the current school year. Include evidence that the professional development (PD) plan is systematic and comprehensive; the plan must address all preschool-funded staff, including support for ELL, inclusion, integrated therapies, appropriate assessment, as well as positions such as security guards, bus drivers, etc. [See the Preschool Program Implementation Guidelines as a reference.]

6. What data sources will the district use to inform the PD plan (e.g., child assessment data, teacher and/or family survey data, ECERS-3, etc.)?

7. What training will be provided to all staff to be aware of the various language, culture, and ethnic backgrounds of the families served?

8. Indicate PD topics differentiated for different preschool staff (e.g., Pyramid, TPOT, ECERS-3, Early Screening Inventory revised or 3rd edition (ESI-R or ESI-3), health and safety-related to COVID19, virtual learning enhancement, child development, etc.)

Specifically address PD offered to:

- Nurses
- Coaches
- CPIS and social workers
- Administrators, including school district, child care, and Head Start directors (if applicable)
- Families
- Bus drivers/cafeteria workers, etc. (related to specialty and including an overview of the preschool program and developmentally appropriate practices)

9. How will the district provide professional development on using structured observation tools (e.g., ECERS-3, TPOT, curriculum fidelity tools) for coaches to facilitate preschool inclusion?

5.10 Monitoring and Budget Narrative (10 points)

1. In the Fiscal Oversight table below, indicate the Business Administrator and/or Fiscal Specialist(s) who will monitor and track all preschool expenditures, including district, provider budgets, contract compliance, and state fiscal reviews. **Not applicable is not an appropriate response.**

Fiscal Oversight

Title	Name	Email Contact

2. Provide a list of supports (budget development, expenditure guidance, etc.) that will be offered to private providers and Head Start to ensure contract compliance. (Districts that do not contract should skip this question)

3. Describe one-time costs such as renovation, playground enhancements, and start-up costs for classrooms.

4. Include a narrative of funded district positions and planned expenditures.

5. Describe intentions to contract with Private Providers or Head Start, including associated costs. Please Note: Letters of intent to contract with private providers and Head Start must be included with your application.

6. Include costs for professional development, curricular materials, and family engagement expenses.

Statement of Assurances

As the duly authorized chief school administrator/school business administrator of the applicant agency, I am aware that submitting the accompanying application to the New Jersey Department of Education (NJDOE) constitute the creation of a public document, and I certify that the applicant agency:

- Has the legal authority to apply for the funds made available under the requirements of the announcement, and has the institutional, managerial, and financial capacity to ensure proper planning, management and completion of the project described in this application.

- Will give the NJDOE, or its authorized representatives, access to, and the right to examine, all records, books, papers, or documents related to the award and will establish a proper accounting system in accordance with generally accepted accounting principles (GAAP).

- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of, personal or organizational conflict of interest, or personal gain.

- Will comply with provisions of the Public School Contracts Law: *N.J.S.A*. 18A:18A-1, *et seq.*, and other relevant state laws and regulations as well as its principals and subgrantees, for all grant awards in excess of $25,000.00, is not presently debarred, proposed for debarment, declared ineligible, suspended, or voluntarily excluded by any federal agency from receiving federal funds in accordance with Executive Orders 12549 and 12689.

- Will comply with Section 6002 of the Resource Conservation and Recovery Act (RCRA), P.L. 94-580, codified at 42 U.S.C. 6962 if the applicant is an entity of state and/or local government and will give preference to the purchase of recycled materials identified in U.S. EPA guidelines (40 CFR Part 247-254).

- Will comply with all federal and state statutes and regulations relating to nondiscrimination. These include, but are not limited to:

  (A) Title VI of the Civil Rights Act of 1964 (P.L 88-352; 34 CFR Part 100) which prohibits discrimination on the basis of race, color or national origin;

  (B) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686; 34 CFR Part 106), which prohibits discrimination on the basis of sex;

  (C) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794; 34 CFR Part 104), which prohibits discrimination on the basis of handicaps;

  (D) Section 503 of the Rehabilitation Act of 1973, as amended (41 CFR Parts 60-741.5(a)), as applicable, which requires affirmative action in employment;

  (E) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq*.; 45 CFR Part 90), which prohibits discrimination on the basis of age, and

  (F) the Americans With Disabilities Act of 1990, as amended (P.L. 101-336), which guarantees equal opportunity for individuals with disabilities.

- Will comply with Executive Order 11246, “Equal Employment Opportunity,” dated September 24, 1965, as amended by Executive Order 11375, dated October 13, 1967, and as supplemented by the regulations at 41 CFR Part 60.

- Will comply with the provisions of the Drug-Free Workplace Act of 1988, as implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610.

- Will comply with the provisions of the Drug Free Schools and Communities Act Amendments of 1989, as implemented at 34 CFR Part 86, Subparts A-E (institutions of higher education only).

- Will comply with the provisions set forth in the facilities efficiency standards wherein preschool classrooms shall have 950 square feet in total with a minimum of 750 square footage of usable space and shall be no higher than the second floor of a building as defined in *N.J.A.C. 6A:26* and shall not be located in the basement.

- Will comply with the provisions of full day general education and full day self-contained classrooms.

Applicant Agency:

Signature of Chief School Administrator:

Signature of School Business Administrator:

Date:

Resources

NJAC 6A:13A, Elements of High Quality Preschool Programs Preschool Code (PDF)

Preschool Teaching and Learning Guidelines (PDF)

2022 – 2023 Budget Workbook Instructions

2022 - 2023 Budget Workbook

2022 – 2023 Private Provider Contract

2022 - 2023 Head Start Contract

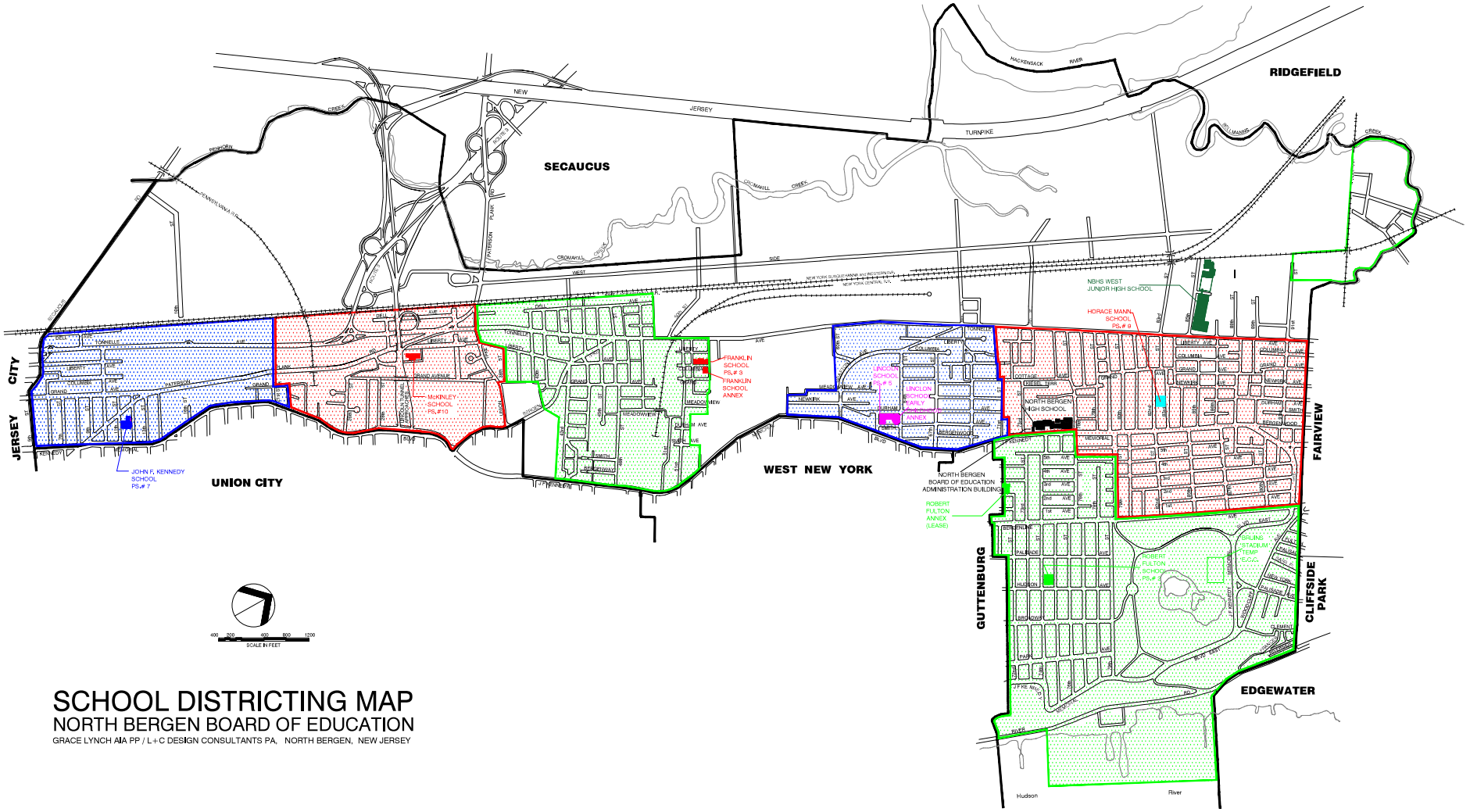
Grow NJ Kids Website

National Center Pyramid Model Innovations

Field Code Changed

Field Code Changed

Field Code Changed



SCHOOL DISTRICTING MAP

NORTH BERGEN BOARD OF EDUCATION

GRACE LYNCH AIA PP / L+C DESIGN CONSULTANTS PA, NORTH BERGEN, NEW JERSEY

N.J.A.C. 6A:26, Educational Facilities

Table of Contents

Chapter 26. Educational Facilities

Subchapter 1. General Provisions

6A:26-1.1 Purpose and applicability of rules

The rules are adopted by the New Jersey State Board of Education to implement the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c.72, as amended and as defined in N.J.S.A. 18A:7G-1, as well as to consolidate, conform, and update other rules relating to educational facilities in this State. The rules are adopted to ensure that the educational facilities in the State are safe, healthy, and educationally adequate to support the delivery of the thorough and efficient education to which all students are entitled, as defined by the New Jersey Student Learning Standards. The rules apply to all district boards of education in the State. To the extent these rules are inconsistent with other rules in Titles 6 and 6A of the New Jersey Administrative Code, the rules in this chapter shall take precedence.

6A:26-1.2 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise:

"24-hour school facilities" mean facilities that host residents on-site year round, require the availability of water at all hours, employ staff on site 24 hours a day, and/or are care facilities, such as hospitals with educational programs provided at the facilities.

"Additional costs" means the additional construction costs beyond the area cost allowance for construction or the costs beyond reasonable estimated actual costs for rehabilitation if such costs are the result of factors outside the control of the school district, provided that either type of costs results from design factors that are required to meet the facilities efficiency standards and are approved or authorized pursuant to N.J.S.A. 18A:7G-5(g).

"Additional space" means space in excess of facilities efficiency standards.

"Adjusted gross square footage" means the gross square footage of a facility less excluded spaces.

"Annual maintenance budget amount" means the amount required to be included in the school district's annual budget certified for taxes as a deposit into the maintenance reserve account or in the required maintenance line-item accounts.

"Application for State School Aid" or "ASSA" means the application filed pursuant to N.J.S.A. 18A:7F-33, on a form issued by the Commissioner, in which a school district sets forth student enrollment by category and other pertinent information.

"Approved area for unhoused students" means the product of the area allowance per FTE student times the number of unhoused students.

"Approved LRFP" or "approved plan" means an LRFP that conforms to the requirements of N.J.A.C. 6A:26-2 and that has been determined by a Commissioner's final determination to ensure the school facilities are educationally adequate to support over the next five years the achievement of the New Jersey Student Learning Standards.

"Area allowance per FTE student" means 125 square feet for preschool through grade five, 134 square feet for grades six through eight, and 151 square feet for grades nine through 12.

"Area cost allowance" means as set forth in N.J.S.A. 18A:7G-3.

"Building system" means a set of related or similar building components that work together to perform a major function in a building or facility.

"Capital maintenance" means maintenance intended to extend the useful life of a school facility, including upgrades and replacements of building systems, such as structure, enclosure,

mechanical, plumbing and electrical systems, and can be considered to constitute or be part of a school facilities project.

"Capital project" means a school facilities project, other capital project or land acquisition project.

"Capital reserve account" means as defined in N.J.A.C. 6A:23A-1.2.

“Certified laboratory” means a laboratory certified pursuant to the provisions of N.J.A.C. 7:18.

"Comprehensive Annual Financial Report" or "CAFR" means the official annual report of a governmental unit that includes all funds and account groups, as defined in N.J.A.C. 6A:23A-1.2.

"Comprehensive maintenance plan" means a school district’s multi-year maintenance plan covering required maintenance activities for each school facility in the school district adopted pursuant to this chapter.

"Cost index" means the average annual increase, expressed as a decimal, in actual construction cost factors for the New York City and Philadelphia areas during the second fiscal year preceding the budget year as determined pursuant to rules promulgated by the Development Authority.

“County vocational school district” means a county vocational school district established pursuant to N.J.S.A. 18A:54-1 et seq.

"Debt service" means as set forth in N.J.S.A. 18A:7G-3.

“Development Authority” means the New Jersey Schools Development Authority established pursuant to N.J.S.A. 52:18A-237.

"District aid percentage" means the number, expressed as a percentage derived from dividing the school district's equalization aid calculated pursuant to N.J.S.A. 18A:7F-53 as of the date of the Commissioner's determination of preliminary eligible costs by the school district's adequacy

budget calculated pursuant to N.J.S.A. 18A:7F-51 as of the date of the Commissioner's determination of preliminary eligible costs.

"District board of education" means the local board of education or State district superintendent in the case of a State-operated district.

"District factor group" means an index of socioeconomic status established by the Department of Education based upon indicators available in the decennial census. School districts are arranged in 10 groups, DFG A through DFG J, A being the group with the lowest socioeconomic status, J the highest.

“Division” means the Department’s Division of Administration and Finance.

“Drinking water outlet” means any location at a school facility, other facility, or temporary facility, as those terms are defined in this section, where water is expected to be used for consumption or food preparation.

"Educational adequacy" means, for purposes of a school facilities project, the suitability of a facility to provide instruction that will enable students to achieve the New Jersey Student Learning Standards and will encompass the facilities efficiency standards combined with the requirements of N.J.A.C. 6A:26-5.

"Educational space" means any space in a school facility for general instruction, specialized instruction, administration or student services and support.

"Emergency stabilization" means actions taken by a school district to correct and eliminate an actual or imminent peril to the health and safety of students or staff designed to render a school facility fit for occupancy by students or staff.

"Emergent condition" means a condition is so injurious or hazardous that it causes an imminent peril to the health and safety of students and staff.

"Emergent project" means a capital project necessitating expedited review and, if applicable, approval, in order to alleviate a condition that, if not corrected on an expedited basis, would render a building or facility so potentially injurious or hazardous that it causes an imminent peril to the health and safety of students or staff.

"Estimated actual costs" means costs as determined pursuant to N.J.A.C. 6A:26-2.3 or 3.4.

“Excess costs” means as set forth in N.J.S.A. 18A:7G-3.

“Excluded space” is an existing space that is not contained in the facilities efficiency standards but may be included in a school district’s approved room inventory that would be structurally or fiscally impractical to convert to other uses in the facilities efficiency standards as demonstrated by the school district and that:

1. Delivers programs and services aligned to the New Jersey Student Learning Standards; or
2. Provides support services directly to students.

"Facility" means a structure or building as further defined in this section by the terms school facility, temporary facility or other facilities.

"Facilities efficiency standards" means the standards developed by the Commissioner pursuant to N.J.S.A. 18A:7G-4.

“Feasibility study” means a study undertaken to determine whether a school facilities project is achievable in view of possible identified factors that may influence the project’s design or construction, including, but not limited to, applicable Federal, State and local laws; physical site conditions; market conditions; and costs and benefits. For example, such a study may be a pre-construction evaluation undertaken by a school district to determine whether it would be more feasible to replace rather than renovate a school facility because of health and safety or

efficiency. It may also consist of a pre-land acquisition evaluation to determine whether it would be more feasible to acquire land for a school facilities project because of health and safety, efficiency, environmental factors, physical site conditions, or cost.

"Filing year" means the year in which the comprehensive maintenance plan is filed with the executive county superintendent.

"Final eligible costs" means as set forth in N.J.S.A. 18A:7G-3.

"Final plans and specifications" means the plans and specifications utilized to bid a capital project and to undertake and complete its construction.

"FTE" means as set forth in N.J.S.A. 18A:7G-3.

"Functional capacity" means the number of students that can be housed in a building to provide sufficient space for the building to be educationally adequate for the delivery of programs and services necessary for student achievement of the New Jersey Student Learning Standards. Functional capacity is determined by dividing the adjusted gross square footage of a school facility by the minimum area allowance per FTE student for the grade level students contained therein.

“Grant cycle” means the amount of annual funding available, as determined by the Commissioner, for section 15 grants for school facilities projects in RODs, other than county vocational school districts.

"Gross square footage" means the total square footage of a school facility.

"Inconsistent space" means spaces that differ from the facilities efficiency standards in number, configuration, size, location, or use.

"Land acquisition" means an acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site. Land acquisition is either an eligible cost of a school facilities project or an other capital project not eligible for funding pursuant to EFCFA.

“Lead action level” means the lead action level established by the United States Environmental Protection Agency at 40 CFR 141.80 for lead in drinking water.

"Lease-purchase agreement" means any agreement under which the school district leases equipment or school facilities as the lessee, and gives the school district the option of purchasing the leased property during or upon termination of the lease with credit toward the purchase price for all or part of rental payments that have been made by the school district in accordance with the lease-purchase agreement.

"Lease-purchase payment" means as set forth in N.J.S.A. 18A:7G-3.

"Local funding" means the funds supplied by a school district to finance the total costs of an other capital project.

"Local portion" means the amount of school bonds issued for a school facilities project funded under N.J.S.A. 18A:7G-9 or 10.

"Local share" means as set forth in N.J.S.A. 18A:7G-3.

"Local support" means the local share or the local portion.

"Long-range facilities plan" or "LRFP" means the plan required to be submitted to the Commissioner by a school district pursuant to N.J.S.A. 18A:7G-4.

"Maintenance reserve fund" means the account established by a school district pursuant to N.J.S.A. 18A:7G-13 into which it deposits monies to be used exclusively for required maintenance of school facilities.

"New construction" means a school facilities project that consists of either:

1. New school facilities; and/or
2. Additions to school facilities characterized by an increase in the gross square footage of the school facility and that is necessary due to unhoused students.

“New Jersey Student Learning Standards” means the standards established pursuant to N.J.S.A. 18A:7F-4.a.

“Other allowable costs” means the cost of temporary facilities; site remediation; site development; acquisition of land/or other real property interest necessary to effectuate the school facilities project; fees for the services of design professionals, including architects, engineers, construction managers, and other design professionals; legal fees; permitting and plan review fees; financing costs; and the administrative costs of the Development Authority or the school district incurred in connection with the school facilities project.

“Other capital projects” means all projects, or portions thereof, that are 100 percent locally funded, including:

1. Capital projects for the construction or rehabilitation of other facilities;
2. Leased school facilities, other facilities or temporary school facilities, unless used as temporary space for a school facilities project in accordance with N.J.A.C. 6A:26-3.14, subject to Department review of the terms and conditions of the lease, in the case of school districts for which the State share of eligible costs for school facilities projects is 100 percent;
3. Eligible capital projects for which a school district is not seeking State support; and
4. Projects for which there are no costs eligible for State support.

“Other facilities” means athletic stadiums; swimming pools; any associated structures; or related equipment tied to such facilities, including, but not limited to, grandstands and night field lights,

greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building, or facility used solely for school administration.

“Preconstruction activities” means the activities that must be undertaken prior to completion and submission to the Department of a school facilities project application for approval and calculation of preliminary eligible costs. Such activities can include site analysis, acquisition of land, remediation, site development, feasibility studies, design work, and acquisition of and design work for temporary facilities.

"Preliminary eligible costs" means the initial eligible costs of a school facilities project, which shall be deemed to include the costs of construction and other allowable costs, as calculated pursuant to the formulas set forth in N.J.S.A. 18A:7G-7 after the completion of preconstruction activities.

“Priority project categories” means the categories specified in N.J.A.C. 6A:26-3.9(a) and 18.1.

"Project documents" means educational specifications, schematic plans, detailed plans and specifications, final plans and specifications, and other documents required for capital project review and approval by the Division.

“Quality Single Accountability Continuum” or “QSAC” means the monitoring and evaluation process of school districts pursuant to N.J.S.A. 18A:7A-10 et seq.

“Redevelopment entity” means an entity authorized by a municipal governing body to implement plans and carry out redevelopment projects in the municipality pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

“Regular operating school district” or “ROD” means a school district other than an SDA district.

"Rehabilitation" means a school facilities project consisting of the reconstruction, remodeling, alteration, modernization, or repair of a school facility to keep the school facility functional for

its original purpose or for new purposes and that does not increase the gross square footage of the school facility.

"Replacement cost" means the area cost allowance multiplied by the gross square footage of the building for the year specified in this chapter.

"Required maintenance" means, for purposes of determining "M" in the formula in N.J.A.C. 6A:26-3.8, specific maintenance activities required for system warranty purposes that are approved for repairs and replacements to keep a school facility open and safe for use or in its original condition - including repairs and replacements to a school facility's heating, lighting, ventilation, security and other fixtures to keep the facility or fixtures in effective working condition - and that does not consist of routine or capital maintenance. Required maintenance is not an eligible cost of a school facilities project.

“Room inventory” means a list of each general instructional, specialized instructional, administrative, and support space, and the sizes and numbers that would constitute a school facility adequate to support the achievement of the New Jersey Student Learning Standards by the projected student enrollment.

"Routine maintenance" means contracted custodial or janitorial services; expenditures for the cleaning of a school facility or its fixtures; the care and upkeep of grounds or parking lots; the cleaning of, or repairs and replacements to, movable furnishings or equipment; or other expenditures that are not required to maintain the original condition over the school facility’s useful life. Routine maintenance is not an eligible cost of a school facilities project.

"School bonds" means as set forth in N.J.S.A. 18A:7G-3.

“School district” means a district board of education, including a local or regional school district established pursuant to N.J.S.A. 18A:8-1 et seq. or 18A:13-1 et seq.; a county special services

school district established pursuant to article 8 of N.J.S.A. 18A:46-1 et seq.; a county vocational school district established pursuant to article 3 of N.J.S.A. 18A:54-1 et seq.; and a school district under full State intervention pursuant to N.J.S.A. 18A:7A-34 et seq.

"School enrollment" means the number of FTE students who are recorded in the school registers on the last school day prior to October 16 of the current school year, except that it shall not include FTE students in evening programs, post-graduate students, and post-secondary vocational students.

“School facility” means and includes any structure, building, or facility used wholly or in part for educational purposes by a school district and facilities that physically support the structures, buildings, and facilities, such as school district wastewater treatment, power generating and steam generating, but excludes other facilities as defined in this section.

"School facilities project" means the acquisition, demolition, construction, improvement, repair, alteration, modernization, renovation, reconstruction, or capital maintenance of all or any part of a school facility or any other personal property necessary for, or ancillary to, any school facility. School facilities project includes, but is not limited to, fixtures; furnishings and equipment; site acquisition; site development; services of design professionals such as engineers and architects; construction management; legal services; financing costs; and administrative costs and expenses incurred in connection with the project. To qualify as a school facilities project, the project must be new construction to meet the housing needs of unhoused students, or rehabilitation to keep a school facility functional for its original purpose or for a new purpose accomplished within the gross square footage of the original building. Maintenance projects intended solely to achieve the design life of a school facility and routine maintenance do not constitute school facilities projects.

“SDA district” means a school district that received education opportunity aid or preschool expansion aid in the 2007-2008 school year.

“Section 15 grant” means a grant of funds to be made pursuant to N.J.S.A. 18A:7G-15.

"Short-term notes" means temporary notes or loan bonds as described in N.J.S.A. 18A:24-3.

"Special education student" means a student receiving specific services pursuant to N.J.S.A. 18A:46-1 et seq. and N.J.A.C. 6A:14, Special Education.

"State debt service aid" means the amount of State aid determined pursuant to N.J.S.A. 18A:7G-9 for school bonds issued for school facilities projects approved by the Commissioner on or after July 18, 2000, in school districts that elect not to have the Development Authority or a redevelopment entity construct the project or that elect not to finance the project under N.J.S.A. 18A:7G-15; and the amount of State aid determined pursuant to N.J.S.A. 18A:7G-10 for school bonds or certificates of participation issued for school facilities projects approved by the Commissioner prior to July 18, 2000.

"State debt service aid percentage" means the district aid percentage or 40 percent, whichever is greater.

"State share" means as set forth in N.J.S.A. 18A:7G-3.

"State support" means the State share or State debt service aid.

“Temporary facility” means a facility used for educating students on a temporary basis while awaiting completion of a school facilities project that will permanently house students. It also means:

1. A facility reviewed and approved by the executive county superintendent and/or the Division as substandard prior to June 7, 2004, and a facility approved by the Division, as a temporary facility under the rules in effect on or after that date;
2. A facility not planned or constructed as a permanent school facility that is rented, leased, or otherwise acquired by a school district or a private school for the disabled for use by public school students; and

3. A temporary classroom unit, self-propelled van or other mobile unit, whether or not installed on a school district-owned school site.

"Total costs" means the final eligible costs plus excess costs, if any, for a school facilities project to be constructed by the Development Authority or a redevelopment entity or financed pursuant to N.J.S.A. 18A:7G-15; the total cost of the project as determined by the school district for a school facilities project not to be constructed by the Development Authority or a redevelopment entity or financed pursuant to N.J.S.A. 18A:7G-15, and the total costs of an other capital project as determined by the school district.

“Type I school district” means a school district established in a city, pursuant to N.J.S.A. 18A:9-2, where board members are appointed by the municipality, and where the governing body of the municipality issues school bonds for school district capital projects, pursuant to N.J.S.A. 18A:22-20 and 18A:24-11.

“Type II school district” means a school district established in a municipality other than a city, every consolidated school district, and every regional school district, pursuant to N.J.S.A. 18A:9-3, where board members are elected or appointed by the municipality, as applicable, and where the district board of education issues school bonds for school district capital projects in a school district without a board of school estimate, pursuant to N.J.S.A. 18A:24-12.

"Uniform Construction Code" or "UCC" means N.J.A.C. 5:23.

“Unhoused students” means the number of students in excess of the functional capacity of a school facility calculated pursuant to N.J.A.C. 6A:26-2.2(c).

"Useful life" means the applicable recovery period for depreciation purposes determined under Section 168 of the Internal Revenue Code of 1986, 26 U.S.C. § 168 as amended and supplemented, and the applicable regulations.

Subchapter 2. Long-Range Facilities Plans

6A:26-2.1 Responsibilities of school district

(a) Following the approval of the 2005 LRFP, each school district shall amend its LRFP at least once every five years on software made available by the Department, and in accordance with the instructions for completing the software. For newly established school districts, the LRFP shall be submitted no later than one year following its formation or earlier if the school district seeks approval for a school facilities project. The LRFP shall detail the school district's school facilities, other facilities and temporary facilities and the school district's plan for meeting school facilities needs during the ensuing five years.

(b) Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project shall be considered or approved unless the school district's LRFP has been submitted to the Department and approved by the Commissioner.

(c) Each school district shall submit its LRFP to the planning board(s) of the municipality(ies) in which the school district is situated, no later than the date the school district submits the LRFP to the Commissioner, to afford the planning board(s) the opportunity to prepare and submit findings to the school district. In the case of a regional school district, all municipalities comprising the regional school district shall be considered school districts in which the regional school district is situated for purposes of this subsection. A school district shall provide to the Division proof of the date the school district submits the LRFP to the Commissioner and to the planning board(s). The planning board(s) shall submit its findings, if any, to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, New Jersey 08625-0500, within 45 days of its receipt of the LRFP. No LRFP shall be considered complete until comments have been received from the planning board(s) or until 45 days have passed

from the planning boards' receipt of the LRFP. If the school district or its architect receives the planning board findings, the findings shall be forwarded promptly to the Division at the above address.

(d) All school districts sending students to another school district to be educated pursuant to N.J.S.A. 18A:38-8 et seq. shall expeditiously provide all information necessary for the receiving school district to complete its LRFP, including, but not limited to, demographic information necessary to prepare enrollment projections. Both sending and receiving school districts must submit a LRFP. If a send-receive relationship is terminated pursuant to N.J.S.A. 18A:38-21, both the sending and receiving school district shall promptly submit an amended LRFP.

(e) If one or more member school districts withdraw from a regional school district operating pursuant to N.J.S.A. 18A:13-1 et seq., or the regional school district dissolves pursuant to N.J.S.A. 18A:13-51 et seq., all such withdrawing school districts and the regional school district, if applicable, shall submit an amended LRFP.

(f) At any time, a school district may submit an amendment to an approved LRFP for review and approval by the Commissioner.

(g) A school district's approved LRFP shall remain in effect until an amended LRFP is approved.

6A:26-2.2 Completion of long-range facilities plans

(a) Each LRFP shall include:

1. Enrollment projections for the school district for the five years covered by the plan, by grade level, as set forth in the Fall Survey Report for grades K through 12 and the ASSA for preschool programs, and utilizing enrollment figures as of October 15 of the previous year as the base enrollment figures. Students enrolled in the school district who are attending charter schools, students attending the schools of the school district pursuant to the school choice program, and students

enrolled in the school district but attending private schools for the disabled shall be separately identified in enrollment projections, and shall be excluded from the calculation of the number of unhoused students pursuant to (b) below.

i. The enrollment figures shall be certified by a qualified demographer;

ii. The resume and any other professional credentials relied upon by the school district to demonstrate that the person who prepared the enrollment projection possesses adequate experience to be considered a qualified demographer shall be submitted as part of the school district's LRFP. Adequate experience shall include preparation of enrollment reports and projections on behalf of school districts, both in fulfillment of statutory or regulatory obligations and for other purposes. School district employees, such as the chief administrator and school business administrator, as well as persons hired by a school district may, if they possess the requisite experience, serve as a qualified demographer;

iii. Projections shall be for the five ensuing years utilizing a cohort survival method, shall utilize pertinent live births of residents of the community provided by the New Jersey Department of Health and Senior Services and shall include enrollment trends for the previous five years as set forth in the previous six Fall Survey Reports or ASSA, as appropriate;

iv. Where a school district does not believe a five-year projection utilizing a cohort survival method will accurately predict future enrollment, the school district shall submit additional data and justification for consideration by the Commissioner;

v. A school district shall adjust enrollment projections to account for significant numbers of students who are attending charter schools; and

vi. ECPA school districts shall make appropriate adjustments to enrollment projections for preschool children based on the history of the actual enrollments in those programs and consistent with the school district's approved ECPA plan;

2. The functional capacity of every school facility in the school district, listed separately by facility and grade level, including an inventory of all spaces in each facility;

3. An inventory of every school facility, other facility and temporary facility in the school district.

i. If a school district shares or leases facilities or any portion thereof, either as a lessor or lessee, all such spaces shall be included in its LRFP.

ii. All facilities, or portions thereof, owned by a school district that are leased or otherwise conveyed to another entity shall be included if the facility, or portion thereof, will become available for use by the school district in the ensuing five years. Only the terms of leases currently in effect shall be considered when determining whether a space will be available to the school district in the ensuing five years.

iii. All facilities, or portions thereof, acquired by the school district through a leasehold agreement, or to which the school district is otherwise entitled to possession by any legal arrangement, shall be included for the period covered by the plan during which the school district is entitled to use of the facility;

4. An inventory of all school district-owned land, indicating whether used currently, previously, or never, as a school site, with a map of the school district indicating the location of all school district-owned land and the location of existing schools in the school district;

5. A listing of the approximate size and nature of any new sites that may be needed for school facilities projects set forth in the LRFP, listing the specific project(s) to be constructed on each site;

6. An inventory of all building systems within each facility, including structure, enclosure, mechanical, plumbing, interior walls and finishes and electrical systems;

7. A determination of the life expectancy of all building systems;

8. A determination of any building system deficiencies in each school facility and the required remediation;

9. The school district's proposed school facilities projects and other capital projects and preliminary scopes of work in the five years ensuing, setting forth each proposed new school facility, addition and renovation, including each separate space to be constructed or renovated (for example, classrooms, art and music rooms, cafeterias, gymnasiums), the functional capacity of each proposed school facility and the priority tier pursuant to N.J.S.A. 18A:7G-5(m), and all school facilities to be sold, converted to other non-school facility uses or razed;

10. The school district's proposed programmatic models for school facility types and capacities the school district intends to operate in the five years ensuing;

11. A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces and number of spaces inconsistent with those standards. The school district shall note for all spaces that are inconsistent with the facilities efficiency standards whether it intends to seek a waiver of a facilities efficiency standard, locally fund the space, or seek approval for funding of additional space;

12. A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to the programmatic models;

13. The school district's proposed plans for new construction and renovation of other facilities in the five years ensuing, setting forth each proposed new other facility, addition and renovation, including each separate space to be constructed or renovated and all other facilities to be sold, converted to other non-school facility uses or razed;

14. For each school facility set forth in the LRFP for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved as part of the LRFP, the school district shall submit documentation supporting the request in accordance with N.J.A.C. 6A:26-2.3(c);

15. For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;

16. Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility and the removal from the school district's inventory of school facilities each school facility to be sold, converted to non-school facility use or razed;

17. A preliminary estimate of the cost of every school facilities project set forth in the LRFP; and

18. A district board of education resolution approving submission of the LRFP.

(b) Each LRFP shall include a determination by the school district of the number of unhoused students for the ensuing five-year period calculated as follows:

1. The number of unhoused students shall be the number of FTE students projected to be enrolled in preschool disabled, preschool, kindergarten, grades one through 12 and special education student programs to be provided in the school district in the ensuing five years that exceed the functional capacity of the school district's current school facilities or school facilities that will be available within five years, including community provider facilities housing preschool students, excluding projects which have been approved pursuant to N.J.A.C. 6A:26-3. Projected

enrollments and functional capacity shall be separately determined for early childhood and elementary students (preschool through grade five), middle school students (grades six through eight) and high school students (grades nine through 12). For the purpose of calculating the school district's unhoused students, special education students shall be considered part of the grade level to which the students' chronological age corresponds. In the event approval is granted for a school facilities project which involves the construction of a new school facility to replace an existing school facility, the calculation of the number of unhoused students shall exclude the functional capacity of the facility to be replaced.

(c) Approved area for unhoused students (AU) shall be determined according to the following formula: AU = (UEC x SEC) + (UE x SE) + (UM x SM) + (UH x SH) where UEC, UE, UM, UH are the numbers of unhoused students in the early childhood, elementary, middle, and high school enrollment categories, respectively; and SEC, SE, SM, SH are the area allowances per FTE student in preschool and kindergarten, grades one through five, grades six through eight, and grades nine through 12, respectively. Area allowances shall be determined based on the grade level of a student regardless of the grade configurations of the school buildings of the school district. Gross square footage is to be used for these determinations.

(d) An ECPA school district is encouraged to include one or more community provider early childhood education facilities projects, including projects of Head Start providers that qualify as community providers, as part of its LRFP. Superintendents are strongly encouraged to meet and collaborate with community early childhood education providers to meet the needs of unhoused students in the LRFP.

(e) The school district shall incorporate the facilities efficiency standards in the LRFP.

1. If the LRFP includes a proposal for new construction or rehabilitation of a school facility that does not meet the facilities efficiency standards, the school district

shall seek, as part of the LRFP approval, a waiver for those components that are not consistent with the standards.

2. If the LRFP includes a proposal for new construction pursuant to N.J.S.A. 18A:7G-7(a), or rehabilitation pursuant to N.J.S.A. 18A:7G- 7(b), of a school facility that exceeds the facilities efficiency standards, the school district may seek Commissioner approval of that additional space and, if approved, such space will be deemed eligible for State funding. If the school district does not seek Commissioner approval for the additional space, the school district shall state that fact in its submission and that space will be deemed ineligible for State support at the time of approval of the LRFP.

6A:26-2.3 Review and approval of long-range facilities plans

(a) Within 90 days of receipt of a LRFP from a school district that has not previously submitted a LRFP, the Division shall determine whether the plan is fully and accurately completed and whether all information necessary to review the plan has been filed by the school district.

1. When a LRFP is determined to be complete, the Division shall notify in writing the school district that the plan is deemed complete.

2. When a LRFP is determined to be incomplete, the Division shall notify in writing the school district and require the submission of additional information as detailed in the notification. A school district shall submit the requested information. Only after the Division determines all requested information has been submitted and the information is accurate shall it determine a plan to be complete.

(b) Within 60 days of the date of the notification that a plan is complete, the Commissioner shall notify the school district of the final determination of the LRFP. A final determination shall set forth:

1. Reasonable five-year enrollment projections;

2. A complete facility inventory;

3. A complete inventory of physical conditions/deficiencies of every facility;

4. A listing of all school-district-owned land, and a listing of any new school sites needed for school facilities projects if identified by the school district;

5. Spaces for which a waiver is approved pursuant to (e) below;

6. Identification of school facilities for which new construction was proposed in lieu of rehabilitation and for which it appears from the information presented that new construction is justified but, for school facilities so identified, a feasibility study shall be submitted as part of the application for the school facilities project;

7. A listing of all proposed new construction projects for unhoused students; and

8. A listing of all proposed capital projects included in the LRFP.

(c) A school district shall amend its approved LRFP whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP in effect. The amendment request shall be accompanied by a district board of education resolution approving the submission of the LRFP amendment.

1. In the case of an emergent project, the LRFP may be amended as provided in N.J.A.C. 6A:26-3.14(e).

2. In the case of a school facilities project requiring amendment to the school district's applicable approved room inventory in the approved LRFP, approval of the school facilities project shall require the prior approval of an amended room inventory. If amending the room inventory would affect the capacity of one or more of the school district's school facilities, the school district shall fully document the impact of amending the room inventory on each school facility in the school district, and Division review and approval of the LRFP amendment shall be required prior to Division approval of the school facilities project.

3. In the case of a school district seeking to amend its LRFP involving capital maintenance, the school district shall amend its LRFP by submitting an amendment request and updating the Department's software to:

   i. Identify the building system or systems affected by the project;

   ii. Revise building system conditions to reflect deficiencies;

   iii. Indicate the deficient quantity and unit costs for the deficient system; and

   iv. Commit the deficiency to a proposed project.

4. Prior to approval of a project that is inconsistent with a school district's approved LRFP and that affects the capacity of one or more of its school facilities, or the total number or grade alignment of school facilities in the school district, a school district shall amend its LRFP to fully document the project's impact on each facility. The Division shall review and approve the LRFP amendment according to this section prior to the Division's approval of the project.

(d) Notwithstanding any provision of this chapter to the contrary, if at any time the number of LRFPs pending before the Commissioner for review exceeds 20 percent of the total number of operating school districts in the State, the Commissioner may extend by 60 days the deadline for reviewing each plan then before him or her. The Commissioner shall notify in writing each affected school district of the extension. No LRFP shall be considered to be pending before the Commissioner for review until a school district is notified by the Commissioner that the plan is complete.

(e) Any school district that has an approved LRFP may begin undertaking feasibility studies for new construction identified pursuant to (b)6 above, site acquisition, development, remediation and design work, and acquire temporary facilities, provided that such activities are consistent with its approved LRFP and this chapter. For school districts required to use the Development Authority, the activities also shall be undertaken under

the auspices of the Development Authority and in accordance with N.J.S.A. 18A:7G-5 and this chapter.

6A:26-2.4 (Reserved)

Subchapter 3. Capital Project Review

6A:26-3.1 Initiation of a capital project

(a) All capital projects shall be undertaken in accordance with this subchapter.

(b) School facilities projects shall be reviewed in accordance with N.J.A.C. 6A:26-3.2 and 3.3; land acquisition projects shall be reviewed in accordance with N.J.A.C. 6A:26-3.9 or 3.13 and 6A:26-7, as applicable; and other capital projects shall be reviewed in accordance with N.J.A.C. 6A:26-3.12.

(c) Project documents for school facilities projects and other capital projects shall be reviewed by the Division and approved for compliance with the requirements of N.J.A.C. 6A:26-5 as applicable.

(d) Project documents for school facilities projects and other capital projects that involve the acquisition of land shall be reviewed for compliance with the requirements of N.J.A.C. 6A:26-7.

(e) The Division shall review each capital project to determine whether the project is consistent with the school district's approved LRFP and whether it complies with the applicable room inventory in the approved LRFP, if any.

6A:26-3.2 School facilities projects

(a) Any school district seeking to initiate a school facilities project shall apply to the Division on a Commissioner-provided form for approval of the school facilities project. School facilities projects include:

1. New construction;

2. Rehabilitation, provided that the rehabilitation or capital maintenance consists of the entire building system in the same school facility building section, as building section is defined in the approved LRFP, unless one or more of the components of a mechanical, electrical, or plumbing building system is required for the continued operation of such system;

3. Acquisition of existing buildings to accommodate unhoused students;

4. Furnishings, fixtures, and equipment, but they shall be eligible for State support only as follows:

   i. Furnishings with a useful life of 10 years or greater when part of a school facilities project is either new construction or rehabilitation and also qualified as reconstruction. The cost of furnishings shall not exceed the cost of the item if purchased through a State contract, if applicable. For purposes of this subsection, reconstruction is to be defined in accordance with the UCC, N.J.A.C. 5:23-6.3;

   ii. Fixtures when part of a school facilities project;

   iii. Equipment with a useful life of 10 years or greater either consisting of a school facilities project when it is an integral and substantial part of a building system in a school facility or when part of a school facilities project. The cost of equipment shall not exceed the cost of the item if purchased through a State contract, if applicable. Operating equipment such as vacuums, snowblowers, and floor polishers, along with repairs to such items shall be ineligible for State support;

   iv. Air conditioning equipment with a useful life of 10 years or greater either consisting of a school facilities project when it is an integral and substantial part of a building system or when part of a school facilities project. If the school facilities project consists of new construction, the air conditioning

system shall be eligible for State support to the extent that it is included in the area cost allowance. If the school facilities project consists of rehabilitation that includes the replacement of an existing air conditioning system, the replacement shall be eligible for State support provided that it is for the entire building air conditioning system in the same school facility building section, as building section is defined in the approved LRFP, unless one or more of the components of that building system are required for the continued operation of such system. If the school facilities project consists of rehabilitation that includes the installation of a new air conditioning system, the new system shall be eligible for State support if it is for the entire building air conditioning system in the same school facility building section and for instructional spaces (excluding industrial shops) and/or for occupied non-instructional spaces (excluding kitchens and locker rooms). To the extent that a new air conditioning system is for unoccupied non-instructional spaces, such as utility rooms and storage rooms, except for spaces that accommodate heat- and humidity-sensitive equipment, it will not be eligible for State support; and

v. Technology electronic systems recommended by the "Facilities Standards for Technology in New Jersey Schools" and the "Working Toward the Future With Our Children" educational technology plan for New Jersey, or subsequent State educational technology standards for New Jersey schools, when part of a school facilities project which is either new construction or rehabilitation that also qualifies as reconstruction as defined in the UCC, N.J.A.C. 5:23-6.3; and

5. The rehabilitation of a multi-purpose physical education field(s) and, for pre-school-through-grade-five school facilities, a playground with playground

equipment when required to support the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model. A new multi-purpose physical education field or playground, including playground equipment is eligible for State support, within the area cost allowance only when part of a school facilities project consisting of new construction for unhoused students.

(b) An application for a school facilities project shall contain the following information:

1. All information set forth in N.J.A.C. 6A:26-5.2 and 5.3 if the project is subject to educational adequacy review and, if not, any drawings or narrative relating to the project from a New Jersey licensed architect or professional engineer, if applicable, and, if the school facilities project includes the acquisition of land, N.J.A.C. 6A:26-7.1;
2. Necessary updates to the enrollment projections in the school district's approved LRFP to support the project;
3. A delineation and description of each of the functional components of the school facilities project;
4. The number of unhoused students to be housed in the school facilities project;
5. The minimum area allowances per FTE student as calculated pursuant to this chapter;
6. A narrative description of the school facilities project on a form prescribed by the Commissioner, including an itemized breakdown of estimated actual costs and quantities by area for new construction, rehabilitation and acquisition of existing buildings;
7. Identification of the site for new construction, if any;
8. Identification and description of any spaces that exceed the facilities efficiency standards for which the school district received approval pursuant to the approved LRFP or is seeking approval as additional space pursuant to N.J.A.C. 6A:26-3.3;

9. A complete room inventory of the spaces contained in the building;

10. A feasibility study for all new construction in lieu of rehabilitation;

11. Identification of the programmatic model from the school district's approved LRFP and supporting documentation to confirm that the school facilities project conforms to the programmatic model;

12. The tier the school district proposes for each school facilities project in accordance with N.J.S.A. 18A:7G-5(m);

13. A resolution of the district board of education authorizing the submission of the application to the Division;

14. A certification from the chief school administrator and the school business administrator that the school district has not advertised or awarded a construction or purchase contract for the school facilities project and that the school facilities project has not been completed; and

15. Any additional information that a school district deems relevant for the Commissioner’s review of the school facilities project.

(c) Where required by N.J.S.A. 40:55D-31 and 18A:18A-16, each school district shall submit applications for school facilities projects to the planning board(s) of the municipality(ies) in which the school district is situated, no later than the date the school district submits to the Division each application to afford the planning board(s) the opportunity to prepare and submit findings to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, New Jersey 08625-0500. A school district shall provide to the Division proof of the date that it submits each school facilities project application to the planning board(s). The planning board(s) shall submit to the Division findings, if any, within 45 days of its receipt of each project application from a school district required to use the Development Authority, and has an additional 10 days to file with the Division notice of recommendations against approval of the project. No school facilities project

application shall be considered complete until comments have been received from the planning board(s) or until either 45 days or 55 days, as applicable, have passed from the planning board's receipt of each school facilities project application, whichever is earlier. If the school district or its architect receives the planning board findings, it shall be forwarded promptly to the Division at the above address.

(d) A school district shall not initiate a school facilities project without an approved LRFP.

6A:26-3.3 Review and approval of school facilities projects

(a) After receipt of a school facilities project application, the Division shall assess the application and determine whether it is fully and accurately completed and all necessary information has been filed by the school district or the Development Authority on behalf of the school district. All information in N.J.A.C. 6A:26-3.2(b) must be provided to the Division before a school facilities project application shall be considered fully and accurately completed and the application shall be reviewed to determine whether it conforms to the school district's approved LRFP and whether it complies with the applicable programmatic model in the approved LRFP, if any, or the facilities efficiency standards. If a school facilities project application is determined to be incomplete, the Division shall inform the school district by listing in writing all deficiencies in the application and missing required information. After all required information is received and a school facilities project application is determined complete, the Division shall notify in writing the school district that the school facilities project application is deemed complete. In the case of a Development authority schools facility project, preconstruction activities shall be conducted prior to the application being deemed complete.

(b) After approval of the LRFP, within 90 days of receipt of a complete school facilities project application, or from the date of the school district's last revision to the project application, whichever is later, the Division shall review each application to determine

whether the school facilities project is consistent with the school district's approved LRFP and whether it complies with the applicable room inventory in the approved LRFP, if any, or the facilities efficiency standards. If unable to make a decision within the 90 days, the Division shall notify the school district, explaining in writing the reason for the delay and indicating the date by which a decision shall be made. The decision date shall be no later than 60 days from the expiration of the original 90 days. If a decision is not made by the subsequent date established, the school facilities project shall be deemed approved.

(c) When the Division determines that a school facilities project complies with the requirements of N.J.A.C. 6A:26-5.1 through 5.3, and is consistent with the facilities efficiency standards or the applicable room inventory in the school district's approved LRFP, if any, and does not exceed the standards or the applicable room inventory approved in the LRFP, except for spaces for which the school district is not seeking State support, the Division shall approve the school facilities project, provide a final determination of the preliminary eligible costs pursuant to the formulas set forth in N.J.S.A. 18A:7G-1 et seq. and N.J.A.C. 6A:26-3.4, and shall notify in writing the school district of the approval and preliminary eligible costs.

(d) The Division shall notify the school district if it determines that a school facilities project is inconsistent with the facilities efficiency standards or the applicable room inventory in the approved LRFP. Within 30 days of the notification, the school district shall advise the Division of its determination to do one of the following:

1. Revise its school facilities project and re-submit it for review by the Division;
2. Make a request for additional space eligible for State support;
3. Locally fund any excess costs; or
4. Seek a waiver as set forth in (i) below.

(e) The Division shall approve requests for additional or inconsistent space eligible for State support if the school district demonstrates that:

1. School facility needs related to programs required pursuant to State or Federal law or regulation cannot be addressed within the facilities efficiency standards and that all other spaces are consistent with the standards;

2. Such spaces are necessary to comply with Federal or State laws concerning educating students with disabilities to the greatest extent possible in the same building or classes with their non-disabled peers and the additional or inconsistent spaces will:

   i. Allow for the return of students with disabilities from out-of-school-district facilities;

   ii. Permit the retention of students with disabilities who would otherwise be placed in out of school district facilities;

   iii. Provide space for regional programs in a host school building that houses both disabled and non-disabled students; or

   iv. Provide space for the coordination of regional programs by a county special services school district, educational services commission, jointure commission or other agency authorized by law to provide regional special education services, in a school facility that houses both disabled and non-disabled students;

3. Such spaces are necessary to house the school district's central administration and:

   i. The proposed administrative offices will be housed in a school facility;

   ii. The existing central administrative offices are obsolete or it is more practical to convert those offices to instructional space; and

   iii. The space sought does not exceed an increase of the approved areas for unhoused students of 2.17 square feet for each FTE student in the projected total school district school enrollment.

(f) Spaces approved pursuant to (e) above shall be aided pursuant to N.J.S.A. 18A:7G-5.g(4).

(g) When reviewing requests by SDA districts for additional space, the Commissioner shall, in accordance with *Abbott v. Burke*, 153 N.J. 480 (1998) (Abbott V), afford deference to a school district's determination that specialized instructional rooms are necessary based on the school district's particular needs.

(h) If a request for additional space is determined to be eligible for State support, the applicable room inventory in the school district's approved LRFP shall be deemed amended. If the Division does not approve a request for additional space, it shall be deemed ineligible for State support unless and until the Division's decision is reversed on appeal.

(i) The Division shall not approve any school facilities project for new construction or rehabilitation that is not consistent with the facilities efficiency standards or the applicable room inventory in the approved LRFP unless the school district demonstrates that waiver of the standard(s) will not adversely affect the facility's educational adequacy, including the ability to deliver the programs and services necessary to enable all students to achieve the New Jersey Student Learning Standards. If the Division approves a waiver, the applicable room inventory in the school district's approved LRFP shall be deemed amended. If the Division does not approve a waiver request, the school district shall conform the school facilities project to the facilities efficiency standards and resubmit the project.

(j) School facilities projects that comprise new construction shall receive approval for State support only if necessary for reasons of unhoused students.

(k) A school facilities project that consists of rehabilitation shall be approved only if it will keep the school facility functional for its original purpose or for a new purpose and if it can be accomplished without increasing the gross square footage of the original facility but shall not include any routine maintenance or required maintenance. The Division may approve rehabilitation projects that include elevators, egress, and other modifications to school facilities to render them compliant with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.,

the UCC, N.J.S.A. 52:27D-119 et seq. or other State and Federal requirements, even if the gross square footage of the building is thereby increased to complete the school facilities project.

(l) All school facilities shall be deemed suitable for rehabilitation unless a feasibility study undertaken by the school district demonstrates to the Division's satisfaction that the structure might pose a risk to the safety of the occupants even after rehabilitation, or that rehabilitation is not cost-effective. Whenever a school district initiates a school facilities project for new construction in lieu of rehabilitation, the school district shall submit a feasibility study as part of the school facilities project application supporting its determination that it would be more feasible to replace rather than rehabilitate the school facility because of health and safety or efficiency. The feasibility study shall consist of:

1. Estimated costs of repairing the existing school facility and providing upgrades and additions required to make the school facility educationally adequate. The estimated costs of a rehabilitation project shall contain only the costs necessary for compliance with the UCC, health and safety, and educational adequacy as determined pursuant to N.J.A.C. 6A:26-5 and N.J.S.A. 18A:7G- 5.g(1);
2. Estimated costs of replacing the existing school facility, including site acquisition, if required, and disposal of the existing site and school facility; and
3. Estimated costs of all extraordinary factors, including off-site improvements, environmental remediation and temporary facilities.

(m) When a school district demonstrates to the Division's satisfaction that replacement is more feasible than rehabilitation and the proposed school facilities project is otherwise approvable, the Division shall approve the school facility project for new construction in lieu of rehabilitation, and the preliminary eligible costs shall be determined pursuant to N.J.A.C. 6A:26-3.4(a).

(n) When a school district does not demonstrate to the Division's satisfaction that replacement is more feasible than rehabilitation, the Division may approve the school facilities project if all other requirements are met, but the preliminary eligible costs shall be determined in accordance with N.J.A.C. 6A:26-3.4(b).

(o) If the Division determines that the preliminary eligible costs of a rehabilitation project, as determined pursuant to N.J.A.C. 6A:26-3.4(b), appear so excessive as to make rehabilitation an unreasonable option, it may direct the school district to conduct a study comparing cost and other factors associated with the rehabilitation versus new construction. If the Division determines that rehabilitation is an unreasonable option based on the comparison, the school district shall either re-submit the project as new construction or preliminary and final eligible costs shall be determined pursuant to N.J.A.C. 6A:26-3.4(a) if the school district determines to continue with the rehabilitation project.

(p) Upon approval of a school facilities project and determination of the preliminary eligible costs pursuant to N.J.A.C. 6A:26-3.4, the Division shall notify the school district that the school facilities project has been approved and of the preliminary eligible costs, excess costs, and additional costs, if any.

6A:26-3.4 Calculation of preliminary eligible costs for school facilities projects

(a) Upon approval of a completed school facilities project application, preliminary eligible costs for new construction, new construction in lieu of rehabilitation approved pursuant to N.J.A.C. 6A:26-3.3, and purchase of an existing facility to be utilized as a school facility shall be calculated as follows:

Preliminary eligible costs = AU x C

Where

AU is the approved area for unhoused students; and

C is the area cost allowance.

(b) Preliminary eligible costs for rehabilitation or new construction in lieu of rehabilitation that is not approved pursuant to N.J.A.C. 6A:26-3.3 shall equal reasonable estimated actual costs as calculated on a form prescribed by the Commissioner, which shall include, but not be limited to:

1. Specific unit costs and quantities;
2. Other allowable costs;
3. The costs to render a school facility energy efficient;
4. The costs to render a school facility compliant with the UCC;
5. The costs to ensure that a school facility meets health and safety standards; and
6. The costs to ensure that the school facility meets educational adequacy as determined pursuant to the facilities efficiency standards and N.J.A.C. 6A:26-5.

(c) The reasonableness of estimated actual costs under (b) above shall be determined in accordance with industry standards.

(d) Notwithstanding (a) and (b) above, preliminary eligible costs for new construction and rehabilitation of a purchased facility within five years of purchase shall be determined as follows:

Preliminary eligible costs = (ACP-PC) x (C/CP)

where

ACP is the preliminary eligible costs for the facilities purchased pursuant to (a) above;

PC is the purchase cost for the facility;

C is the area cost allowance at the time of application for the school facilities project; and

CP is the area cost allowance at the time of purchase of the facility.

Preliminary eligible costs so calculated shall not be less than zero.

(e) For school facilities projects deemed approved pursuant to N.J.A.C. 6A:26-3.3(b), preliminary eligible costs for new construction shall be calculated by using the proposed

square footage of the school facility as the approved area for unhoused students, and for rehabilitation shall be the reasonable estimated costs of the rehabilitation.

(f) Notwithstanding anything to the contrary, preliminary eligible costs for school facilities projects of county vocational school districts and of special services school districts shall equal the amount determined by the board of school estimate and approved by the board of chosen freeholders pursuant to N.J.S.A. 18A:46-42 or 18A:54-31, as appropriate.

(g) Notwithstanding anything to the contrary, preliminary eligible costs for Development Authority school facilities projects shall equal the amount determined by the Development Authority pursuant to N.J.S.A. 18A:7G-5.

6A:26-3.5 Determination of final eligible costs for Authority school facilities projects

(a) School facilities projects of SDA districts shall be constructed by the Development Authority.

(b) After approving a project that shall be constructed by the Development Authority and calculating the preliminary eligible costs, the Division shall promptly prepare and submit to the Development Authority a preliminary project report that shall consist, in addition to any other information deemed relevant by the Commissioner, of the following information:

1. A complete description of the school facilities project;
2. The actual location of the school facilities project;
3. The total square footage of the school facilities project together with a breakdown of total square footage by functional component;
4. The preliminary eligible costs of the school facilities project;
5. The project's priority ranking determined pursuant to N.J.S.A. 18A:7G-5(m);
6. Any other factors to be considered by the Development Authority in undertaking the school facilities project; and
7. The name, address, and phone number of the person from the school district to contact concerning the school facilities project.

(c) If the Development Authority determines that a school facilities project can be completed within the preliminary eligible costs based on detailed plans and specifications, the final eligible costs shall be deemed to equal the preliminary eligible costs pursuant to EFCFA and the preliminary project report shall be deemed to be the final project report delivered to the Development Authority pursuant to N.J.S.A. 18A:7G-5(j).

(d) In the event that the Development Authority determines that a school facilities project cannot be completed within the preliminary eligible costs, prior to the submission of its recommendations to the Commissioner, the Development Authority shall consult with the school district and the Commissioner and determine whether changes can be made to the school facilities project that will result in a reduction in costs while meeting the requirements of educational adequacy.

1. When the Commissioner is notified by the Development Authority that the Development Authority has determined that changes in the school facilities project are possible so the project can be accomplished within the scope of the preliminary eligible costs while still conforming to the facilities efficiency standards, the Division shall:

   i. Calculate the final eligible costs to equal the preliminary eligible costs; and

   ii. Issue a final project report to the Development Authority in accordance with (h) below.

2. When the Development Authority has determined it is not possible to make changes in a school facilities project so it can be completed within the preliminary eligible costs either because the additional costs are the result of factors outside the control of the school district or because the additional costs are required to meet educational-adequacy requirements, the Development Authority will recommend to the Commissioner that the preliminary eligible costs be increased accordingly, whereupon the Division shall:

i. Calculate the final eligible costs to equal the sum of the preliminary eligible costs plus the increase recommended by the Development Authority; and

ii. Issue a final project report in accordance with (h) below.

3. When the Development Authority has determined the additional costs are the result of factors within the school district's control or of design factors that are not required to meet the facilities efficiency standards, the Development Authority shall recommend to the Commissioner that the preliminary eligible costs be accepted, whereupon the Division shall:

i. Calculate the final eligible costs to equal the preliminary eligible costs unless the preliminary eligible costs are determined to be insufficient to meet the educational needs of the school district, in which case preliminary eligible costs shall be adjusted upward as appropriate, and specify the excess costs that shall be borne by the school district; and

ii. Issue a final project report to the Development Authority in accordance with (h) below.

(e) For any school facility project to be constructed by the Development Authority in which the State share of final eligible costs is 100 percent, the Development Authority may delay the request for a determination of final eligible costs until receipt of the construction bids by the Development Authority.

(f) After receipt by the Development Authority of a final project report, the school district shall be responsible only for the local share identified in the report, cost overruns relating to excess costs, if any, and the costs associated with changes, if any, made at the request of the school district to the scope of the school facilities project. If a school district fails to obtain approval of the local share within one year of the determination of the final eligible costs, the Development Authority may redetermine final eligible costs and forward them to the Commissioner for approval. If the Development Authority elects to

re-determine final eligible costs, the school district shall not seek or obtain approval of the local share until the final eligible costs are re-determined.

(g) The Development Authority shall not commence the acquisition or construction of a school facilities project until the Division transmits to the Development Authority a final project report except as provided in N.J.A.C. 6A:26-3.9.

(h) The final project report shall contain all of the information contained in the preliminary project report and also shall contain:

1. The final eligible costs;
2. The excess costs, if any;
3. The total costs, which equal the final eligible costs plus excess costs, if any;
4. The State share of the final eligible costs; and
5. The local share of the total costs.

6A:26-3.6 Determination of final eligible costs for ROD school facilities projects

(a) Prior to a determination of final eligible costs, a school district that is not using the Development Authority for construction of a school facilities project may appeal to the Commissioner for an increase in the preliminary eligible costs that were approved pursuant to N.J.A.C. 6A:26-3.3 if the detailed plans and specifications prepared in accordance with N.J.A.C. 6A:26-5.4 by a licensed architect or engineer for the school facilities project indicate that the cost of constructing the portion of the school facilities project approved for State support exceeds by 10 percent or more the preliminary eligible costs for the project as determined by the Commissioner. The school district shall file its appeal within 30 days of the preparation of the detailed plans and specifications.

(b) The appeal shall outline the reasons why the preliminary eligible costs calculated for the school facilities project are inadequate, provide documentation to support such reasons, and estimate the amount of the adjustment that needs to be made to the preliminary

eligible costs. Upon a determination that the appeal information is complete, the Commissioner shall forward the appeal information to the Development Authority for its review and recommendation.

(c) The Commissioner shall make a determination on the appeal within 30 days after receipt of the Development Authority's recommendation. If the Commissioner does not approve the adjustment to the preliminary eligible costs sought by the school district, the Commissioner shall issue in writing his or her findings setting forth the reasons for the denial and why the preliminary eligible costs as originally calculated, or an adjustment to the preliminary eligible costs that is smaller than sought by the school district, is sufficient.

(d) A school district that decides not to appeal the determination of preliminary eligible costs may request, at any time after approval of the school facilities project and determination of preliminary eligible costs, that the Commissioner determine final eligible costs for the project.

(e) Final eligible costs for the school facilities project shall be determined as follows:

1. The preliminary eligible costs shall become the final eligible costs if a school district does not appeal or unsuccessfully appeals the determination of preliminary eligible costs.

2. The final eligible costs shall be the preliminary eligible costs as adjusted by the Commissioner if a school district successfully appeals the determination of preliminary eligible costs pursuant to (b) above. In no case shall the adjustment to preliminary eligible costs be more than 10 percent.

(f) Following the determination of final eligible costs, the Division shall notify in writing the school district of the following:

1. The final eligible costs;

2. The total costs;

3. The State share or State debt service aid percentage;

4. The local share, if applicable;

5. Excess costs, if any; and

6. Additional costs, if any.

(g) A school district shall not seek approval of the local share or the total costs of a school facilities project receiving State debt service aid through a bond referendum for the school facilities project until the Division has notified the school district of the final eligible costs for the project. A school district may seek approval of the estimated local share in its annual budget prior to a determination of final eligible costs. If the local share estimate in the annual budget is less than the actual local share, the school district shall proceed in accordance with N.J.A.C. 6A:26-4. A school district may seek approval of local share utilizing capital reserve pursuant to N.J.A.C. 6A:23A-14.

6A:26-3.7 Local support of school facilities projects

(a) No school facilities project shall be constructed unless local support, if any, plus other local revenue sources utilized to fund the total costs of a school facilities project receiving State debt service aid has received approval as set forth in this section. School districts shall notify the Commissioner and executive county superintendent when approval is obtained, and, if applicable, provide each the schedule for issuance of school bonds. School districts shall also notify the executive county superintendent of the issuance of school bonds within 30 days of their issuance.

(b) If the Development Authority is constructing the school facilities project, the school district shall provide to the Development Authority funds for 100 percent of the ineligible costs of the project in accordance with the rules of the Development Authority.

(c) If the school district determines to issue school bonds to fund all or any part of the local support, the school district shall proceed in accordance with (e), (f), or (g) below, as applicable. If the school district determines to fund the entire local support through a means other than school bonds, it shall obtain approval of necessary line-items in the budget, obtain separate voter or board-of-school-estimate approval of the expenditure of

local support, make withdrawals from capital reserve in accordance with N.J.A.C. 6A:23A-14. A school district may fund the local support for additions or improvements to an existing school facility or equipment through a lease-purchase agreement not in excess of five years' duration if the school district obtains approval of the lease-purchase agreement in accordance with N.J.S.A. 18A:20-4.2(f) and N.J.A.C. 6A:26-10.

(d) If a school district submits to voters a separate proposal for local funding for a non-referendum capital project pursuant to N.J.S.A. 18A:7F-5 and N.J.A.C. 6A:23A-8.4, such amounts shall not be utilized as the local share or to reduce the total costs of a school facilities project receiving State debt service aid of a school facilities project.

(e) Whenever the district board of education in a Type I or Type II school district having a board of school estimate determines it is necessary to sell school bonds to raise money for the local support for any school facilities project approved pursuant to EFCFA and these regulations, it shall estimate by resolution the amount necessary to be raised for school facilities project(s) and itemizing the estimate to make it readily understandable. The secretary of the district board of education shall certify to each member of the school district's board of school estimate a copy of the resolution. The resolution shall include the amount needed to be raised by school bonds; the final eligible costs of the school facilities project as approved by the Commissioner; the total costs; the State share or State debt-service-aid percentage; the local share, if applicable; and the excess costs, if applicable. If the district board of education determines to use a combination of school bonds and other revenue sources, the resolution shall also include the portion of the local share or total costs of a school facilities project receiving State debt service aid to be raised through other revenue sources, listing separately each source and the amount from it. Gifts, grants, other private sources, and municipal surplus shall also be listed but only for the informational purposes of evidencing their portion of total costs and not for authorizing their use.

(f) Whenever a school facilities project(s) to be paid for from school bond proceeds is submitted to the voters of a Type II school district an annual or special school election for their approval or disapproval, the district board of education shall frame and adopt the question(s) to be submitted so each school facilities project is submitted as a separate question, or so all or any number of them are submitted in one question, which shall state the school facilities project(s) submitted and the amounts to be raised for each of the school facilities projects separately submitted or for each or all of the school facilities projects jointly submitted, as the case may be, but any proposal for land purchase shall be sufficient to authorize the taking and condemning of the land. If the district board of education determines to use a combination of school bonds and other revenue sources, the question shall also include the portion of the local share or total costs of a school facilities project receiving State debt service aid to be raised through other revenue sources, listing separately each source and the amount from it. Gifts, grants, private sources, and municipal surplus shall also be listed but only for informational purposes of evidencing their portion of total costs and not for authorizing their use.

1. If the school facilities project is to be constructed by the Development Authority or a redevelopment entity, or by the school district with a grant pursuant to N.J.S.A. 18A:7G-15, the single-question referendum shall request approval for the local share and shall disclose the amount needed to be raised by school bonds, the final eligible costs of the school facilities project as approved by the Commissioner, the State share, the total costs, and the excess costs, if any.
2. If the school facilities project is not to be constructed by the Development Authority or a redevelopment entity or by the school district with a grant pursuant to N.J.S.A. 18A:7G-15, the single-question referendum shall request approval for the total costs of the school facilities project, disclose the amount needed to be

raised by school bonds, the State debt-service-aid percentage, the final eligible costs, and the excess costs, if any.

i. The State debt-service-aid percentage shall be stated as a percentage of the annual debt service of the final eligible costs.

3. When a school facilities project is framed in more than one question, the explanatory statement accompanying the questions shall include a summary that lists the total costs of the project; the State share or the State debt-service-aid percentage; the final eligible costs of the project; the local share, if applicable; excess costs; and the revenue source for the local share or total costs of a school facilities project receiving State debt service aid.

4. The statement of excess costs in any ballot question and in any explanatory statement that accompanies a ballot question shall describe the excess costs as follows: "This school facilities project includes (insert amount) for school facility construction elements in addition to the facilities efficiency standards developed by the Commissioner of Education, or that are not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g)".

(g) Whenever a State-operated school district determines it is necessary to sell school bonds to raise money for any school facilities project approved pursuant to EFCFA and this subchapter, it shall estimate the amount necessary to be raised for the school facilities project(s), itemizing such estimate to make it readily understandable. The State school district superintendent shall certify to each member of the school district's capital project review board a copy of the resolution. The resolution shall include the amount needed to be raised by school bonds; the final eligible costs of the school facilities project as approved by the Commissioner; the total costs; the State share or the State debt-service-aid percentage; the local share, if applicable; and the excess costs, if any. The capital project review board shall review the project in accordance with N.J.S.A. 18A:7A-46.2. If the

school district determines to use a combination of school bonds and other revenue sources, the question shall also include the portion of the local share or total costs of the school facilities project receiving State debt service aid to be raised through other revenue sources, listing separately each source and the amount from the source. Gifts, grants, other private sources, and municipal surplus shall also be listed but only for informational purposes of evidencing their portion of total costs and not for authorizing their use.

(h) A school district, other than a State-operated school district, that sought and failed to receive approval pursuant to N.J.S.A. 18A:7G-11 of a school facilities project that did not have excess costs, and sought and failed within the three years prior but after July 18, 2000, to receive approval of the same school facilities project, with or without excess costs, may file a petition with the Office of Controversies and Disputes, in conformance with N.J.A.C. 6A:3-1.4 and the procedures in this subsection, to request that the Commissioner approve the school facilities project and authorize the issuance of school bonds for the local share of the school facilities project. Pursuant to N.J.S.A. 18A:7G-12, a State-operated school district may not use the process set forth in this paragraph but shall instead use the process established by N.J.S.A. 18A:7A-46.2 to undertake a school facilities project.

1. A petition filed pursuant to this subsection shall be captioned In the Matter of the Application of the Board of Education of the (Township, Borough, etc.) of (School district), (Name) County, for an Order Directing Issuance of Bonds Pursuant to N.J.S.A. 18A:7G-12 and shall:

i. Briefly set forth the basis for the school district's appeal, including: an explanation of how each school facilities project proposed in the petition meets the statutory requirements that the school district has failed to obtain approval of the local share of the school facilities project(s) within the three years prior to the latter of such failures; the latter failure was for a school

facilities project(s) without excess costs as defined in N.J.A.C. 6A:26-1.2; and why the requested school facilities project(s) is necessary for the provision of a thorough and efficient system of education in the school district;

ii. Be accompanied by a district board of education resolution approving the school district's appeal, documentation of the failed referenda underlying the appeal and a verification as set forth in N.J.A.C. 6A:3-1.4; and

iii. Be filed in triplicate (original and two copies).

2. The review, public comment, and hearing process regarding the petition shall be as follows:

i. A conforming petition and supporting materials filed pursuant to (h)1 above shall be forwarded to the Division, which shall review the record for completeness and solicit such documentation from the school district as may be necessary to ensure the petition's consistency with the threshold statutory criteria as set forth in (h)1 above. Once the record is determined to be complete, the Division shall return to the Office of Controversies and Disputes the record with a written report of its review. The Division also shall provide to the school district a copy of its written report;

ii. Upon receipt of a completed record from the Division, the Office of Controversies and Disputes shall notify the district board of education that it has met the prerequisites for seeking an order of the Commissioner directing issuance of school bonds for the local share of the school facilities project(s) and shall direct the school district to:

(1) Announce at a district board of education meeting to occur by a specified date that interested persons may submit written comments to the Commissioner through the Office of Controversies and Disputes, in duplicate and no more than 10 pages in length, and a copy to the district board of education;

(2) Publish by the date specified and in a minimum of two newspapers, one local and one Statewide, notice of the opportunity for the public to file such comments. Both the announcement and published notice shall identify clearly the school facilities projects; the amount of school bonds the school district seeks to issue; the fact that the voters previously rejected referenda seeking the issuance and the number of such rejections; and the purpose of the school district's appeal to the Commissioner; and

(3) File with the Office of Controversies and Disputes a sworn certification that the required announcement was made and the required notice was published.

iii. Upon receipt of the required certification from the school district and expiration of the public comment period pursuant to (h)2ii above, the Commissioner shall arrange for an evidentiary hearing in accordance with the following procedures:

(1) The Commissioner may either request that the Director of the Office of Administrative Law assign an administrative law judge to conduct the matter as an uncontested case pursuant to N.J.S.A. 52:14F-5(o) or arrange for assignment of a hearing officer to conduct the matter on behalf of the Department;

(2) Written notice of the hearing date(s) shall be sent to the district board of education and its legal representative;

(3) The district board of education shall effectuate notice to interested persons by announcing the hearing date at a district board of education meeting prior to the hearing date, and shall publish same in a minimum of two newspapers, one Statewide and one local,

with a minimum of 20 days' notice provided through both means, and with proof of both the announcement and the publication to be submitted to the assigned judge or hearing officer;

(4) The hearing shall be conducted on an expedited basis and, to the extent possible, at a location close to the school district;

(5) Interested persons shall be provided with a reasonable amount of time, as determined by the assigned judge or hearing officer, to present comments without unduly prolonging proceedings; and

(6) The district board of education shall present, in a manner to be determined by the assigned judge or hearing officer, proofs as to why the school facilities project(s) for which it seeks to issue school bonds are necessary for provision of a thorough and efficient system of education in the school district.

3. Following review of the report and recommendation issued by the Office of Administrative Law pursuant to N.J.A.C. 1:1-21.5 or prepared by the assigned hearing officer in a manner consistent with N.J.A.C. 1:1-21.5, the Commissioner shall make in a written decision a final determination taking into consideration the report's recommended findings of fact and conclusions of law.

i. Within 13 days of the date the report was mailed to the district board of education, or such longer period as may be requested by the school district and granted by the Commissioner, the school district may file with the Office of Administrative Law comments on the report and recommendation.

4. If the Commissioner finds that the school facilities project(s) is necessary for the provision of a thorough and efficient system of education in the school district, the written ordering decision shall authorize the district board of education to prepare to issue school bonds once the Division has approved the final eligible

costs of the school facilities project(s) pursuant to N.J.A.C. 6A:26-3.5 and to submit to the Division detailed plans and specifications, or if unavailable, the most complete documentation on the project.

i. The Division shall then issue a preliminary project report and transmit the documentation to the Development Authority for purposes of a Development Authority recommendation of the final eligible costs of the school facilities project(s), pursuant to N.J.A.C. 6A:26-3.5.

ii. If the Development Authority has the detailed plans and specifications and/or documentation sufficient to make a recommendation of the final eligible costs of the project(s), the recommendation shall be forwarded to the Division. If the plans for the school facilities project(s) do not meet the criteria for detailed plans and specifications, the additional design work shall be funded so a final-eligible-cost recommendation can be made to the Division. The local share shall be adjusted to reflect the Development Authority's funding of the additional design work.

iii. Once the Commissioner approves the final eligible costs of the school facilities project(s) and issues to the Development Authority a final project report, the Commissioner shall approve the school facilities project(s) without excess costs and authorize the issuance of school bonds to fund the local share.

5. In addition to the amount of taxes determined by the legal voters of the school district at the annual school election, the district board of education secretary shall certify the amount required for the repayment of the interest and principal of the school bonds required to fund the local share approved by the Division in the same manner required for interest and debt-redemption charges pursuant to N.J.S.A. 18A:22-33. The amount certified shall be included in the taxes assessed, levied, and collected in the municipality(ies) comprising the school district.

6. Any school facilities project authorized pursuant to this subsection shall be constructed by the Development Authority pursuant to N.J.A.C. 6A:26-3.9.

(i) Any ROD included in district factor group A or B as of July 18, 2000 may apply to the Commissioner for 100 percent State share of final eligible costs of a school facilities project in the event the school district is having difficulty financing the local share or the total costs of a school facilities project receiving State debt service aid. To receive from the Commissioner a recommendation for 100 percent State share of final eligible costs, a school district shall submit documentation demonstrating that:

1. It sought approval of a school facilities project that did not have excess costs, and failed to receive such approval, and previously sought and failed to receive approval of the same school facilities project, with or without excess costs and:

i. The budget equalized tax rate of the school district is at least 130 percent of the State average; or

ii. The equalized municipal tax rate is above the State average; and

2. The school facilities project is necessary for the provision of a thorough and efficient system of education in the school district.

(j) Upon review of the application, the Commissioner shall determine whether to recommend to the Legislature that the school district receive 100 percent State share of the final eligible costs of the project. A school district will receive 100 percent State share only if the Legislature so determines upon receipt of the Commissioner's recommendation.

(k) All school facilities projects approved pursuant to (i) and (j) above shall be constructed by the Development Authority pursuant to N.J.A.C. 6A:26-3.9. Final eligible costs of the project shall be determined in accordance with N.J.A.C. 6A:26-3.5 prior to the Development Authority undertaking construction of the school facilities project.

6A:26-3.8 Determination of State support for school facilities projects

(a) State support for school facilities projects shall be determined as follows:

1. State debt service aid for projects approved on or after July 18, 2000, shall be calculated as follows:

   Aid is the sum of A for each issuance of school bonds issued for a school facilities project approved by the Commissioner on or after July 18, 2000, where:

   A = B x AC/P x DAP x M, with AC/P =1

   whenever AC/P would otherwise yield a number greater than one, and where:

   B is the school district's debt service for the individual issuance for the State fiscal year;

   AC is the preliminary eligible costs determined pursuant to section 7 of EFCFA;

   P is the principal of the individual issuance plus any other funding sources approved for the school facilities project;

   DAP is the district aid percentage as defined pursuant to N.J.S.A. 18A:7G-3, except that DAP shall not be less than 40 percent and, for county special services school districts, DAP is that of the county vocational school district in the same county; and

   M is a factor representing the degree to which a school district has fulfilled maintenance requirements for a school facilities project, and shall be 1.0 except when a different maintenance factor is required by N.J.S.A. 18A:7G- 9.

2. State debt service aid for school facilities projects approved prior to July 18, 2000, shall be calculated as follows:

   Aid is the sum of A where

   A = B x CCSAID/TEBUD and where

   B is the school district's total debt service or lease purchase payment for the individual issuance for the State fiscal year;

   CCSAID is the school district's core curriculum standards aid amount determined pursuant to N.J.S.A. 18A:7F-15; and

TEBUD is the school district's T & E budget determined pursuant to N.J.S.A. 18A:7F-13. For county special services school districts, CCSAID/TEBUD shall be that of the county vocational school district in the same county.

3. The amount of a grant shall be determined as follows:

i. The State share payable to the school district shall equal the product of the school facilities project's final eligible costs and the district aid percentage or 40 percent, whichever is greater. The Development Authority shall provide grant funding for the State share pursuant to an agreement between the school district and the Development Authority, which shall set forth the terms of disbursement of the State share in addition to other terms and conditions.

(1) All grants and the corresponding local share shall be accounted for separately by project in the capital projects fund in accordance with N.J.A.C. 6A:26-4;

(2) Local share budgeted in capital outlay shall be transferred to the capital projects fund upon execution of the grant agreement with the Development Authority. Any unexpended transferred capital outlay funds remaining after completion of the school facilities project shall be transferred to the general fund in the current year or reserved and designated in the subsequent year's general fund budget.

6A:26-3.9 Design and construction of Development Authority school facilities projects

(a) The Development Authority shall design and construct school facilities projects in accordance with EFCFA and the Development Authority's rules.

1. The Commissioner shall develop an educational facilities needs assessment for each SDA district. The assessment shall be updated periodically by the

Commissioner in accordance with the schedule the Commissioner deems appropriate for the school district; except that each assessment shall be updated at a minimum within five years of the development of the school district's most recent prior educational facilities needs assessment.

2. The assessment shall be transmitted to the Development Authority to be used to initiate the planning activities required prior to the establishment of the educational priority ranking of school facilities projects pursuant to this subsection.

3. Following the approval of an SDA district's LRFP or of an amendment to the plan, but prior to authorization of preconstruction activities for a school facilities project included in the plan or amendment, the Commissioner shall establish in consultation with the SDA district an educational priority ranking of all school facilities projects in the SDA district based upon the Commissioner's determination of critical need in accordance with priority project categories developed by the Commissioner. The priority project categories shall include, but not be limited to, health and safety; overcrowding in the early childhood, elementary, middle, and high school grade levels; spaces necessary to provide in-district programs and services for current disabled students who are being served in out-of-district placements or in-district programs; and services for the projected disabled student population, rehabilitation and educational adequacy.

4. In consultation with the Commissioner, SDA districts, and the governing bodies of the municipalities in which the SDA districts are situated, the Development Authority shall establish a Statewide strategic plan pursuant to N.J.S.A. 18A:7G-5.m to be used in the sequencing of SDA district school facilities projects based upon the projects' educational priority rankings and issues that impact the Development Authority's ability to complete the projects.

(b) To advance a school facilities project, a school district that is required to use the Development Authority and has an approved LRFP may request the initiation of preconstruction activities in connection with a school facilities project identified as a priority project in the Statewide strategic plan, provided that such activities are consistent with its approved LRFP and are undertaken under the auspices of the Development Authority.

1. School districts shall submit to the Division a preconstruction application setting forth all preconstruction activities - including feasibility studies, remediation, site development, demolition, design work, acquisition of and design work for temporary facilities, and acquisition of land - that need to be undertaken prior to submission of a school facilities project application. The Division shall review each application for consistency with the educational priority ranking, the Statewide strategic plan, and the approved LRFP. If the Division authorizes the Development Authority to undertake preconstruction activities, it shall forward the application to the Development Authority, which shall undertake such activities pursuant to procedures developed by the Development Authority. Any costs incurred pursuant to this subsection shall be allocated to the applicable school facilities project and shall be deemed eligible for a State share.

2. For school districts in which the State share of final eligible costs of a school facilities project is 100 percent, the Development Authority shall provide the funding for these preconstruction costs.

(c) A school district that is required to use the Development Authority shall seek approval from the Commissioner to acquire land pursuant to N.J.A.C. 6A:26-7. The Commissioner may approve the land purchase if the site is capable of supporting the applicable school facility in the approved LRFP. If the Commissioner approves the request, he or she shall notify the school district and the Development Authority. Any costs incurred pursuant to this subsection shall be allocated to the applicable school facilities project and shall be deemed

eligible for a State share. For school districts in which the State share of eligible costs for the school facilities projects is 100 percent, the Development Authority shall provide the funding for the cost of the land if approved by the Commissioner and the Development Authority.

(d) The Development Authority shall submit detailed plans and specifications to the Department for review and approval pursuant to N.J.A.C. 6A:26-5.4. If the final plans and specifications prepared by the Development Authority change the number, size, location, configuration or use of educational spaces as set forth in the detailed plans and specifications required by N.J.A.C. 6A:26-5 submitted to the Department when a school facilities project was approved, the Development Authority shall submit the final plans and specifications to the Department for review and approval pursuant to N.J.A.C. 6A:26-5. For purposes of N.J.A.C. 6A:26-5.5, the detailed plans and specifications submitted by the Development Authority shall constitute final plans and specifications.

(e) For all school facilities projects constructed by the Development Authority, or which the school district is constructing under delegation of the Development Authority pursuant to N.J.S.A. 18A:7G-13(a), the Development Authority shall notify the Department of any change order affecting the number, size, location, configuration or use of educational spaces and submit the change order to the Department for review and approval.

(f) The Development Authority shall provide to the Division a copy of the final plans and specifications utilized when soliciting bids for a school facilities project and certify that no changes affecting educational adequacy were made between the detailed plans and specifications, and the final plans and specifications.

(g) Upon completion of a school facilities project by the Development Authority, the school district shall submit to the Commissioner and the Development Authority a plan for school facility maintenance in accordance with N.J.A.C. 6A:26-20.

6A:26-3.10 Design and construction of ROD school facilities projects

(a) The provisions of the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq., and implementing rules are applicable to any school facilities project constructed by a school district.

(b) Prior to UCC approval for construction of a school facilities project, a school district shall submit to the Division the final plans and specifications for final approval pursuant to N.J.A.C. 6A:26-5.4.

(c) Upon completion of a school facilities project by a school district, the school district shall submit to the Commissioner a plan for school facility maintenance in accordance with N.J.A.C. 6A:26-20. All plans shall include a provision for a maintenance reserve fund. All maintenance reserve funds created in accordance with N.J.A.C. 6A:26-20 shall be funded annually with two-tenths of one- percent of the net replacement cost of the school facility, which shall be included in the annual budget of the school district. The monies in the maintenance reserve fund may be withdrawn at any time during the year to fund the maintenance mandated by N.J.A.C. 6A:26-20. The net replacement cost of the school facility shall equal the area cost allowance multiplied by the gross square footage of the building.

6A:26-3.11 Initiation of other capital projects

(a) Other capital projects shall be reviewed by the Division based on the following criteria:

1. Whether they are consistent with the school district's approved LRFP;
2. The total amount of funds the school district intends to expend to complete the other capital project;
3. The type of facility to be constructed; and
4. Whether the facility, if it is to house students, conforms to educational adequacy requirements at N.J.A.C. 6A:26-5.2.

(b) Other capital projects that require educational adequacy reviews are subject to the provisions of N.J.A.C. 6A:26-5. Land acquisition projects shall be reviewed pursuant to

N.J.A.C. 6A:26-7. Other capital projects shall conform to all other applicable statutes and regulations, including N.J.S.A. 18A:18A-1.1 et seq.

(c) A school district may annually transfer by district board of education resolution an unbudgeted fund balance up to one percent of the school district's annual budget certified for taxes or $50,000, whichever is higher, to capital outlay to fund other capital projects, except land acquisition projects, that received approval in accordance with (a) and (b) above. Once it exceeds the annual maximum-transfer amount, the school district shall receive approval for local funding for other capital projects as set forth below.

1. If the school district determines to issue school bonds to fund all or any part of the local funding, the school district shall proceed in accordance with (c)2 or 3 below, as applicable, and (c) 4 below. If the school district determines to fund the entire local funding through a means other than school bonds, it shall obtain approval of necessary line-items in the budget, obtain separate approval of the expenditure of local funds, and make withdrawals from capital reserve in accordance with N.J.A.C. 6A:23A-4.1. A school district also may fund the local funding for additions or improvements to an existing facility or equipment through a lease-purchase agreement not in excess of five years' duration if the school district obtains voter or board of school estimate approval of the lease-purchase agreement in accordance with N.J.S.A. 18A:20-4.2(f) and N.J.A.C. 6A:26-10.

2. Whenever the district board of education in a Type I or Type II school district having a board of school estimate shall determine it is necessary to sell school bonds to raise money for the local funding for an other capital project, it shall estimate by district board of education resolution the amount necessary to be raised for such other capital project(s), itemizing the estimate to make it readily understandable. The district board of education secretary shall certify to each member of the school district's board of school estimate a copy of the resolution.

The resolution shall include the amount needed to be raised by school bonds. If the board determines to use a combination of school bonds and other funding sources, the resolution shall also include the portion of the local funding to be raised through other funding sources, listing separately each source and the amount from the source. Gifts, grants, other private sources, and municipal surplus shall also be listed but only for informational purposes of evidencing their portion of total costs and not for authorizing their use.

3. Whenever the undertaking of an other capital project(s) to be funded by the proceeds of a school bonds issue is to be submitted to voters of a Type II school district at an annual or special school election for their approval, the district board of education shall frame and adopt the question(s) to be submitted so each other capital project is submitted as a separate question, or all or any of them are submitted as one question. The question shall state the other capital project(s) submitted, and the amounts to be raised for each other capital projects separately submitted or for each or all other capital projects jointly submitted, as the case may be. Any proposal for the purpose of land shall be sufficient to authorize its taking and condemning. If the district board of education determines to use a combination of school bonds and other funding sources, the question shall also include the portion of the local funding to be raised through other funding sources, listing separately each source and the amount from the source. Gifts, grants, other private sources, and municipal surplus shall also be listed but only for informational purposes of evidencing their portion of total costs and not for authorizing their use.

4. Whenever a State-operated school district shall determine it is necessary to sell school bonds to raise local funding for an other capital project, the school district shall estimate the amount necessary to be raised for the other capital project(s),

itemizing the estimate to make it readily understandable. The State school district superintendent shall certify to each member of the school district's capital project review board a copy of the resolution. The resolution shall include the amount needed to be raised by school bonds. The Capital Project Review Board shall review the project in accordance with the procedures in N.J.S.A. 18A:7A-46.2. If the school district determines to use a combination of school bonds and other funding sources, the resolution shall also include the portion of local funding to be raised through other funding sources, listing separately each source and amount from that source. Gifts, grants, and other private taxpayer sources, along with municipal surplus, shall also be listed but only for the informational purposes of evidencing their portion of total costs and not for authorizing their use.

5. If the school district issues school bonds for an other capital project under (c)2, 3, or 4 above, the resolution or question to the voters shall specifically state that the other capital project is not eligible for State support. In the case of a school facilities project for which a school district determines not to seek State support, the resolution or question shall state as follows: "The other capital project to be funded herein was potentially eligible for State support, in whole or in part, at a minimum amount of 40 percent for eligible components of the project. However, (add name of school district) determined not to seek State support for this other capital project." If a school district has not received approval of its LRFP, the school district shall submit a request to amend its LRFP to include the other capital project. Approval of the amendment shall be required prior to the review of the other capital project.

6A:26-3.12 Acquisition of land by school districts

(a) Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with N.J.A.C. 6A:26-7 and receive approval thereunder.

(b) School districts may seek to acquire land as part of a school facilities project or prior to approval of a school facilities project. If approval for land acquisition is sought prior to approval of a school facilities project and the school facilities project is subsequently approved, such school facilities project shall be deemed to have included the land acquisition.

(c) Every land acquisition shall be approved by voters or the board of school estimate, unless otherwise provided in (c)1 through 3 below:

1. If a school district intends to utilize school bonds to acquire the land prior to the approval of a school facilities project, the request for local-debt authorization shall state that the school bonds proceeds will be utilized to acquire land to be used for a school facilities project identified in the approved LRFP, and that the availability of State support for such a school facilities project will not be determined unless and until the school facilities project is submitted and approved as eligible for State support pursuant to EFCFA and this subchapter. School districts may also seek to acquire land as part of an other capital project or prior to its review and approval, if any.

2. If a school district intends to utilize funds in its capital reserve account to fund an acquisition of land for a school facilities project in its approved LRFP, voter approval of the withdrawal from capital reserve is not required if the appropriation to the capital reserve account for the acquisition of land receives voter approval pursuant to N.J.A.C. 6A:23A-14.1.

3. If a school district utilizes funds other than school bonds or funds from the capital reserve account to acquire the land, except for gifts, grants, other private sources, and

municipal surplus, the school district shall include as a line item in its annual school budget submitted to the voters the appropriation of funds for the land acquisition.

i. An approved line-item appropriation for the acquisition of land in the annual budget certified for taxes shall not become part of the pre-budget-year net budget for purposes of calculating the spending-growth limitation of the subsequent year pursuant to N.J.S.A.18A:7F-1 et seq. Unused spending authority calculated pursuant to N.J.A.C. 6A:23A-10.3 that is created by such appropriation shall not be considered unused spending authority available to a district board of education in the next two budget years.

6A:26-3.13 Review, approval, and use of temporary facilities

(a) As part of a school facilities project, a school district may propose providing temporary facilities pending the construction of a school facilities project either by the Development Authority or the school district. A school district may also propose providing temporary facilities not as part of a school facilities project and, therefore, to be locally funded as an other capital project. An approved private school for the disabled may also propose to provide temporary facilities, which are not part of a school facilities project and shall be reviewed as an other capital project.

(b) All temporary facilities shall be approved by the Division pursuant to this section and, if housing students, pursuant to the educational adequacy requirements at N.J.A.C. 6A:26-5.4(c) and the temporary facility standards at N.J.A.C. 6A:26-8.

1. If an SDA district seeks approval of a temporary facility and it is part of a school facilities project, and if approval is sought prior to the school facility project's approval, it shall submit to the Division a preconstruction application referencing the acquisition of a temporary facility (including related design work), pursuant to N.J.A.C. 6A:26-3.9.

i. If the SDA district seeks approval of a temporary facility prior to approval of a school facilities project, the school district or the Development Authority on behalf of the school district, shall submit an application for approval of the temporary facility pursuant to this section. The Division shall then make a determination on the temporary facility, and notify both the school district and the Development Authority. When the SDA district later submits an application for the related school facilities project, the temporary facility submission shall be deemed to be included in the application. The preliminary eligible cost and final eligible cost determinations shall incorporate the eligible costs of the temporary facility.

ii. If the SDA district seeks approval of a temporary facility at the time it seeks approval of a school facilities project, the school district, or the Development Authority on behalf of the school district, shall submit an application for approval of the temporary facilities pursuant to this section. The temporary facility cost estimate for the estimated actual costs of the temporary facility shall be included in the cost estimate for the school facilities project. The project and preliminary eligible cost, land, and educational adequacy determinations shall occur at the same time as its temporary facility determination pursuant to this section.

iii. If the SDA district, or the Development Authority on behalf of the SDA district, seeks approval of a temporary facility after the time it seeks approval of a school facilities project, the cost estimate for estimated actual costs of the temporary facility shall be added to the cost estimate for the school facilities project, and the temporary facility determination shall occur after the project and preliminary eligible cost determinations are made by the Division.

2. If a ROD seeks approval of a temporary facility that is part of a school facilities project, the ROD shall engage an architect to undertake the design work required for the temporary facility to be approved as part of a school facilities project.

i. If the school district seeks approval of a temporary facility prior to approval of a school facilities project or at the time it seeks approval of a school facilities project, the school district shall submit an application for temporary facility approval, including a cost estimate for the temporary facility based on its estimated actual costs. A temporary facility approved prior to the approval of a school facilities project shall be funded locally. Once the project has been approved, the school district shall receive credit toward the local share of its final eligible costs, pursuant to N.J.A.C. 6A:26-3.8.

(c) An application for a temporary facility, including in the case of an approved private school for the disabled, shall contain the following information:

1. If the temporary facility is to house students, all information set forth in N.J.A.C. 6A:26-5.4(c), relating to detailed plans and educational specifications, and all information demonstrating that the design of the facility complies with N.J.A.C. 6A:26-8, Temporary Facility Standards;

2. All information to the extent applicable to temporary facilities in N.J.A.C. 6A:26-7.1 if the temporary facility includes the acquisition of land;

3. If the temporary facility is part of a school facilities project and if intended to house students due to overcrowding, necessary updates to the enrollment projections in the school district's approved LRFP to support the temporary facility;

4. The number of unhoused students, if any, to be housed in the temporary facility;

5. A cost estimate for the temporary facility;

6. A recommendation of the county superintendent of schools certifying the need for a temporary facility;

7. A resolution of the district board of education or the board of trustees of the approved private school for the disabled approving the application; and

8. Where required by N.J.S.A. 40:55D-31 and 18A:18A-16, either proof that 45 or 55 days have passed, whichever time period is applicable, pursuant to N.J.A.C. 6A:26-3.2, from the planning board's receipt of the temporary facility application or the receipt of comments from the local planning board(s) on the temporary facility application, whichever is earlier. Such comments are to be sent to the Division, Office of School Facilities, PO Box 500, Trenton, New Jersey 08625-0500.

(d) After the Division receives a completed temporary facility application, it shall make a determination on the temporary facility based on the following criteria:

1. Whether the temporary facility is consistent with the school district's approved LRFP;

2. If intending a temporary facility to be part of a school facilities project and intending the temporary facility to house students due to overcrowding, whether the school district evidences through updates to its enrollment projections that the related school facility has a functional capacity of less than 90 percent of the facilities efficiency standards when the capacity is most efficiently utilized through scheduling and other means;

3. If it is to house students, whether the facility conforms to educational-adequacy requirements at N.J.A.C. 6A:26-5.4(c);

4. Whether the design of the facility demonstrates compliance with the temporary facility standards at N.J.A.C. 6A:26-8;

5. If it includes land acquisition, whether the facility conforms to the applicable requirements at N.J.A.C. 6A:26-7.1;

6. Whether the facility meets the facilities efficiency standards; and

7. Whether the estimated actual cost of the temporary facility is reasonable.

(e) If the temporary facility is intended to be funded as an other capital project, the school district shall conform to all other applicable statutes and regulations, including N.J.S.A. 18A:18A-1.1 et seq. and the local support provisions at N.J.A.C. 6A:26-3.11(c).

(f) If a school district or an approved private school for the disabled houses public school students in a facility that was reviewed and approved as a substandard facility under the rules in effect prior to June 7, 2004, the facility shall not be required to be re-approved as a temporary facility under the rules in effect after June 7, 2004. Renewal of the facility's approval as a substandard facility shall be subject to standards for substandard facilities in effect prior to June 7, 2004.

(g) A temporary facility may be approved by the Division for a term of two years, with three annual renewals if the school district, or the Development Authority on behalf of the school district, demonstrates satisfactory progress toward the provision of permanent facilities. No such approval shall remain in effect or be eligible for renewal unless the executive county superintendent determines in consultation with the Division and upon inspection of the temporary facility that:

1. The temporary facility meets the educational-adequacy and temporary-facility standards as specified in this chapter;
2. The school district or approved private school for the disabled demonstrates through the LRFP or other plan, in the case of the approved private school for the disabled, that students housed in the temporary facility will be housed in permanent school facilities; and
3. The temporary facility meets N.J.A.C. 5:23 requirements for a certificate of occupancy for "E" (educational) group use.

(h) When a school district receives State support pursuant to EFCFA for a school facilities project and temporary facilities are acquired by the school district to house students

pending completion of the school facilities project, the temporary facilities shall not be encumbered, sold or otherwise disposed of until the Division approves the action.

6A:26-3.14 Emergency stabilization

(a) Emergency stabilization must qualify as an emergency pursuant to N.J.S.A. 18A:18A-7 and the rule promulgated pursuant thereto at N.J.A.C. 5:34-6.1. Emergency stabilization is not eligible for State support, and therefore the costs incurred by the school district in undertaking the emergency stabilization will not be eligible for reimbursement by the State in the event that it is determined that an emergent condition exists after undertaking such stabilization.

(b) When a school district determines that an emergency exists pursuant to N.J.S.A. 18A:18A-7, it shall undertake emergency stabilization as follows:

1. The school district shall, if possible, immediately undertake the actions necessary, including temporary repairs to alleviate the emergency;
2. The school district shall conform to the Public Schools Contract Law and the applicable rule at N.J.A.C. 5:34-6.1 when undertaking such emergency stabilization; and
3. The school district shall proceed as set forth in (d) or (e) below if, after undertaking emergency stabilization, it is necessary to undertake an emergent project.

(c) Emergent projects can be either school facilities projects eligible for State support or other capital projects. Emergent projects that are school facilities projects shall proceed in accordance with (d) and (e) below. Emergent projects that are other capital projects shall proceed in accordance with (f) below. If a school district determines that an emergent condition exists after undertaking an emergency stabilization, the school district in applying for review and approval, if applicable, of the project shall submit evidence acceptable to the Division of the emergency stabilization costs.

(d) Prior to the approval of a school district's LRFP, a school district may, on a form provided by the Commissioner, apply directly to the Commissioner for approval of a school facilities project when an emergent condition exists.

1. The Commissioner shall approve a school facilities project for an emergent condition only if, after an on-site inspection, the county superintendent of schools, in consultation with the Division, certifies that an emergent condition exists.
2. If a school facilities project for an emergent condition is approved by the Commissioner, the school facilities project application shall be forwarded to the Division for review, pursuant to N.J.A.C. 6A:26-3.3(a) through (o), on an expedited basis. The scope of work contained in the application shall be limited to action required to rectify the emergent condition.
3. Notwithstanding the approval of a school facilities project for an emergent condition prior to approval of a school district's LRFP, pursuant to this section, preliminary eligible costs and final eligible costs for the school facilities project shall be determined consistent with this chapter.

(e) After approval of a school district's LRFP, a school district may, on a form provided by the Department, apply directly to the Division for approval of a school facilities project when an emergent condition exists.

1. The Division shall approve a school facilities project for an emergent condition only after an on-site inspection, the county superintendent of schools, in consultation with the Division, certifies that an emergent condition exists.
2. If the existence of the emergent condition has been certified pursuant to (e)1 above, the school facilities project application shall be forwarded to the Division for review, pursuant to N.J.A.C. 6A:26-3.3(a) through (o), on an expedited basis. The expedited basis shall include Division acceptance of school district submission of the school facilities project application or a predevelopment request in the case of

Authority managed projects, within 45 days of the date of such submission. If the emergent condition was not included in the school district's approved LRFP, the school district shall request an amendment to its LRFP as part of the project application and amend its LRFP within 45 days of such submission. The scope of work contained in the application shall be limited to those actions determined by the Division to be reasonable considering the emergent condition and the capital projects in the school district's approved LRFP.

3. Preliminary eligible costs and final eligible costs for the school facilities project shall be determined consistent with this chapter.

(f) If a school district determines that an emergent condition exists after undertaking an emergency stabilization, and the emergent project is an other capital project, the school district shall submit the information required by N.J.A.C. 6A:26-3.11, and the Division shall perform all required reviews on an expedited basis. The scope of work contained in the application shall be limited to those actions determined by the Division to be reasonable considering the emergent condition and the capital projects in the school district's approved LRFP.

6A:26-3.15 Insurance, damages awards, gifts, grants, other private sources of funds, and municipal surplus

(a) School districts shall insure all insurable property, real or personal, in accordance with N.J.S.A. 18A:20-25.

(b) Insurance proceeds and damages awards received by a school district shall be applied as follows: if the school district applies for approval of a school facilities project involving a facility for which there are insurance proceeds or a damages award, the insurance proceeds and/or damages award shall be applied to reduce the amount of State support as follows:

1. For locally constructed school facilities projects for which a school district elects to receive a State share pursuant to N.J.S.A. 18A:7G-15, the State share amount shall be reduced in the following manner:

   i. Calculate the percentage of total project costs that would be funded by the State pursuant to N.J.A.C. 6A:26-3.8 if no insurance proceeds and/or damages award were received by the school district;

   ii. Multiply the percentage by the amount of insurance proceeds and/or damages award to which the school district is entitled, minus any amount that would exceed the eligible costs of the project; and

   iii. Reduce the State share by the amount determined in step ii.

2. For Development Authority-constructed school facilities projects with a local share, the local share shall be adjusted in the following manner:

   i. Calculate the percentage of total costs that would be funded by local share if no insurance proceeds and/or damages award were received by the school district;

   ii. Reduce the total costs by the amount of insurance proceeds and/or damages award to which the school district is entitled minus any amount that would exceed the eligible costs of the project;

   iii. Multiply the local share percentage determined in (b)2i above by the amount determined in (b)2ii above; and

   iv. Add the amount of insurance proceeds and/or damages award to the revised local share amount determined in (b)2iii above. The amount determined in this subparagraph shall be provided to the Development Authority before it undertakes a school facilities project.

3. For Development Authority-constructed school facilities projects without a local share, the State share shall be adjusted in the following manner:

i. Reduce the State share by the amount of insurance proceeds and/or damages award to which the school district is entitled; and

ii. The amount determined in (b)3i above shall be provided to the Development Authority before it undertakes a school facilities project.

4. For locally constructed school facilities projects for which a school district elects to receive State debt service aid pursuant to N.J.S.A. 18A:7G-9, the school district shall issue bonds only for the amount of the total projects costs minus the insurance proceeds and/or damages award.

i. If the bonds have already been issued, the insurance proceeds and/or damages award should be used to reduce the outstanding principal amount at the earliest call date or to annually reduce the amount of debt service payment. The calculation of State debt service aid shall be made from the reduced amount.

(c) Gifts, grants, other private sources, and/or municipal surplus received by a school district shall be applied as follows: if the school district applies for approval of a school facilities project that will also receive funding through any of the above sources, such source of revenue shall be applied to the local share of the project, and may be applied to reduce the State support only if a Development Authority-constructed school facilities project does not have a local share, or for school facilities projects with a local share, the source of revenue exceeds the local share and, by its terms, may only be used for the school facilities project, in which case State share shall be reduced by the amount of the excess over local share.

1. For locally constructed school facilities projects for which a school district elects to receive a State share pursuant to N.J.S.A. 18A:7G-15, and the revenue source exceeds the local share and, by its terms, may only be used for the school facilities project, such excess shall be applied to the State share of the project and reduce the amount of the grant before a disbursement is made.

2. For locally constructed school facilities projects for which a school district elects to receive State debt service aid pursuant to N.J.S.A. 18A:7G-9, the school district shall issue bonds only for the amount of the total project costs, minus the revenue source.

3. For Development Authority-constructed school facilities projects with a local share, the revenue source shall be applied toward the local share, and that amount shall be provided to the Development Authority before it undertakes the school facilities project, along with any amount in excess of the local share that by the terms of the revenue source must be used for the school facilities project, which shall be applied to reduce the amount of State share.

4. For Development–Authority-constructed school facilities projects without a local share, the revenue source shall be applied to reduce the amount of State share only if the terms of the revenue source require that it be used for the school facilities project, in which case that amount shall be provided to the Development Authority before it undertakes the school facilities project.

Subchapter 4. Management of Capital Projects

6A:26-4.1 Capital projects fund

(a) All revenues and appropriations related to school facilities projects receiving funding pursuant to EFCFA and this chapter, and to other capital projects that utilize revenue sources identified in (b) below, shall be accounted for in the capital-projects fund defined in N.J.A.C. 6A:23A-1.2.

(b) The source of revenue in the capital-projects fund includes the:

1. Sale of school bonds;

2. Issuance of temporary notes or loan bonds pursuant to N.J.S.A. 18A:24-3;

3. Issuance of certificates of participation for a lease-purchase agreement greater than five years approved prior to EFCFA;

4. Grants received pursuant to N.J.S.A. 18A:7G-15; and

5. All revenue sources identified in the referenda or resolution authorizing the issuance of school bonds pursuant to N.J.A.C. 6A:26-3.7 and 3.12.

(c) The revenue source in the capital-projects fund also shall include capital-reserve withdrawals and other local revenues to fund the local share of a school facilities project not utilizing school bonds pursuant to N.J.A.C. 6A:26-3.7(c).

(d) All revenue sources identified in the referenda or resolution pursuant to N.J.A.C. 6A:26-3.7 or 3.11 shall be transferred to the capital-projects fund upon voter, board of school estimate or capital project review board approval. The revenue sources shall be accounted for separately with, and accorded the same accounting treatment as, the corresponding school bonds.

6A:26-4.2 Use of capital-projects fund to account for a capital project funded in part or in whole by school bonds, short-term notes, or pre-EFCFA lease-purchase agreements of greater than five years' duration

(a) The cost of a capital project covered by bond proceeds shall include costs associated with architects, lawyers, and construction managers even if not specifically stated in the referendum question approved by voters or in the resolution approved by the board of school estimate or capital project review board. A district board of education that budgeted and charged such costs to the general fund prior to the referendum has the option to reimburse the costs from the capital-projects fund after approval of the referendum or resolution.

(b) Use of the capital-projects fund to account for bond proceeds and short-term notes shall be limited to the following:

1. Type I and Type II school districts with boards of school estimate shall be limited to the amount fixed by the board of school estimate pursuant to N.J.A.C. 6A:26-

3.7(e) for each capital project, or projects when jointly submitted, under N.J.S.A. 18A:22-19 and 30, and 18A:24-55.

2. Type II school districts without a board of school estimate shall be limited to the amount approved by voters for each capital project, or projects when jointly submitted, pursuant to N.J.S.A. 18A:22-39 and 18A:24-55.

3. State-operated school districts shall be limited to the amount approved by the capital project review board.

4. The local share of capital projects when jointly submitted in (b)1 or 2 above may be transferred among projects within an approved referendum as long as the school district adequately discloses in the referendum question that such transfers can be made and the district board of education can attest that all projects can be completed as approved, and no excess costs beyond those approved by voters shall be eligible for transfers.

   i. If the ability to transfer was not disclosed in the referendum question, the Commissioner may approve the transfer upon the school district's written request of need and the district board of education's certification of its ability to complete all projects as approved and that no excess costs beyond those approved by voters shall be eligible for transfer.

(c) Use by a district board of education of the capital projects fund to account for a lease-purchase agreement greater than five years is limited to the expenditures in the approved pre-EFCFA lease-purchase agreement greater than five years.

(d) A district board of education shall not transfer capital-project cost overruns to general-fund current expense or capital outlay and shall not fund capital-project cost overruns by general-fund appropriations or surplus pursuant to N.J.S.A. 18A:22-8.2, unless such transfer is approved by the Commissioner to supplement proceeds from a school bond authorization or pre-EFCFA LPA agreement pursuant to N.J.S.A. 18A:22-8.2(c). After

consideration of alternative corrective actions, the Commissioner shall approve, according to N.J.A.C. 6A:26-4.4(a)5, the transfer only if it is in the best interests of both students and taxpayers.

(e) Interest earned on investments in the capital-projects fund shall not be used to supplement the school-bond authorization, unless expressly authorized in the referendum or resolution pursuant to N.J.A.C. 6A:26-3.7, or expressly authorized in the pre-EFCFA LPA.

1. All transfers of interest shall be:

i. Made by resolution to either the debt-service fund or the general fund at the discretion of the district board of education; and

ii. Completed annually and at the end of the project.

6A:26-4.3 Use of capital projects fund to account for a school facilities project not funded in part or in whole by school bonds or short-term notes

(a) School districts shall use the capital-projects fund to account for an approved school facilities project where the school district elects to receive a grant pursuant to N.J.S.A. 18A:7G-15 and to fund the entire local share through a means other than school bonds or short-term notes.

(b) Local share budgeted in capital outlay and/or withdrawn from capital reserve for a school facilities project not funded by school bonds or short-term notes shall be transferred to the capital-projects fund upon execution of the grant agreement with the Development Authority in accordance with N.J.A.C. 6A:26-3.8(a)3 and 9.1.

(c) A district board of education may utilize by resolution general-fund surplus up to 20 percent above the awarded project cost in response to change orders allowed pursuant to N.J.A.C. 6A:26-4.9 and in accordance with N.J.A.C. 6A:26-4.4(b).

6A:26-4.4 Options where there are insufficient funds to complete a capital project

(a) A district board of education shall have the following options for referendum-authorized projects upon opening initial bids for the project, or at any other time when it is determined that there are not sufficient funds to complete the referendum-authorized project(s). The district board of education shall:

1. Reject all bids pursuant to N.J.S.A. 18A:18A-36 and re-advertise based on the same specifications, or on modified specifications that do not materially impact the nature and scope of the project and that have been approved by the Division pursuant to N.J.A.C. 6A:26-5;

2. If contracts were previously awarded, seek approval pursuant to N.J.A.C. 6A:26-4.9 for a change order for modifications to effect economies they would not materially impact the nature or scope of the project as approved by the Division and board of school estimate or voters, as applicable;

3. Seek approval of the board of school estimate or voters, as applicable, for additional funds to complete the project.

   i. The sale of additional bonds, transfer of general-fund surplus, additional tax levy, capital reserve, and/or unexpended bond proceeds of a capital project authorization may be utilized upon voter or board-of-school-estimate approval according to procedures in N.J.A.C. 6A:26-4.6(b);

   ii. Approval for the sale of additional bonds shall be by resolution or referendum in accordance with N.J.S.A. 18A:24-1 et seq.;

   iii. Approval for the transfer of general-fund surplus, additional tax levy, and/or capital reserve to supplement an approved referendum may be through special appropriation in a Type I school district, separate question at a special election in a Type II school district without a board of school

estimate, or through the appropriate line-items and supporting documentation in the base budget at the annual election as follows:

(1) Requests at the annual election through the appropriate line-items and supporting documentation in the base budget shall have a statement of purpose, as prescribed by the Commissioner, to be included in the advertised budget. Requests shall also be specifically discussed at the public hearing as documented in the district board of education minutes.

(2) Approved line-item appropriations in the annual budget certified for taxes for the requests in (a)3iii(1) above shall not become part of the pre-budget-year net budget for purposes of calculating the spending-growth limitation of the subsequent year pursuant to N.J.S.A. 18A:7F-1 et seq. Unused spending authority calculated pursuant to N.J.A.C. 6A:23A-10.3 that is created by such approvals shall not be considered unused spending authority available to a district board of education in the next two subsequent budget years;

4. Redefine/scale down the scope of the project and seek approval of the board of school estimate or voters, as applicable, to use the original proceeds for the redefined scope and/or new purpose. All such projects shall be resubmitted and the Division shall redetermine final eligible costs prior to seeking board-of-school-estimate or voter approval; or

5. Apply to the Commissioner for a transfer of general-fund surplus to the capital-projects fund to supplement the proceeds from a bond authorization or pre-EFCFA lease-purchase agreement greater than five years if determined and approved by the

Commissioner that a transfer is in the best interests of both students and taxpayers of the school district after consideration of alternative corrective actions.

i. The school district application shall include a narrative on the need for the transfer and analysis of alternative corrective actions, including steps outlined in (a)1 through 4 above, a copy of the referendum question and detailed cost analysis of the capital project to support the need for the transfer request. The project cost analysis shall include, at a minimum, a comparison of the itemized budget as approved by the Division, including the determination of final eligible costs for a school facilities project; the itemized budget as approved by the voters, including pre-referendum and post-referendum costs; the itemized budget for the project upon bid award; and any change orders approved pursuant to these regulations or change orders pending approval.

ii. The Commissioner's approval shall be based upon:

(1) A recommendation from the executive county superintendent that no further alternative corrective actions can be made after his or her review of the school district's application in consultation with the Division;

(2) The Division’s recommendation that the capital project is within the facilities efficiency standards and necessary for educational adequacy after the Division’s review of the school district's application. If the Division determines the project scope is beyond the facilities efficiency standards and the excess costs are greater than the transfer request, the Division shall take into consideration in its recommendation whether the excess costs are outside the control of the school district;

(3) School district certification that the transfer request is not due to contractor malfeasance subject to legal recourse. If the transfer request

is due to architect, engineer or contractor malfeasance, then the school district shall certify its intent to pursue all legal options. If the transfer request is approved by the Commissioner, any subsequent awards on the legal action shall be recorded as revenue in the general fund; and

(4) Other considerations as appropriate.

iii. If the need for the transfer is due solely to inaccurate and/or insufficient project cost estimates, a district board of education may not request Commissioner approval for a transfer of general fund surplus without first seeking corrective action through board of school estimate or voter approval, as applicable, of additional funds and/or revised scope pursuant to (a)3 and/or 4 above.

iv. The Commissioner shall not approve a transfer request if the district board of education did not include an adequate level of contingency at the time of contract award in accordance with N.J.A.C. 6A:26-4.8(c).

v. If a capital project contains excess costs or is an other capital project, no transfer of general-fund surplus shall be approved by the Commissioner prior to a district board of education submission of the capital project for bids on at least two separate occasions.

(b) A district board of education shall have the following options for a school facilities project when the school district elects to receive a grant pursuant to N.J.S.A. 18A:76-15 and elects to fund the entire local share through a means other than school bonds if there are insufficient funds to complete the project upon opening initial project bids or any time thereafter. The district board of education shall:

1. Seek approval of the board of school estimate or voters, as applicable, for additional funds to complete the project. Sources that may be considered are:

i. The sale of bonds;

ii. The transfer of general-fund surplus;

iii. A tax levy;

iv. Capital reserve; and/or

v. The unexpended proceeds of a capital-project authorization according to N.J.A.C. 6A:26-4.6(b); or

2. Transfer by district board of education resolution general-fund surplus in an amount not to exceed 20 percent of the school facilities project award price in response to change orders allowed pursuant to N.J.A.C. 6A:26-4.9; or

3. Transfer from capital reserve pursuant to N.J.A.C. 6A:23A-14.1.

6A:26-4.5 Over-expending a capital project

(a) Under the New Jersey Code of Criminal Justice, Title 2C of the New Jersey Statutes, it is a crime for a public official or employee to knowingly disburse, order, or vote for the disbursement of moneys or incur obligations in excess of appropriations or an amount limited by law. The Department shall notify the Office of Inspector General, and may notify the Director of the Division of Criminal Justice if an over-expenditure/deficit is detected in a capital project.

(b) A district board of education over-expending the capital-projects fund also shall be subject to a reduction in its State aid and other actions pursuant to N.J.A.C. 6A:23A-16.10 and 6A:26-14.1, if applicable.

6A:26-4.6 Unexpended bond proceeds

(a) A capital project shall be considered completed for the purposes of determining unexpended bond proceeds under this section when:

1. The project has received its certificate of completion from the contractor;

2. All retainage has been liquidated; and

3. A permanent certificate of occupancy has been received, if applicable.

(b) Any school bonds proceeds that remain unspent upon completion of the capital project shall be disposed of by the school district in accordance with N.J.S.A. 18A:24-47 et seq. if issued by the school district for a school facilities project prior to July 18, 2000, and where the school district received no funding pursuant to EFCFA except for funding received pursuant to N.J.A.C. 6A:26-13.1(b), or issued for an other capital project.

1. Unexpended balances may remain in the capital projects fund for six years after the time of issuance or sale of bonds pursuant to N.J.S.A. 18A:24-48 and 51.

2. Within six years of issuance or sale, if a new purpose(s) for the unexpended balances is determined, the board of school estimate, capital project review board, or voters may approve the change in purpose by resolution or ballot question pursuant to N.J.S.A. 18A:24-48 through 52.

   i. The resolution or ballot question for the new purpose shall receive Commissioner approval pursuant to N.J.S.A. 18A:24-49 through 52 if the bonds mature beyond the period prescribed for the new purpose(s) by N.J.S.A. 18A:24-5.

3. If no new purpose for the unexpended balances is determined within the six years from issuance or sale, the district board of education shall transfer by resolution the funds to either the general fund or debt-service fund.

   i. To establish there is no new purpose, the school district's budgeted appropriations and actual expenditures for the transfer year may not reflect capital outlay spending.

4. After six years from issuance or sale, unexpended balances shall be transferred by resolution to either the general fund or the debt-service fund.

(c) Proceeds of school bonds issued by the school district or other revenue sources transferred to the capital-projects fund, pursuant to N.J.A.C. 6A:26-4.1, for the purpose

of funding all or part of the costs of ROD school facilities projects that remain unspent upon completion of the school facilities projects and/or other capital projects whose funding was authorized by the bonds shall be used by the school district to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The provision shall apply if any school facilities project funded by the school bonds receives the State share of eligible costs.

1. If the unexpended proceeds are used annually to make debt-service-principal payments, the proceeds shall remain in the capital projects fund and be appropriated in each subsequent year's budget certified for taxes to reduce in full each year the debt-service-principal payment until the proceeds are exhausted.
2. Use of unexpended bond proceeds to make principal payments shall be used in the determination of State debt service aid pursuant to N.J.A.C. 6A:26-3.8, if applicable.

6A:26-4.7 Oversight of ROD constructed school facilities projects

(a) Every district board of education shall be subject to the following for every approved school facilities project receiving State support under this chapter:

1. To provide the Commissioner assurance that the contracting process for design and construction contracts for school facilities projects conforms to all requirements of Title 18A of the New Jersey Statutes and all other applicable laws and rules, the school district shall, in a separate certification for each contract awarded for a school facilities project pursuant to (a)3 below, certify that the school district has followed the provisions of law related to:
   i. Authorization to prepare plans and specifications;
   ii. Preparation and contents of bid specifications;
   iii. Approval of plans and specifications;
   iv. Advertising for bids;

v. Review and evaluation of proposals; and

vi. Award and execution of contracts.

2. The design and construction contracting process, contract administration and the payment of claims, and change orders for school facilities projects shall be subject to audit by the Commissioner.

3. Upon the award of each design or construction contract, the school district shall submit a Commissioner-provided form certifying that the procurement process conformed to all requirements of statute and rules, including, but not limited to, the matters covered in (a) above, and that all contracts procured for the school facilities project conformed to Title 18A of the New Jersey Statutes and all other applicable laws. The form shall be certified by the school business administrator and approved by resolution of the district board of education.

4. The school district shall maintain a project file that shall include, but not be limited to, the following:

i. All documents related to the project-approval process, including project siting; land acquisition; real estate (deeds, leases, title report including searches for easements, mortgages, judgments, liens, unpaid taxes, water and sewer, property description by metes and bounds); surveys; district board of education resolutions; referendum ballot questions or municipal debt ordinances; and all public notices pursuant to the Open Public Meetings Act;

ii. All documents related to the financing of the project including:

(1) Selection and payment of professionals, such as bond counsel and other attorneys; underwriters; financial and investment advisors; trustees; official printers; and bond insurers;

(2) Structuring of the financing, such as the method(s) of borrowing considered, complete financing estimates and cash flows, all

number runs, including escrow sufficiency, if applicable, and yield calculations; the rationale for the plan of financing (resulting in the issuance of obligations under terms most advantageous to the school district) long-range plans or models, computerized models, private uses, and costs of issuance; and

(3) Issues of debt, such as general, series, and supplemental bond resolutions; trust indentures; trust agreement; preliminary official statement; all disclosure materials; Official Notice of Sale or Purchase Contract; arbitrage certificate; tax regulatory agreement; IRS Form 8083, as appropriate; Disclosure Agreement; and TEFRA Notice, if applicable;

iii. All documents related to the bidding process, evaluation of bids, award and execution of contracts, the specifications, request for proposal or other invitations to bidders; advertisements or public notices of the bid opportunity; logs of the bids received and the bids opened; bid evaluation worksheets; notices of contract award; and the executed construction contract documents;

iv. All documents related to the construction of school facilities, including documents required by the construction contract documents to be kept; specifications; change orders; alternate submissions; approvals or rejections; unit prices; product data; time of performance schedules; construction photographs; qualify control management reports; value engineering information; up-to-date project accounting system; intermediate and final audits; “as builts” or other drawings documenting the actual facilities built and fixtures installed; close-out documentation on forms provided by the Department; related correspondence; vouchers; and certifications;

v. All payroll certifications filed with the school district by all contractors and subcontractors; and

vi. All documents a school district is legally required to make, maintain, or keep on file as part of a construction project.

(b) The documents in (a) above shall be maintained in a readily accessible place for review and inspection by the Department, the Development Authority, the Department of Community Affairs, and the Office of Government Integrity for the duration of the school facilities project and three years thereafter, or until completion of all litigation concerning any aspect of the school facilities project, if any. Destruction of the documents shall be consistent with the record retention schedule adopted pursuant to N.J.S.A. 47:3-15 et seq.

1. A standardized voucher form, where provided to school districts by the Department, shall be fully executed by contractors, delivered to the school district prior to a school district providing any payment to a contractor and maintained by the school district in the project file. Prior to the school district providing any payment, the voucher form shall be countersigned, where indicated, by the school district.

2. School district shall include standardized contract provisions, where provided by the Department, in all contracts for the design and construction of a school facilities project.

3. All contractors, and subcontractors in the four areas listed in N.J.S.A. 18A:18A-18, utilized by school districts to construct school facilities projects shall be pre-qualified pursuant to the Development Authority pre-qualification process.

4. Upon completion of a school facilities project that received State share in the form of a grant pursuant to N.J.S.A. 18A:7G-15 or N.J.S.A. 18A:7G-13(a), the school district shall submit to the Division a copy of the documents required for the final completion disbursement: the certification by the school business administrator and the design consultant certification upon final completion. Upon completion of a

school facilities project for which State support is in the form of debt-service aid pursuant to N.J.S.A. 18A:7G-9 or 10, the school district shall submit, on a form to be provided by the Commissioner, a certification of the school business administrator, which shall be approved by resolution of the district board of education, certifying that the school facilities project was constructed consistent with the approved plans and specifications for the school facilities project and all approvals provided by the Commissioner pursuant to EFCFA.

(c) School districts are encouraged to report to the Division of Wage and Hour Compliance, Department of Labor, on the failure to receive from contractors and subcontractors certified payroll records, required pursuant to the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.25 et seq. School districts receiving certified payroll records with suspected inaccuracies or receiving other indications of noncompliance with the New Jersey Prevailing Wage Act are also encouraged to report to the Division of Wage and Hour Compliance, Department of Labor, and, as well, to take other steps such as verifying the accuracy of these certified payroll records by comparing them against other payroll-related records and gathering site inspection information from construction managers on a spot check basis.

6A:26-4.8 Bidding and awarding of contracts for ROD capital projects

(a) Bids shall be advertised and received, and contracts awarded only after final approval of plans and specifications from the Department of Community Affairs, Division of Codes and Standards or the local enforcing agency if it performs the UCC review. Bids may be advertised but contracts shall not be awarded before the school facilities project or other capital project has received approval from the Division for final educational adequacy, pursuant to N.J.A.C. 6A:26-5.4, if applicable. If the school facilities project is not subject to either final educational adequacy review or UCC review, bids shall be advertised and

received, and contracts awarded only after final eligible costs have been determined pursuant to N.J.A.C. 6A:26-3.6.

(b) In accordance with N.J.S.A. 18A:18A-36, school districts shall award contracts within 60 days of receipt of bids, and may apply to the municipal construction enforcing official for the required building permits.

(c) At the time of contract award, school districts shall encumber a contingency in an amount equal to no less than five percent of the total costs of construction of a capital project, against which change orders may be approved in accordance with N.J.A.C. 6A:26-4.9. However, school districts shall not encumber an amount that would result in the total contract award plus any contingency totaling more than the approved referenda amount if the capital project is funded wholly or in part by bond proceeds.

(d) School districts shall award one or more contracts for the entire approved scope of the capital project, unless there is prior Division approval in accordance with the following:

1. The bid documents include one or more bid alternates that the school district may opt not to award, provided there is no impact on the educational adequacy or the total costs of a capital project; or

2. The school district demonstrates to the Division that extraordinary circumstances require an award of the entire approved project scope in separate phases, and the school district has demonstrated that adequate funds are available to complete the entire approved project scope.

6A:26-4.9 Submission of change orders for ROD projects

(a) Contract change orders for capital projects shall be governed by the following:

1. Change orders may be approved by district boards of education for no more than the approved referendum amount for a capital project funded in whole or in part by bond proceeds, when necessitated by one of the following:

i. Emergencies consistent with N.J.S.A. 18A:18A-7;

ii. Unforeseeable physical conditions; or

iii. Minor modifications to project scope that achieve cost savings, improve service or resolve construction conditions.

2. Upon its determination that an extraordinary circumstance exists, the Division shall approve all other change orders, including, but not limited to, the following:

i. Change orders that increase in the aggregate by more than 20 percent the original-award amount of each contract or of the entire project but for no more than the approved referendum, including changes funded by project contingency in N.J.A.C. 6A:26-4.8(c);

ii. Change orders that eliminate or affect the project scope that was the basis of the Division's determination of the final eligible costs of a school facilities project pursuant to N.J.A.C. 6A:26-3.6; or

iii. Change orders that affect the number, size, configuration, location or use of educational spaces.

3. Before the school district or Division may authorize a change order that increases the contract amount, the availability of funds shall be certified by the board secretary, on a form prescribed by the Commissioner that indicates:

i. The original contract amount and funds allocated to each contract in the overall project;

ii. All payments made to date;

iii. All change orders approved and pending to date;

iv. The percentage of the project that is completed, and the percentage of the contract cost remaining; and

v. The funds available to complete the project, including all change orders that were executed or are pending.

4. For change orders that must be approved by the Division pursuant to (a)2 above, the school district shall file with the Division the following:

i. Two copies of the change-order request indicating in detail the scope of the change order and the basis upon which the proposed change order may be approved pursuant to this subchapter;

ii. A certification of the availability of funds per (a)3 above; and

iii. A certification that no other solution is possible when a proposed change order affects the final eligible costs of a school facilities project, and that no excess scopes are proposed for inclusion in the project in lieu of the final eligible costs.

(b) Upon receipt of all materials required in (a) above, the Division shall promptly undertake its review and determine whether a proposed change order is necessary. If approved, a copy of the change order request marked "Approved" by the Division shall be sent to the school district.

(c) When the aggregate value of change orders undertaken pursuant to (a)1 above exceeds 20 percent of the total contract-award amount or the total project cost, necessitating Division approval pursuant to (a)2iii above, the school district shall submit on a form prescribed by the Commissioner and certified by the district board of education secretary a summary of each change order approved, the justification for each change order, and the change in the contract amount.

6A:26-4.10 Change orders for Development Authority school facilities projects

(a) For projects constructed by the Development Authority, only change orders that affect the approved number, size, configuration, location, or use of educational space shall be submitted to the Division for review and approval.

(b) The Development Authority shall submit to the Division periodic reports on each project being constructed under its auspices, indicating the contract-award amounts, the nature

and scope of each approved change order, the revised project amounts, and the total costs of change orders approved to date.

Subchapter 5. Review of Capital Projects for Educational Adequacy

6A:26-5.1 General provisions

(a) All capital projects that affect any of the following criteria for educational adequacy shall be reviewed and approved by the Division according to this subchapter. The criteria are the number, configuration, size, location, or use of educational spaces within a school facility. The review for educational adequacy shall take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled. Capital projects that involve the following types of building construction work shall be approved for educational adequacy:

1. New school facilities including pre-fabricated facilities;
2. Additions to existing school facilities;
3. Alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space; and
4. Installation of temporary facilities.

(b) Both Development Authority and ROD school facilities projects, along with other capital projects, shall be subject to educational adequacy reviews. The review process and types of documents subject to review will differ somewhat depending on whether the project is a school facilities project or other capital project, and, if a school facilities project, on whether it is a Development Authority project or a ROD project.

1. For a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply for the review and approval for educational adequacy in conjunction with the application for approval of a school

facilities project pursuant to N.J.A.C. 6A:26-3. The application shall be made prior to the review and approval of capital projects for compliance with the UCC, N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational-adequacy review shall cover the following types of project documents: educational specifications; schematic plans and related documents; detailed plans and specifications; and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the Development Authority on behalf of the school district at the time of project application. Detailed and final plans and specifications shall be forwarded to the Division by the Development Authority after project approval but prior to the Division determination of final eligible costs and Department of Community Affairs review for UCC compliance.

2. For a ROD school facilities project, school districts shall apply for the review and approval for education adequacy in conjunction with the application for approval of a school facilities project. The educational-adequacy review shall cover the following types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time of project application. Final plans and specifications shall be submitted by the school district after project approval but prior to the UCC-compliance review.

3. For an other capital project, school districts shall apply for the review and approval for educational adequacy in conjunction with the application for the Division review for consistency with the school district's approved LRFP. The educational adequacy review shall cover educational specifications, schematic plans and related

documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time the project is reviewed for consistency with the school district's approved LRFP. Final plans and specifications shall be submitted by the school district after the consistency review but prior to the UCC-compliance review.

(c) The executive county superintendent shall approve any change of use of instructional space that is not a capital project.

6A:26-5.2 Educational specifications

(a) Submissions of educational specifications for educational adequacy reviews shall include the following:

1. Details of the educational program activities and requirements for each space proposed in the capital project, and shall refer to the New Jersey Student Learning Standards wherever appropriate;
2. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space, together with their net areas in square feet, as well as the net of the total room area required for each space;
3. Specific technical and environmental criteria, adjacencies, and other requirements for the educational program; and
4. A building-space program that indicates the number and net area in square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project and/or the temporary facility.

6A:26-5.3 Schematic plans and other related project documents

(a) Submission of schematic plans for educational adequacy reviews shall include the following:

1. Four sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot. The approved use of each space, the proposed number of occupants, and the net square feet area, shall be clearly labeled on all existing and proposed spaces;
2. Layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;
3. Information required to demonstrate compliance with the Facility Planning Standards at N.J.A.C. 6A:26-6, including dimensions, clearances, ceiling heights, and required equipment;
4. Paths of travel for disabled persons;
5. A completed plot plan when site work is required, including the intended location of the school and a layout of the locations of all other structures, multi-purpose physical education fields, playgrounds, walkways, roadways, access roads, buffer and set back zones, parking areas, deed restrictions, easements, protective covenants, right of ways, and environmentally sensitive areas. If the land for the site is being acquired, an application also shall be submitted for approval under N.J.A.C. 6A:26-7.1; and
6. The signature and seal of a New Jersey licensed architect or professional engineer if there is an architect or engineer engaged for the project and signatures of the president of the district board of education and chief school administrator. In the case of Development Authority school facilities projects, schematic plans shall also be signed by the Development Authority, pursuant to N.J.S.A. 59:4-6.

(b) Other project documents to be submitted with the schematic plans shall include:

1. A project cost estimate on a form provided by the Commissioner;
2. A project schedule;

3. A copy of the dated transmittal letter to the executive county superintendent indicating project document submission to the Division; and

4. A copy of the transmittal letter indicating the date of plan submission to the local planning board, where required by N.J.S.A. 40:55D-31 and 18A:18A-16, including, but not limited to, whenever the project consists of a new building, the conversion of an existing building to school use, or the building footprint, volume, pedestrian or vehicular access are altered by the project.

6A:26-5.4 Detailed plans and specifications and final plans and specifications

(a) In the case of a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply upon completion of detailed plans and specifications for final approval of the project's educational adequacy. Detailed plans and specifications shall be considered adequate for calculations of final eligible costs if the plans and specifications are at least 60 percent complete. Final approval of the educational adequacy of the project shall occur prior to the calculation of the final eligible costs of the school facilities project, pursuant to N.J.A.C. 6A:26-3.5. The application for final approval shall include:

1. Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the president of the district board of education, chief school administrator, and the Development Authority, and specifications to sufficiently demonstrate the school facilities project conforms to schematic plans approved by the Division. To demonstrate such conformance, the submission shall include architectural floor plans, an architectural site plan, as applicable, and architectural drawings that will allow verification of ceiling heights and other applicable standards in N.J.A.C. 6A:26-6.3. If the Division determines the

documents are not sufficient to demonstrate conformity with the schematic plans, it may request additional drawings and/or technical specifications;

2. The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5; and

3. In the event there is a change affecting the number, configuration, size, location, or use of educational spaces as set forth in the detailed plans and specifications submitted to the Department, the Development Authority shall submit to the Division the application with two sets of final plans and specifications, as set forth in (b)1 below. No additional fee shall be imposed.

(b) In the case of a ROD school facilities project or an other capital project, the school district shall apply upon the completion of final plans and specifications for final approval of the educational adequacy of the project. The application shall include:

1. Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the president of the local district board of education and chief school administrator, and specifications to sufficiently demonstrate the capital project conforms to schematic plans approved by the Division as described in (a)1 above;

2. A properly executed copy of a "Request for Local Release of School Construction Plans" for a school district that chooses to have a municipal code enforcing agency review its plans for UCC conformance. The review shall include the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The school district's chief school administrator and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and

3. A check payable to the "Treasurer, State of New Jersey" for the fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5.

(c) In the case of a temporary facility, the school district, or the Development Authority on behalf of the school district for Development Authority school facilities projects, shall apply upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy. Detailed plans and educational specifications shall be considered adequate for calculations of eligible costs if the plans and educational specifications are at least 60 percent complete unless otherwise provided in (c)9 below. The application shall include:

1. Four sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the president of the district board of education and chief school administrator, as well as the Development Authority in the case of a temporary facility that is part of an Development Authority school facilities project, and educational specifications to sufficiently demonstrate the educational adequacy of the temporary facility and compliance with the temporary-facility standards at N.J.A.C. 6A:26-8;
2. A completed plot plan whenever site work is required for the temporary facility. On it shall be shown the intended location of the temporary facility and a layout of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set-back zones, and parking areas. It also clearly shall indicate the impact that placement of the temporary facility will have on the site of the permanent school facility;
3. A copy of the dated transmittal letter to the executive county superintendent indicating plan submission to the Division;
4. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever required by N.J.S.A. 40:55D-31 and 18A:18A-16;

5. A temporary-facility schedule addressing the relationship to the school facilities project schedule, in the event that the temporary facility is part of a school facilities project;

6. The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5. If the temporary facility is not part of a Development Authority school facilities project, payment shall be in the form of a check, payable to the "Treasurer, State of New Jersey";

   i. If the fee for the temporary facility is submitted to the Division prior to the submission of the fee for the final educational-adequacy review for the school facilities project, the amount paid for the temporary facility will be credited toward the fee for the school facilities project;

7. If the temporary facility is not part of a Development Authority school facilities project, a properly executed copy of a Request for Local Release of School Construction Plans for a school district that chooses to have a municipal code enforcing agency review its plans for conformance with the UCC. Such review shall require the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The school district's chief school administrator and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and

8. If the temporary facility was previously used for school purposes and a certificate of occupancy for Group E is in effect and no change of use is required, a floor plan with proposed occupancy in lieu of signed and sealed plans shall be submitted to the Division to meet the requirements of this section.

6A:26-5.5 Fee schedule

(a) The Division shall collect fees for its reviews of detailed/final plans and specifications for educational adequacy in the case of Development Authority school facilities projects and

for its reviews of final plans and specifications for educational adequacy in ROD school facilities projects and other capital projects according to the following schedule:

Table 1 Educational Adequacy Project Review Fee Schedule

Construction Cost Estimate (CCE)	Educational Adequacy Project Review Fee
Up to $1,000,000	0.5 percent of the CCE
$1,000,001 to 10,000,000	$5,000 plus 0.25 percent of the amount over $1,000,000
Over $10,000,000	$27,500 plus 0.1 percent of the amount over $10,000,000

(b) For purposes of the table in (a) above, the construction cost estimate shall be as set forth in the final eligible cost of a school facilities project or in the cost estimate submitted for an other capital project.

(c) The Division shall calculate the final educational-adequacy review fee for a school facilities project when it reviews and approves the school facilities project application pursuant to N.J.A.C. 6A:26-3.3 or reviews an other capital project application pursuant to N.J.A.C. 6A:26-3.12. If the Division approves an award of the project scope in separate phases, pursuant to N.J.A.C. 6A:26-4.8(d), the entire final educational-adequacy review fee shall be remitted to the Division when it reviews the first phase of the school facilities project or other capital project requiring final approval of its educational adequacy, pursuant to N.J.A.C. 6A:26-5.4.

6A:26-5.6 Capital projects not subject to educational-adequacy review

(a) For a Development Authority school facilities project not subject to educational-adequacy review, the Division shall issue a preliminary project report and shall forward to the Department of Community Affairs for review the report along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community

Affairs may review construction documents for UCC conformance. The review shall require the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate.

(b) For a ROD school facilities project or other capital project not subject to educational-adequacy review, the Division shall make a determination of the project's final eligible costs and shall forward to the Department of Community Affairs for review the determination along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall include the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for a construction-permit or plan-review application, as appropriate. If the school district has submitted to the Division a properly executed copy of a "Request for Local Release of School Construction Plans," pursuant to N.J.A.C. 6A:26-5.4(b)2, the Division shall forward the release form to the Department of Community Affairs for its action.

Subchapter 6. Planning and Construction Standards for School Facilities

6A:26-6.1 Application of the Uniform Construction Code

(a) All school construction shall be done in accordance with the UCC, as administered and enforced by the Department of Community Affairs, and with this subchapter.

(b) The UCC enhancements, enumerated at N.J.A.C. 5:23-3.11A(c), shall be required of all capital projects at public schools, and shall be administered and enforced by the Department of Community Affairs. Charter schools shall be required to comply with the UCC enhancements where the health and safety of the building occupants are affected.

(c) The educational facility planning standards, at N.J.A.C. 6A:26-6.3 and 6.4, shall be administered by the Department and cooperatively enforced by the Department and by the Department of Community Affairs. Pursuant to N.J.S.A. 18A:36A-10, charter schools

shall not be required to comply with the educational-facility planning standards except where the health and safety of the building occupants are affected.

(d) Among the standards incorporated by reference into the educational facility planning standards, and administered and enforced according to (c) above, is the Barrier Free Subcode of the UCC, at N.J.A.C. 5:23-7.

6A:26-6.2 Exceptions

(a) No exceptions from the requirements of this subchapter shall be made, except upon the following findings:

1. That strict compliance with any specific requirement would result in practical difficulty to the school district; and
2. That the exception, if granted, will not jeopardize the health, safety and welfare of occupants or intended occupants and the public generally.

(b) An application for an exception pursuant to this section shall be filed in writing with the Assistant Commissioner of the Division of Administration and Finance, and shall provide statements of the following:

1. The subchapter requirements from which an exception is sought;
2. The manner by which strict compliance with said provisions would result in practical difficulties;
3. The nature and extent of the practical difficulties; and
4. Feasible alternatives to the subchapter's requirements that would adequately protect the health, safety, and welfare of the occupants, intended occupants and the general public.

(c) The Division shall review the application, and shall deny or grant it within 90 days by written order stating the reasons therefor.

6A:26-6.3 Educational facility planning standards

(a) The educational facility planning standards delineated in (b) through (h) below, in conjunction with the UCC, shall form the requirements for the design and construction of public schools. Specific standards for school facilities housing preschool students are set forth at N.J.A.C. 6A:26-6.4.

(b) General design and construction requirements shall be as follows:

1. School facilities shall afford space for general instruction, specialized instruction, administration, and student services, the adequacy of which shall be pursuant to the requirements of this section. In addition, school facilities shall afford accommodations for approved vocational and special education programs;
2. Instructional rooms with windows shall have no exterior obstructing wall within 20 feet of the major window wall;
3. Inner courts shall have a minimum width of 20 feet;
4. Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering;
5. Power tools and machines in shops that generate dust shall be provided with dust-collecting equipment. The equipment shall be either single- or multi-use vacuum packs or a central dust-collection system. Installed systems shall comply with National Fire Protection Association (NFPA) Standard 664 "Standards for the Prevention of Fire and Explosion in Wood Processing and Woodworking Facilities" (1998), incorporated herein by reference, as amended and supplemented, and N.J.A.C. 7:27-8. Copies of the NFPA Standard 664 may be obtained by contacting NFPA, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.
6. The ceiling height of an academic classroom or other instructional space containing more than 300 square feet in area shall average nine feet six inches, and no part of the ceiling or other obstruction shall be lower than eight feet. Instructional spaces of

less than 300 square feet and areas of larger spaces devoted to clothing alcoves, storage or work space shall have a minimum ceiling height of eight feet;

7. Height of the ceiling or other obstruction in other areas shall provide a minimum clearance as listed below:

Gymnasium	22 feet
Auxiliary gymnasium	14 feet
Weight room	12 feet
Music room (vocal or instrumental)	12 feet

The minimum height from overall highest riser to ceiling shall be eight feet.

Cafetorium	18 feet
Cafeteria	12 feet
Industrial arts and vocational shop	12 feet
Library/media center	9½ feet

8. Public school corridors and all other administrative spaces shall have a minimum ceiling height of eight feet;

9. A health unit shall be provided and shall include a nurse's area, a waiting area, an examination area, a rest area with privacy, drinking water, and toilet facilities sized and arranged so physically disabled persons requiring assistance will be able to receive aid;

10. Instructional greenhouses shall meet the following standards in addition to the requirements of the UCC and the Fire Prevention Code:

    i. All doors shall be a minimum of three feet wide;

    ii. Drinking fountains shall not be located inside greenhouses; and

    iii. Greenhouses may be either attached to a school building or located at least 20 feet from the school building.

11. Wherever chemicals are stored or used, an eyewash fountain or similar device capable of providing a 15-minute continuous water flow shall be provided. Eyewash devices shall also be provided per N.J.A.C. 6A:26-12.5;

12. The minimum dimension of an instructional space or specialized instructional space shall be 10 feet; and

13. The designs of new schools shall incorporate the guidelines developed by the United States Green Building Council known as Leadership in Energy and Environmental Design (LEED), "LEED for Schools," which is incorporated by reference herein, to achieve maximum energy efficiency and environmental sustainability in the design of schools. A copy of the guidelines may be obtained from the Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500.

(c) Entrance and exit requirements shall be as follows:

1. Pick-up and drop-off areas shall be designed to provide safe entrances and egress for students and adults;

2. There shall be clearly marked walkways from drop-off areas into school facilities, and entrances to the school facility shall be clearly marked;

3. Minimum clear widths for egress corridors serving more than 100 students in pre-kindergarten and elementary schools (kindergarten through fifth grade) shall be:

   i. Seven feet, wall to wall without lockers or wardrobes;

   ii. Eight feet, wall to locker face with lockers or wardrobes on one side; and

   iii. Nine feet six inches, locker face to locker face with lockers or wardrobes on both sides.

4. Minimum clear widths at any point in middle and high schools, grades six through 12, shall be:

   i. Seven feet six inches, wall to wall without lockers;

   ii. Eight feet six inches, wall to locker face with lockers or wardrobes on one side; and

iii. Ten feet, locker face to locker face with lockers or wardrobes on both sides.

5. Minimum clear widths for secondary egress corridors serving 100 or fewer occupants shall be five feet.

6. Doors from all spaces used by students and school staff, excluding lavatories, storage rooms, janitors' closets, instructional spaces under 300 gross square feet, and locker rooms, shall swing into the corridor and shall have a safety vision panel of 1/4 inch glazing that is at least 100 square inches.

(d) The environment requirements shall be as follows:

1. Windowless classrooms and other occupied instructional spaces that do not have operable windows equal to at least four percent of the floor space shall be air conditioned, excluding gymnasiums, industrial shops, kitchens, and locker rooms; and

2. School facilities shall be designed, constructed, and renovated consistent with the standards of the UCC and other applicable State and Federal laws for radon, lead, asbestos, and other contaminants, and subject to the enforcement of such standards by the applicable State or Federal agency.

(e) Safety requirements shall be as follows:

1. Glazing in fire-rated assemblies shall be in accordance with the UCC. All other interior glazing shall be safety glazing;

2. A check valve shall be installed in the line supplying gas to each classroom, laboratory, shop or the other area where gas is used by students, except home economics rooms;

3. Science rooms, laboratories, shops, and other instructional spaces in which an open flame and/or the use of hazardous chemicals occurs, with the exception of home-economic rooms, shall be equipped with an emergency safety cold-water shower and a floor drain or a self-contained water receptacle or catch basin;

4. All construction or alteration of playgrounds, playground equipment, and surfacing, including materials provided at the base of playground equipment, shall

comply with the playground-safety subcode of the UCC at N.J.A.C. 5:23-11, and with N.J.A.C. 5:23-7, the Barrier Free Subcode of the UCC;

5. When provided, a ceiling paddle fan shall be located at least eight feet above the floor and be enclosed with a metal guard;

6. Playground equipment shall not be constructed of chromated copper arsenate treated wood; and

7. The storage of pesticides shall be in a locked metal cabinet and vented to the exterior.

(f) Electrical power and communications requirements shall be as follows:

1. Push-type emergency cut-out switches shall be provided at appropriate locations within shops to de-energize the electrical supply to non-portable machinery and shall have a clear unobstructed access of a minimum of 36 inches. The switches shall be provided on the basis of one for each 1,000 square feet or fraction thereof of floor area in the shop, but in no case less than two per shop. Reset of the interrupted service shall be by a key-operated switch located within the shop. The cut-off and reset circuits shall be designed and installed to negate the possibility of the control circuit being de-energized, thereby being inoperative;

2. All non-portable motorized equipment and machinery shall be provided with magnetic-type switches to prevent machines from automatically restarting upon restoration of power after an electrical failure or activation of the above emergency cut-off;

3. Instructional spaces shall be provided with sufficient electrical power, communication and data outlets to satisfy the school district's program and equipment needs as defined in the school district's approved technology plan or equivalent document and educational specifications for a school facilities project, with not less than two duplex outlets remotely located per space;

4. Large group areas such as assembly rooms, auditoriums and other large group instructional spaces shall be provided with electrical power, data, and

communications outlets at appropriate locations and at the location of portable projectors and built-in speaker cables at stage and platform areas; and

5. A communication system shall be installed in each classroom to allow for emergency communication to local authorities. The communication system may be in the form of a telephone system capable of placing 9-1-1 calls.

(g) Lighting requirements shall be as follows:

1. Installed artificial lighting intensity shall comply with the following minimum footcandles, which shall be maintained on the task at any time:

Installed Lighting Intensity Locations	Minimum Acceptable Footcandles
Classrooms and instructional areas - study halls, lecture rooms, art rooms, offices, libraries, conference rooms, work rooms, shops, laboratories, and secondary school cafeterias	50
Drafting, typing, and sewing rooms	70
Reception rooms, gymnasiums, auditoriums, primary school cafeterias, all-purpose rooms, and swimming pools	30
Locker rooms, washrooms, toilet rooms, corridors containing lockers, and stairways	10
Corridors without lockers and storerooms	5
Classrooms for the partially sighted	70

2. As an alternative to compliance with the above requirements, instructional spaces shall comply with the American National Standards Institute standard number ANSI/IES RP3-00, Guide for Educational Facilities Lighting, (2000) incorporated herein by reference, as amended and supplemented, which is available for review

at the Division. The document may be purchased from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

(h) Plumbing requirements shall be as follows:

1. The number of plumbing fixtures and ventilation requirements shall conform with the provisions of this chapter and be calculated according to the UCC;

2. General student toilet rooms shall be designed and labeled for student use, contain at least two of each required fixture and be directly accessible from a corridor or an open plan instructional space. Students housed within an instructional space in excess of 300 square feet shall not be required to travel through any other space except a corridor to reach a general pupil toilet room;

3. There shall be at least one general toilet room for each sex on each floor occupied by students, or all instructional rooms shall have individual toilet rooms. Where classrooms, shops, or physical education rooms are provided with self-contained individual facilities (water closet, lavatory, and drinking fountains), the pupil capacity of the rooms shall not be counted in computing the number of fixtures required in the general pupil toilet rooms;

4. Toilet facilities for preschool and kindergarten classrooms shall be provided as follows:

   i. An individual toilet room shall be provided in each classroom and shall meet the following criteria:

      (1) Be located and equipped in such a way as to ensure privacy for the students;

      (2) Be accessible to physically disabled students and barrier free in design as per N.J.A.C. 5:23-7;

      (3) Be equipped with an open front seat with a flood rim height no greater than 14 inches from the floor, and a lavatory (sink) with a flood rim height no greater than 26 inches from the floor.

ii. In lieu of providing an individual toilet room in each classroom as required in (h)4i above, toilet rooms may be provided adjacent to or outside the classroom if the following criteria are satisfactorily addressed:

(1) No child or group of children shall be left unsupervised at any time when traveling to or from the facilities. Provisions shall be made for adult supervision in a manner that will not infringe upon instructional time;

(2) Toilet facilities shall be readily accessible and the toilet room and signage shall be visible to a child from the classroom door;

(3) Toilet facilities shall be provided for both boys and girls and shall meet the requirements of (h)4i(4) above.

iii. If a school district chooses to provide toilet rooms adjacent to or outside the classroom in conformance with (h)4ii above, the chief school administrator shall certify to the executive county superintendent on forms prescribed by the Commissioner how the alternate method of compliance shall be addressed. The completed form and a copy of a resolution by the district board of education approving the alternate method of compliance shall be submitted to the executive county superintendent for approval. Thereafter, the chief school administrator annually shall resubmit the form certifying how the alternate method of compliance will be addressed. Any changes to the approved alternate method of compliance shall be submitted to the executive county superintendent for approval;

5. Entrance to toilet rooms and locker rooms shall be designed to prevent visibility into the room;

6. Water closets shall be separated by individual stall partitions, including doors that are of a smooth impervious material to permit effective cleaning;

7. Floors of all toilet, shower, and drying rooms shall be water-tight and impervious to moisture. Floors shall be provided with an integral cove base at least four inches high;

8. Flooring materials of ceramic tile, quarry tile, sheet vinyl, and plastic coatings designed for this purpose shall be deemed to meet the requirements of this subchapter except for use in showers. Resilient tiles or exposed concrete shall not be acceptable in toilet rooms;

9. Where showers are provided, shower heads shall be at least 30 inches apart, one shower head for each 10 students, with a shower head height of six feet, and 12 square feet of floor area shall be provided per shower head;

10. Preschool and kindergarten classrooms shall be equipped with a bubbler or water fountain; and

11. Arts and crafts classrooms shall be equipped with a water source, sink and appropriate sink trap.

6A:26-6.4 Educational facility planning standards for school facilities housing preschool students

(a) The educational facility planning standards delineated in this subchapter shall apply to the design and construction of school facilities housing preschool students. Any standards not addressed in this section are addressed in N.J.A.C. 6A:26-6.3, in conjunction with the UCC. For community providers, the requirements of this section shall supplement but not supplant the requirement manual mandated by the Office of Licensing in the Department of Human Services, for community provider licensure. If this section's requirements exceed the requisites of the Department of Human Services' manual, the requirements of this section shall apply.

(b) General design and construction requirements shall be as follows:

1. School facilities for preschool students shall afford space for instruction, administration, and student services, as set forth in the facilities efficiency standards in (h) below;
2. Preschool classrooms shall be no higher than the second floor of a school facility;
3. Preschool classrooms shall have a minimum of the square footage of usable space per child as set forth in the facilities efficiency standards, and usable space per child shall exclude storage, equipment, or furnishings that are either built-in or not easily movable;
4. Each preschool classroom shall have an attached toilet room designed to accommodate the needs of physically handicapped students with features sized for the use of preschool students;
5. Preschool classrooms shall have a resilient floor covering;
6. Separate from the toilet room, each preschool classroom shall have access to an additional sink with a flood rim height no greater than 26 inches from the floor;
7. Preschool classrooms shall be equipped with a bubbler or water fountain; and
8. Preschool classrooms shall be designed to modulate interior noise and minimize exterior noise.

(c) Entrances, egress, and security requirements shall be as follows:

1. All preschool classrooms shall have operable windows with inside locks and shall be equal to at least four percent of the floor space.

(d) The outdoor play area requirement shall be sufficient to support the achievement of the New Jersey Preschool Teaching and Learning Standards of Quality as defined in N.J.A.C. 6A:13A and by the educational specifications under N.J.A.C. 6A:26-5, and evidenced by a sufficiency standard such as the following: 100 square feet of outdoor play space for each child using the space at one time.

(e) The electrical power and communications requirement shall be as follows:

1. Child-safety receptacles shall be used throughout preschool classrooms and bathrooms and elsewhere in the school facility where applicable.

(f) Lighting requirements shall be as follows:

1. Subject to the requirements of N.J.A.C. 6A:26-6.3(g), preschool classroom lighting shall be adjustable and varied across the space with a mixture of both natural and artificial light; and

2. Preschool classrooms shall have child-safe windows to maximize natural light.

(g) Plumbing requirements shall be consistent with N.J.A.C. 6A:26-6.3(h)4 except as follows:

1. Preschool classrooms toilet facilities shall be open to view as a safety precaution;

2. Toilet facilities for preschool students shall be designated for their exclusive use and shall be so identified; and

3. Preschool facilities shall provide a diaper/clothes changing area in the classroom.

(h) The facilities efficiency standards for early childhood schools are the following:

Table 2 Early Childhood School Model for Three and Four Year Old Students

Early Childhood School Model

For Three and Four Year Old Students

Enrollment	294	FTE*				
Utilization Factor	100%	1				
Room Designations	Net SF** per room	# of students	# of students per room	# of rooms	Net SF	Description
Instructional Spaces						
Preschool Classroom	950	270	15	18.00	17,100	See notes below

Preschool Classroom	950	24	12	2.00	1,900	
Special Education						
					19,000	Subtotal Net SF of Instructional Spaces
					1.00	Utilization Factor
					19,000	Subtotal Net SF for Instructional Spaces w/Utilization Factor
Specialized Spaces						
Kitchen	1,200			1.00	1,200	
Multi-Purpose room / Gross motor skills	3,400			1.00	3,400	
Small Group Instruction Room (SGI)	400			2.00	800	
					5,400	Subtotal Net SF for Specialized Spaces
Administrative Spaces						
Nurse	400			1.00	400	
Reception/Main Office	400			1.00	400	
Principal/Director	200			1.00	200	
Office	125			2.00	250	
Conference Room	300			1.00	300	
Teacher Work Room	300			1.00	300	

1,850	Subtotal Net SF for Administrative Spaces
26,250	Total Net SF
89.29	Net SF per student
1.4	Grossing Factor***
125.00	Gross SF per student
36,750	Total Gross SF for population of 294 FTE
$143.00	Area Cost Allowance per SF
$5,255,250	Cost of new Early Childhood School for population of 294 FTE

*Full time equivalent

(FTE)

**Square Feet (SF)

***Grossing factor = 40% of Total net SF for circulation, toilet rooms, storage, mechanical, receiving, communications, electrical, Adult handicapped accessible bathroom, etc.

Notes:

750 SF of floor area provided, 150 SF of casework and 50 SF

of toilet room

A. Indoor Storage: There shall be varied and ample types of storage that meets the general classroom needs of both children and staff. Each classroom shall have open, accessible storage, such as cubbies for each child for coat storage, personal papers, and change of clothing.

B. Teacher Storage: Each classroom shall have a space allocated for the teacher's coat and personal items.

C. Classroom Storage: Additional storage shall include an area, inaccessible to children, to store cots, bedding, and storage of classroom materials such as manipulatives, puzzles and art supplies. Hanging mats are a reasonable option for small storage spaces.

6A:26-6.5 Private schools for disabled students and schools for disabled students operated by the New Jersey Department of Human Services

(a) This section shall govern review of project documents for capital projects at private schools for disabled students which are approved or seeking approval pursuant to N.J.A.C. 6A:14-7 and schools for disabled students operated by the Department of Human Services. Review and approval by the Division is required for the type of work set forth in N.J.A.C. 6A:26-5.1(a).

(b) Submission and review of plans and specifications shall be conducted as follows:

1. Educational specifications shall be prepared and submitted pursuant to N.J.A.C. 6A:26-5.2, and schematic plans shall be prepared and submitted pursuant to N.J.A.C. 6A:26-5.3 except that they shall be signed by the executive director and board president of the private schools for disabled students or the New Jersey Department of Human Services.

2. A New Jersey registered architect or licensed engineer, as required by N.J.A.C. 5:23-2.15, shall submit project documents for the temporary and permanent construction, alteration, and rehabilitation of facilities to the Division on behalf of either the private schools for disabled students or the New Jersey Department of Human Services for review and subsequent approval for compliance with this chapter.

3. For review and subsequent approval for compliance with the Uniform Construction Code (UCC), N.J.A.C. 5:23:

i. Plans and specifications shall be submitted to the local construction official of the municipality in which the facility will be constructed, in the case of private schools for disabled students; and

ii. Plans and specifications shall be submitted to the New Jersey Department of Community Affairs, in the case of private schools for disabled students operated by the Department of Human Services.

4. The project documents shall be submitted to the Division and reviewed pursuant to N.J.A.C. 6A:26-5.

(c) Acquisition of land shall be according to N.J.A.C. 6A:26-7.

(d) Disposal of land shall be according to N.J.A.C. 6A:26-7.4.

(e) Reviews of project documents for facilities of private schools for disabled students and schools for disabled students operated by the New Jersey Department of Human Services shall be done by the Division to assure that the design adheres to:

1. School site sizes, N.J.A.C. 6A:26-7.1; and

2. Educational facility planning standards, N.J.A.C. 6A:26-6.3 and 6.4.

(f) Provisions for accommodation of students in temporary school facilities operated by private schools for the disabled or the New Jersey Department of Human Services shall be according to N.J.A.C. 6A:26-8.

Subchapter 7. Land Acquisition, School Closing, and Land Disposal

6A:26-7.1 Approval of the acquisition of land

(a) A school district may obtain voter approval pursuant to N.J.A.C. 6A:26-3 or 9 for funding of land acquisition prior to Division approval of the land acquisition. A school district shall not take any action to acquire the land prior to obtaining Division approval.

(b) A school district, or the Development Authority on behalf of a school district, shall submit to the Division the following information to obtain approval under (a) above for

land in connection with a school facilities project. The following requirements do not address requirements of other State agencies having approval or permitting jurisdiction over land acquisition.

1. The following information shall be provided by the school district:

   i. A written request for that shall include a statement, signed by the board president and the chief school administrator, indicating the immediate and ultimate proposed uses of the site, in terms of building use, grade organization, and potential maximum enrollment, and whether the land is, or will be, part of a school facilities project indicated in the school district's LRFP;

   ii. A map of the school district showing the location of the land, the location of existing schools in the school district, the attendance area to be served by the school, and the number of students who reside within the attendance area;

   iii. Data regarding the impact of the acquisition upon racial balance within the school district's public schools;

   iv. A full, detailed appraisal of the market value of the property prepared by a licensed professional;

   v. A title report on the property produced by any reputable title insurer licensed in the State of New Jersey evidencing that title is good and marketable;

   vi. A feasibility study evidencing that school-district-owned land within the attendance area to be served by the school is not available, suitable, or sufficient to be used for school purposes, but only if the school district is required to use the Development Authority and seeking approval for a new acquisition of land and not merely a new use for already school district-owned land; and

   vii. For a school district required to use the Development Authority and seeking approval for the acquisition of land, evidence that the school district has not indemnified the seller of the land for the costs arising from

the environmental remediation required for the property to be used for school purposes; acquired the land in its "as is" condition; or acquired the land under terms and conditions that would invalidate the statutory immunity of the school district from liability for the remediation costs associated with pre-existing contamination, whether discovered pre-closing or post-acquisition, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

2. The following information shall generally be provided by a licensed architect, professional engineer, or professional planner:

i. A statement from the licensed architect, professional engineer, or professional planner indicating whether the land is subject to regulation under the Coastal Wetlands Act (N.J.S.A. 13:9A-1 et seq.); the Freshwater Wetlands Act (N.J.S.A. 13:9B-1 et seq.); the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.); the Waterfront Development Act (N.J.S.A. 12:5-3); the Green Acres Acts (N.J.S.A. 13:8A-1 et seq., 13:8A-19 et seq., 13:8A-35 et seq., and 13:8C-1 et seq.); or other statutes, regulations or executive orders administered by agencies of State or Federal government.

(1) If so subject, the statement shall address the steps necessary to obtain approval from the agencies, and include adequate documentation to demonstrate to the Division the approvals will be obtained and not affect the educational adequacy of the site, as set forth in (d) and (e) below;

ii. A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating whether the proposed use of the land to be acquired is consistent with the goals and strategies of the New Jersey State Development and Redevelopment Plan (State Plan). If inconsistent

with such goals and strategies, the statement shall include adequate documentation to demonstrate to the Division there are no alternative suitable sites available in the school district that are consistent with the State Plan's goals and strategies;

iii. A statement from a New Jersey licensed architect**,** professional engineer, or professional planner indicating the land to be acquired is suitable for the proposed use;

iv. A completed, signed and sealed plot plan of the land to be acquired showing topographical and contour lines; adjacent properties indicating current land uses; access roads; deed restrictions; easements; protective covenants; right of ways; and environmentally sensitive areas such as waterways and wetlands. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in (d) below;

v. If existing buildings or structures are located on the land to be acquired, the intended use and/or disposition of these buildings. Any building to be acquired and used shall comply with the requirements of the UCC for educational occupancy and N.J.A.C. 6A:26-5 that apply to the construction of a new building;

vi. Adequate documentation to demonstrate to the Division that soil conditions for structural integrity and drainage have been examined by the New Jersey licensed architect or professional engineer; and

vii. Adequate documentation to demonstrate to the Division that soil and groundwater conditions have been examined by a New Jersey licensed architect or professional engineer for suitability for septic systems, if applicable.

3. The following shall be submitted by the school district:

i. A statement from a local or regional water purveyor or alternatively, a statement from a geologist or professional engineer if the source of water is groundwater, certifying that:

(1) The land can be adequately provided with the necessary water for the proposed maximum enrollment, and if the source of water is groundwater, that there will be sufficient groundwater available for the proposed maximum enrollment; and

(2) Potable water infrastructure is, or is not, in place to service the site;

ii. A statement from a local or county sewerage agency certifying that:

(1) The land can be adequately provided with the necessary and acceptable sewage disposal system for the proposed maximum enrollment, as evidenced, for example, by consistency with the locally approved wastewater management plan; and

(2) Sewer infrastructure is, or is not, in place to service the site. If such infrastructure is not in place, adequate documentation from a professional engineer or licensed geologist to demonstrate that soil and groundwater conditions are suitable for a septic system or discharge to groundwater; and

iii. Recommendations from the New Jersey Department of Environmental Protection (NJDEP) that there are no substantial reasons why the land acquisition should not proceed within 45 days of its receipt of an environmental site report submitted by the school district or the Development Authority on behalf of the school district addressing the items below, or evidence that 45 days have passed since the NJDEP's receipt of the environmental site report, whichever is earlier:

(1) A sewer service consistency determination;

(2) Potable water supply;

(3) Coastal and freshwater wetlands;

(4) Green Acres land;

(5) Stream encroachment;

(6) Historical or archeological resources;

(7) Endangered plant species;

(8) Threatened or endangered animal species; and

(9) An environmental site assessment to determine whether there is potential contamination on the land, submitted on a form provided by the Department.

4. The following shall be submitted by the school district:

i. Recommendations of the planning board of the municipality in which the land is situated, and that has an approved master plan as required by N.J.S.A. 40:55D-31 and 18A:18A-16, or evidence that the applicable 45 or 55 days have passed, whichever is earlier, from the planning board's receipt of the land acquisition application. The recommendations shall be sent to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500, and forwarded promptly to the Division at the above address if received by the school district or its architect;

ii. The recommendation of the executive county superintendent based on the requirements specified in this subchapter; and

iii. Prior approvals of other agencies, such as the New Jersey Department of Agriculture, NJDEP, and the Pinelands Commission, where such approval is reasonably obtainable prior to acquisition.

(c) A school district that intends to acquire land not in connection with a school facilities project shall submit all of the information required under (b) above except (b)1ii and iii,

and shall further be excepted from the requirements of (d) and (e) below. If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under this section and the aforementioned exceptions shall no longer apply.

(d) School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.

(e) All school sites shall have sufficient acreage for the following:

1. The placement of the school facility;
2. Expansion of the building to its maximum potential enrollment;
3. The placement of all other structures, such as greenhouses; storage buildings; school-bus maintenance buildings or garages; and any other above- or below-ground structure that is to be placed thereon;
4. Multi-purpose physical education field(s) and, for preschool-through-grade-five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model;
5. Disabled-accessible pedestrian walkways, roadways and parking areas on which people and vehicles access the building;
6. Public- and service-access roads onto the site including, where warranted, a one-way school-bus road of 30-foot width and a two-way road of 36-foot width; a school bus drop-off area; and 18-foot-wide posted fire lanes for fire apparatus; and
7. A 30-foot-wide access around the entire building.

(f) Land owned by a district board of education that does not meet the standards of this section may be supplemented by adjacent municipally-owned land if it is formally leased

on a long-term basis to the district board of education for exclusive use during school hours and there are no deed restrictions that prohibit school district use.

(g) The Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring the land.

6A:26-7.2 Approval of the acquisition of land in certain school districts under the Development Authority's auspices

The Development Authority may acquire land on behalf of a school district eligible for 100 percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved LRFP. For such school districts, the Department shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with this subchapter. The Development Authority may submit the required information on behalf of such school districts.

6A:26-7.3 Approval for the acquisition of existing facilities

(a) A district board of education planning to acquire an existing facility through purchase, gift, lease, or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2. The school district shall also have the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility.

(b) Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

6A:26-7.4 Approval for the disposal of land, including rights or interest therein, or improvements thereon

(a) The school district shall make to the Division a written request for school district-owned land to be altered or disposed of through sale, transfer, or exchange of all or part of the total acreage, including rights or interest therein and/or improvements thereon, such as facilities, if applicable.

1. A copy of the request shall be sent by the school district to the executive county superintendent, who shall make recommendations to the Division. The executive county superintendent shall provide to the district board of education a copy of the recommendations.
2. The request shall indicate whether the school district intends to convey the site, rights or interest therein, and/or improvements thereon under an exception to the public sale requirements per N.J.S.A. 18A:20-6.
3. The request shall indicate whether the school district intends to convey the site**,** rights, or interest therein, and/or improvements thereon that had been conveyed to the school district from the Development Authority or funded in whole or in part by State share under EFCFA.
4. If the land, rights, or interest therein, and/or improvements thereon have been conveyed to the school district from the Development Authority, the request shall provide evidence acceptable to the Department that the property has not reverted to the Development Authority as authorized under N.J.A.C. 19:34-3.6.
5. If a school district seeks to dispose of land, rights, or interest therein, and/or improvements thereon funded in part with debt service aid pursuant N.J.S.A. 18A:7G-9 or 10, and the land and/or improvements are either not needed or not being used for the purposes for which the bonds were issued, any proceeds from the disposal shall be used by the school district first to reduce the outstanding

principal amount at the earliest call date or to annually reduce the debt-service principal payments. A district board of education may request approval from the Commissioner to apply the proceeds over the term of the outstanding debt or by some other distribution mechanism if, for example, it is beneficial to stabilizing the school district's debt-service tax levy.

(b) The Division shall determine whether the disposal is consistent with the school district's approved LRFP or has a negative impact on the educational adequacy of an individual site.

(c) The Division shall notify the school district of its approval or disapproval and send a copy to the executive county superintendent. If the disposal includes a site, rights, or interest therein and/or improvements thereon conveyed to the school district from the Development Authority, is funded in whole or in part by State share under EFCFA, or is in a school district that is required to use the Development Authority, the Division shall also notify the Development Authority.

(d) A school district may convey and transfer, without consideration, its right, title, and interest in and to any trunk or other sewer lines to a municipality, pursuant to N.J.S.A. 18A:20-9.1 without requiring approval from the Division.

6A:26-7.5 Approval for the closing of a school facility

(a) To receive approval for the closing of a school, the district board of education shall provide the Division and the executive county superintendent with the following assurances:

1. The proposed closing is consistent with the school district's approved LRFP because:

   i. The school district has demonstrated that sufficient school-building capacity exists to house students for the five years following the closing; or

   ii. The school district has demonstrated through a feasibility study that the benefits of undertaking new construction outweigh those of rehabilitating the school proposed for closure.

2. The use of temporary facilities in the remaining schools does not result or increase from an overall facilities shortage caused by the school closing; and

3. The re-assignment of students to other schools in the school district does not produce, sustain, or contribute to unlawful segregation, separation, or isolation of student populations on the basis of race or national origin.

(b) A request for approval from the Division for the school closing shall include the recommendation of the executive county superintendent.

(c) A letter of approval from the Division based on the information in (a) above shall be required before the school's closing.

(d) The Division shall notify in writing the school district of its determination with respect to the requested school closing, with a copy provided to the executive county superintendent.

(e) Starting in August 2017, the Division of Executive Services shall maintain a list of closed, unused, or unoccupied school facilities, consistent with N.J.A.C. 6A:26-2.2, and make it available on the Department's website.

Subchapter 8. Temporary School Facilities

6A:26-8.1 Temporary facilities standards

(a) This subchapter sets forth the standards that apply to temporary facilities, whether included as part of a school facilities project, funded as an other capital project, or provided by an approved private school for the disabled. It addresses the applicability of the facilities efficiency standards to temporary facilities, compliance monitoring by the county superintendent of schools, budgeting for deficiencies, and the construction and design standards for a variety of types of temporary facilities, such as leased buildings and pre-manufactured temporary classroom units. Any temporary facility to be used as a school shall comply with the applicable requirements of the UCC, evidenced by a valid certificate of occupancy for the use. If the building currently is not classified as Group E

pursuant to the UCC, then it is to comply with the UCC requirements for a change of use at N.J.A.C. 5:23-6.31. If the building is a school that predates the UCC, then it shall comply with the applicable requirements of the Uniform Fire Code.

(b) When considering educational adequacy, the Division and the executive county superintendent shall apply the minimum-square-feet standards permitted under the facilities efficiency standards. If a district board of education or approved private school for the disabled seeks relief from the minimum-square-feet requirements of the facilities efficiency standards, relief shall be determined upon application to the Division under the procedures for requesting an exception set forth in N.J.A.C. 6A:26-6.2.

(c) Executive county superintendents shall annually monitor the temporary facilities of school districts and approved private schools for the disabled for compliance with the standards in this subchapter. District boards of education or approved private schools for the disabled shall provide funds in the next immediate annual budget to correct deficiencies about which they are notified by the executive county superintendent on or before October 1 annually. If the correction of the deficiencies is part of a school facilities project and eligible for the State share, State share shall be applied to meet this budgetary requirement. Failure to budget for the correction of deficiencies and to implement the corrections by the next September 1 following the October 1 notice shall result in the executive county superintendent, in consultation with the Division, ordering that the facility be abandoned immediately.

(d) In making a determination about an application for the use of temporary facilities, the following factors shall be taken into account:

1. Accommodations of students in temporary spaces in an existing public school, in other school-district-owned facilities or in rented or leased buildings not on a school-district-owned site shall comply with the following:

i. Safety factors:

(1) The floors, walls, and ceilings of rooms used for instruction shall be free of moisture, peeling paint, and potentially hazardous materials;

(2) The hardware on doors of any space occupied by students shall permit egress from the room at all times. Key-operated locks, thumb-turn locks, hasps or similar types of locking devices shall not be permitted;

(3) Instructional room doors opening into the corridor shall have vision panels;

(4) Directions for exiting from the building in case of emergency shall be posted in each space by the exit;

(5) Concrete floors in all instructional areas, except shops, shall be covered with a resilient floor covering;

(6) All educational spaces shall be equipped with a telephone connected to the main office and capable of emergency communication to local authorities. Such communication system may be in the form of a telephone system capable of placing 9-1-1 calls; and

(7) Provision shall be made for storage of students' clothing in other than a corridor or exitway.

ii. The average ceiling height shall be at least eight feet for instructional spaces in temporary facilities in an existing public school, in a school-district-owned facility, and in rented or leased buildings not on school-district-owned sites.

iii. Heating and ventilation requirements shall be as set forth in N.J.A.C. 6A:26-6.3 and the UCC;

iv. Toilet facilities shall meet existing UCC requirements for the E Use Group as determined by the construction official. Toilet facilities shall be available within a reasonable distance not more than one floor away, and shall be equipped with an exterior operable window sash or mechanical exhaust

ventilation. Toilet facilities shall be provided for students in preschool and kindergarten programs as per N.J.A.C. 6A:26-6.3 and/or 6.4;

v. Potable water shall be available and drinking fountains shall be provided for students in preschool and kindergarten programs in accordance with N.J.A.C. 5:23-7;

vi. At least 50 footcandles of uniformly distributed artificial illumination shall be provided in all instructional areas;

vii. Furniture and equipment that is in good condition and suitable for the age and size of the students and purposes of instruction shall be provided;

viii. Instruction:

(1) Chalkboard, or other appropriate writing surface, and a display board suitable for the instructional program shall be provided; and

(2) Sufficient electrical duplex outlets shall be provided to satisfy the program needs as provided in N.J.A.C. 6A:26-6.3; and

ix. The outside physical education area for students shall include, but not be limited to, sufficient space, equipment, and safe surfaces for the temporary facility enrollment and program needs and be protected from hazards or traffic conditions.

2. Pre-manufactured temporary classroom units, vans, and other mobile units shall comply with the following:

i. Pre-manufactured temporary classroom units shall be reviewed and approved by the Division for educational adequacy pursuant to N.J.A.C. 6A:26-5.4(c). The Department of Community Affairs or the local construction official shall review and approve the installation and shall issue the certificate of occupancy. Each pre-manufactured temporary classroom unit shall:

(1) Have a seal affixed by the manufacturer that indicates it meets the requirements for construction and certification of industrialized/modular buildings for educational use at N.J.A.C. 5:23-4A;

(2) Contain square footage appropriate to its use as specified in this chapter;

(3) Meet code requirements for educational facilities as specified in the UCC and in N.J.A.C. 6A:26-6.3 and 6.4, to the extent the latter code requirements are applicable to temporary facilities;

(4) A pre-manufactured temporary classroom unit in excess of 20 feet in length shall have two means of clear and unobstructed egress that are remote from each other, consistent with the UCC;

(5) Have sturdy steps that include a handrail and are barrier free, consistent with the UCC;

(6) Have heat that provides a temperature of 68 degrees Fahrenheit;

(7) Have a ceiling height as follows:

(A) Vans and other mobile units – seven feet minimum;

(B) Temporary classroom unit – seven feet six inches minimum.

(8) Have provisions for the storage of students' clothing;

(9) Have a chalkboard and display board appropriate to the instructional program;

(10) Have floor covering of either carpet that meets UCC requirements or asbestos-free resilient flooring;

(11) Have interior ceiling and wall materials that are certified free of toxic materials;

(12) Be provided with an electric smoke detection unit that has an audible alarm for each 900 square feet, or portion thereof, or for each instructional space and that is tied in to the main building fire alarm system; and

(13) Be situated on a site approved by the Division pursuant to N.J.A.C. 6A:26-5.4(c) and approved by the Division pursuant to N.J.A.C. 6A:26-7.1 if land is acquired for the temporary facility.

ii. Nonconformance to requirements in (d)2i(1) through (13) above that is found during an evaluation of any pre-manufactured unit placed in service after June 4, 1986, or in a subsequent inspection of a unit approved according to (d)2i(1) through (13) above, shall be corrected within 30 days of the evaluation. Staff of the Division or county offices of education shall order a unit immediately abandoned if the school district fails to correct deficiencies with respect to such requirements.

iii. A self-propelled van or other pre-manufactured mobile unit used for instruction shall:

(1) Have mechanical ventilation and exhaust that provides air change per occupant per hour in accordance with the UCC;

(2) Have interior ceiling and wall materials that are certified non-toxic and non-combustible;

(3) Contain a minimum of 100 square feet;

(4) Have electric heat that provides a temperature 68 to 72 degrees Fahrenheit;

(5) Provide at least 50 footcandles of uniformly distributed artificial illumination;

(6) Have a minimum ceiling height of seven feet;

(7) Have two means of clear and unobstructed egress that are remote from each other;

(8) Be provided with door hardware that is lever-operated and fully operable at all times from the interior and exterior;

(9) Be provided with an electric smoke-detection unit that has an audible alarm that can be heard clearly within the unit;

(10) Be furnished with an electric hook-up cable that is copper, a maximum of 28 feet in length and contains a 220 volt four-prong receptacle that is plugged into an approved twist-type outlet;

(11) Be furnished with a 2A-10BC fire extinguisher that is maintained in operating order at all times;

(12) Be furnished with electrical fixtures that meet the UCC;

(13) Have electrical wire of a minimum size to meet the UCC;

(14) Have floor covering of either carpet that meets UCC requirements or asbestos-free resilient flooring;

(15) Be furnished with furniture and equipment that is stabilized while in transit;

(16) Pass an annual inspection by the New Jersey Motor Vehicle Commission;

(17) Be evaluated and approved annually by the executive county superintendent; and

(18) Be furnished with wheel chocks to assure the unit will not move in any direction when parked.

iv. Nonconformance to requirements in (d)3iii(1) through (18) above that is found during an evaluation of any van and/or mobile unit place in service after June 4, 1986, or a subsequent inspection of a van and/or mobile unit approved according to the standards set forth in this subsection, shall be corrected within 30 days of the evaluation. Staff of the Division or the county offices of education shall order a van and/or other mobile unit immediately abandoned if the school district fails to correct deficiencies.

v. Pre-manufactured vans or mobile units in service longer than five years shall be evaluated by the executive county superintendent in consultation

with the Division. The unit shall be abandoned if the evaluation indicates it cannot meet the provisions of this subsection.

Subchapter 9. (Reserved)

Subchapter 10. Lease-Purchase and Lease Agreements

6A:26-10.1 Use of lease-purchase agreements

(a) A school district may acquire improvements or additions to school facilities through lease-purchase agreements of five years or less provided that the lease-purchase agreement provides for the funding in full to the school district upon commencement of construction of the school facilities project. School districts shall not enter into lease purchase agreements of more than five years' duration.

(b) Subject to (a) above, a school district may utilize a lease-purchase agreement to fund the local share or total costs of a school facilities project receiving State debt service aid or to provide the local funding for an other capital project as long as:

1. There are no contingencies pursuant to which such funding could be withheld in whole or in part; and
2. In funding the local share or total costs of a Development Authority-constructed school facilities project, the school district does not encumber what has been lease purchased in favor of another party, such as the lender or trustee unless said interest is subordinated to the Development Authority.

(c) Lease-purchase agreements in excess of five years duration entered into prior to July 18, 2000, may continue in effect through the term of the agreement. However, as of July 18, 2000, no lease-purchase agreement entered into by a school district for improvements or additions to school buildings or for equipment shall exceed five years' duration.

(d) A school district may acquire equipment, as provided in N.J.A.C. 6A:26-3.2(a), through lease-purchase agreements that are not subject to the ground-lease requirements of N.J.A.C. 6A:26-10.5. Lease-purchase agreements for acquisition of equipment do not require Commissioner approval, but shall be filed with the executive county superintendent and shall include:

1. The lease-purchase agreement, which shall contain the following provision: "Payments shall be subject to the annual appropriation of funds sufficient to meet the required payments or shall contain an annual cancellation clause pursuant to N.J.S.A. 18A:20-4.2(f)";
2. A resolution of the district board of education approving the application on a Commissioner-prescribed form and authorizing submission to the executive county superintendent; and
3. Evidence acceptable to the Department that the school district has procured the equipment in accordance with N.J.S.A. 18A:18A-1 et seq.

6A:26-10.2 Costs of lease-purchase agreements of five years or less

(a) All payments by a school district and other costs arising from a lease-purchase agreement of five years or less shall not be considered to constitute debt service and shall not be eligible for State debt service aid under EFCFA and/or this chapter.

(b) Payments of lease-purchase agreements of five years or less shall be recorded as an expenditure of the school district's general fund.

6A:26-10.3 Approval of lease-purchase agreements for improvements or additions to school facilities

(a) School districts shall submit to the Division for approval pursuant to this section all lease-purchase agreements to fund the local share or a portion of the total costs of a school facilities project for improvements or additions to a school facility that has no excess

costs. No lease-purchase agreement that will fund excess costs of a school facilities project for improvements or additions to a school facility or the local funding of an other capital project shall be submitted to the Division for approval. If the Division does not approve a lease-purchase agreement, the school district shall frame a separate question to authorize the lease-purchase agreement and obtain voter or board of school estimate approval to enter into the agreement. No lease-purchase agreement for a capital project shall be executed by a school district unless it has received written approval of the Division, voters, or board of school estimate, as appropriate.

(b) School districts shall file with the Division a copy of all lease-purchase agreements approved by voters or the board of school estimate.

(c) A school district shall not enter into a lease-purchase agreement until the Division has notified the school district of the final eligible costs of a school facilities project or the consistency of an other capital project with the school district's approved LRFP and other applicable standards, as set forth in N.J.A.C. 6A:26-3.11.

(d) The Division shall approve a lease purchase-agreement for local share or total costs of a school facilities project receiving State debt service aid payments that does not include excess costs only upon a demonstration by the school district that the payments for a lease-purchase agreement and any operating expenses related to the agreement can be included within the school district's net budget spending growth limitations and will not result in the need for approval by voters or the board of school estimate, as appropriate, of additional spending proposals to maintain existing instructional programs or extracurricular activities.

(e) All requests for approval of lease-purchase agreements for capital projects that are required to be filed with, and approved by, the Division shall include the following:

1. A copy of the Department's approval letter for the school facilities project and calculation of final eligible costs;

2. The lease agreement in accordance with N.J.A.C. 6A:26-10.4;

3. If applicable, an intercept agreement among the school district, the lessor and the State, executed by the school district and the lessor, providing that the State shall have the right to withhold the portion of State support owed to the school district necessary to make timely payments under the lease-purchase agreement and the agent agreement if the school district should fail to make timely payment of amounts owed under the lease-purchase and agent agreements, and apply the withheld State support to pay the school district's obligation, subject to available State appropriation;

4. The ground lease in accordance with N.J.A.C. 6A:26-10.5, except for the lease-purchase of equipment only;

5. Evidence of clear title to the proposed building site(s) and any land stated in the ground lease except for the lease-purchase of equipment only;

6. A resolution of the district board of education approving the application and authorizing submission to the Division of an application on a form prescribed by the Commissioner;

7. A copy of the newspaper advertisement for the public hearing;

8. A copy of the newspaper advertisement for request for proposals;

9. A copy of detailed board minutes for the public hearing resolution and vote on the approval of the lease-purchase concept, approval of the projected maximum funding level, assurance that annual lease payments can be included within the school district's base budget spending growth limitation, and authorization for the chief school administrator or board secretary to advertise for proposals for the selection of underwriter/lessor; and

10. Any additional information that a school district deems relevant for the Division's review of the lease purchase agreement.

(f) Upon receipt of an application for approval of a lease-purchase agreement for a capital project, the Division shall review the application and inform the school district in writing

whether the application is complete. If the application is determined incomplete, the Division shall request additional information from the school district.

(g) After reviewing and assessing a complete application, the Division shall notify the school district in writing whether the lease purchase is approved and, if the lease purchase is not approved, the reason(s) for not approving it.

(h) For lease-purchase agreements that must be submitted to the Division, a district board of education shall conduct a minimum of one public hearing prior to adoption of a resolution endorsing the lease-purchase concept and approving the submission of an application to the Division. All provisions of the Open Public Meetings Act (N.J.S.A. 10:4-6 through 21) shall be followed for the public hearing. In addition, notice of the public hearing shall be published not less than seven days prior to the date fixed for each public hearing in at least one newspaper published in the school district or circulating in the school district if no newspaper is published therein. The notice shall fix a date, place, and time for holding the public hearing and shall include a description of the proposed capital project, the estimated cost and the proposed method of project financing.

1. The public hearing shall provide taxpayers and other interested persons an opportunity to present to the district board of education questions or other commentary with respect to the proposed capital project, the estimated cost thereof and the proposed financing method.

2. After the public hearing, a district board of education shall adopt by affirmative vote of at least two-thirds of the full board membership a resolution that includes the following provisions:

   i. Approval of the lease purchase concept;

   ii. Approval of the projected maximum funding level;

   iii. An assurance that annual lease payments and any operating expenses related to the agreement can be included within the school district's net

budget spending growth limitations and will not result in the need for approval by the voters or board of school estimate, as appropriate, of additional spending proposals to maintain existing instructional programs or extracurricular activities; and

iv. Authorization for the chief school administrator and board secretary to advertise and solicit proposals for the selection of a lessor and underwriter in connection with a lease-purchase agreement and to request Departmental approval of a lease-purchase agreement not including excess costs.

(i) A district board of education having entered into a lease-purchase agreement for a capital project shall not terminate, materially change, or alter the approved lease-purchase agreement and accompanying legal documents without first obtaining the Division's written approval.

(j) Upon completion of the transaction, the school district shall file with the Division an opinion from the school district's legal counsel stating the following:

1. The transaction is in conformance with local, State and Federal law; and

2. The parties hereto are properly organized; are in good standing; have the requisite power; and have been properly authorized to enter into the transaction.

(k) Upon completion of a lease-purchase agreement, a district board of education shall file with the Division the Official Statement (Prospectus) of the transaction.

6A:26-10.4 Contents of lease-purchase agreement

(a) Lease-purchase agreements shall contain the following provisions:

1. Payments shall be subject to the annual appropriation of funds sufficient to meet the required payments or shall contain an annual cancellation clause pursuant to N.J.S.A. 18A:20-4.2(f);

2. All construction contracts let by public school districts, developers, or owners of property used for school purposes shall be competitively bid pursuant N.J.S.A. 18A:20-4.2(f); and

3. The district board of education may refinance the lease-purchase agreement or purchase the leased premises, by defeasance or otherwise, at any time during the lease period.

6A:26-10.5 Contents of ground lease

(a) A ground lease shall contain the following provisions:

1. A legal description of the land;

2. Lease of the land and the term of the lease;

3. A warranty that the district board of education has good and marketable title to the land;

4. A warranty that the land is properly zoned for school purposes including the proposed project;

5. A warranty that the leased land and current land uses comply with all local, State, and Federal environmental laws;

6. Termination; and

7. Use of land.

6A:26-10.6 Approval procedures to refinance a lease-purchase agreement

(a) A district board of education proposing to refinance a lease-purchase agreement entered into at any time, including lease-purchase agreements in excess of five years, shall adopt a resolution requesting the Division's approval of the transaction.

(b) A district board of education requesting approval to refinance a lease-purchase agreement shall submit to the Division on a Commissioner-prescribed form an application for refinancing. A district board of education shall also file with the Division the following documents:

1. A copy of the district board of education resolution requesting approval of the refinancing and the board's vote;
2. An opinion of counsel stating that the refinancing is permitted under the original or modified lease-purchase agreement and is in conformance with local, Federal, and State statutes;
3. The list of persons and/or firms the district board of education contacted concerning the refinancing, the one selected and the specific reasons for the selection;
4. A copy of the amended rent payment schedule;
5. A schedule of sources and uses of the lease-purchase agreement refinancing proceeds;
6. An analysis of the escrow account under the proposed refinancing;
7. A copy of the documents in final draft form with amendments and modifications to the lease-purchase, ground lease, trustee or agent, and assignment agreements, if necessary, that effect the refinancing;
8. A copy of the updated insurance or other credit-enhancement commitment, modified to cover refinancing, if applicable;
9. Proposed credit ratings on the issue and credit-rating agencies; and
10. A detailed analysis of the percentage of net present value cost savings to the school district of at least three percent using the effective interest cost method as the discount rate based on an analysis of the total refunding issue that includes the following for each payment:
    i. Date;
    ii. Prior debt service;
    iii. New debt service;
    iv. Savings (prior debt service minus new debt service);
    v. Present value factor;
    vi. Present value savings (savings times present value factor);

vii. Cumulative present value savings; and

viii. Totals of items in (b)10ii through vii above.

(c) After the receipt of the refinancing application on a Commissioner-prescribed form and related documents, the Division shall endorse the application if satisfied that the refinancing is in the school district's best interest.

6A:26-10.7 Approval procedures for a defeasance of lease-purchase agreements

(a) A district board of education proposing to seek voter or board of school estimate approval for the defeasance of a lease-purchase agreement entered into at any time, including lease-purchase agreements in excess of five years, through the issuance of general-obligation bonds shall adopt a resolution requesting the Division's approval of the transaction.

(b) A district board of education requesting approval for the defeasance of a lease-purchase entered into at any time, including lease-purchase agreements in excess of five years, shall submit to the Commissioner an application for defeasance on a Commissioner-prescribed form and the following documents:

1. A copy of the district board of education resolution requesting the Division's approval of the defeasance of the lease-purchase agreement through the issuance of general obligation bonds and the district board of education's vote;
2. An opinion of counsel stating that the prepayment of the lease-purchase agreement is in conformance with local, State, and Federal statutes;
3. A copy of the documents in final draft form with amendments and modification to the lease-purchase, ground lease, trustee or agent, and assignment agreements, if necessary, that effect the defeasance;
4. A schedule of sources and uses of bond issue proceeds; and
5. A detailed analysis of the percentage of net present value cost savings to the school district using the effective interest cost method as the discount rate based

on an analysis of the total new bond issue to include the following for each payment:

i. Date;

ii. Prior debt service;

iii. New debt service;

iv. Savings (prior debt service minus new debt service);

v. Present value factor;

vi. Present value savings (savings times present value factor);

vii. Cumulative present value savings; and

viii. Totals of items in (b)5ii through vii above.

(c) The application shall support a net present value cost savings and shall be reviewed strictly on the merits of the cost savings without consideration of any debt service aid to which the district board of education may be entitled.

(d) After the receipt of the application for defeasance and related documents, the Division shall endorse the application, if the Division determines the defeasance of the lease-purchase agreement is in the school district's best interest. Approval shall be contingent upon board of school estimate approval or voter adoption of the specific ballot question, as applicable.

6A:26-10.8 Lease-purchase agreements entered into prior to July 18, 2000

(a) Approved lease-purchase agreements in excess of five years duration shall be accorded the same accounting treatment as school bonds. The payments by a school district on such lease-purchase agreements shall be considered debt service and may be eligible for State debt service aid under EFCFA.

(b) The provisions of N.J.A.C. 6A:26-10.6 and 10.7 shall apply to lease-purchase agreements entered into prior to July 18, 2000.

(c) A district board of education having entered into a lease-purchase agreement prior to July 18, 2000 for a capital project shall not terminate, change, or alter the approved lease-purchase agreement and accompanying legal documents without first obtaining the Division's written consent.

(d) Upon completion of a lease-purchase agreement entered into prior to July 18, 2000, a district board of education shall file with the Division the Official Statement (Prospectus) of the transaction.

(e) A school district that entered into a lease-purchase agreement prior to July 18, 2000, and applies for a State support under EFCFA for any school facilities project relating to a site or school building subject to the lessor's lien under the lease-purchase agreement shall be required to enter into an intercept agreement with the State and the lessor that provides the State shall have the right to withhold that portion of State support owed to the school district necessary to make timely payments under the lease-purchase and agent agreements if the school district fails to make timely payment of amounts owed under agreements. The State also shall have the right to apply the withheld State support to pay the school district's obligation, subject to available State appropriation. The Division's receipt of an intercept agreement executed by the school district and lessor, and acceptable to the Division, shall constitute a prior condition for the school district to receive State support under EFCFA for any school facilities project relating to a site or school facility subject to the lessor's lien under the lease-purchase agreement.

6A:26-10.9 Approval of lease agreements for facilities to be used for school purposes

Without authority first obtained from voters, the board of school estimate or the capital project review board, as appropriate, a school district may rent facilities to use for school purposes on a year-to-year basis or for up to five years in case of emergency. "Emergency" for the purposes of this section shall include an emergent condition or the circumstances that warrant emergency stabilization as defined in N.J.A.C. 6A:26-1.2.

6A:26-10.10 Limitation on multiyear leases of facilities

All multiyear leases of facilities, including one- or two-year extensions, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or shall contain an annual cancellation clause.

6A:26-10.11 Public hearing for facility leases in excess of five years

(a) A district board of education shall conduct a minimum of one public hearing prior to adoption of a resolution endorsing a facility lease in excess of five years. All provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 through 21, shall be followed for the public hearing. In addition, notice of the public hearing shall be published not less than seven days prior to the date fixed for each public hearing in at least one newspaper published in the school district, or circulating in the school district if no newspaper is published therein. The notice shall fix a date, place, and time for holding the public hearing and shall include a description of the proposed facilities to be leased, the estimated cost, and the proposed method of funding the lease.

(b) The public hearing shall provide taxpayers and other interested persons an opportunity to present to the district board of education questions or other commentary with respect to the proposed lease, the estimated cost, and the proposed funding method.

(c) After the public hearing, a district board of education shall adopt by affirmative vote of at least two-thirds of its full membership a resolution that includes the following provisions:

1. Approval of the lease concept;
2. Approval of the projected maximum funding level;
3. An assurance that annual lease payments and any operating expenses related to the lease agreement can be included within the school district's net budget spending growth limitations and will not result in the need for approval by the voters, board of school estimate, or capital project review board as appropriate, of

additional spending proposals to maintain existing instructional programs or extracurricular activities; and

4. Authorization for the district board of education to request approval of an amendment of the LRFP to reflect the leased facility and request any other approvals needed to enter into the lease.

(d) In the case of an SDA district, the district board of education shall provide the Department with a copy of the proposed lease and a copy of detailed board minutes for the public hearing resolution and vote on the approval of the lease concept.

Subchapter 11. County Vocational School District Facilities Rehabilitation Fund

6A:26-11.1 County vocational school district facilities rehabilitation fund

Subject to appropriation and availability of funds, a county vocational school district may apply to the Commissioner for a maximum grant of $500,000 to be matched dollar for dollar by the school district to fund health and safety school facilities rehabilitation projects. The grant and matching funds shall be maintained by the school district in a special revenue fund as certified by the district board of education and its chief financial officer and shall be subject to annual audit. A project funded through the grant fund shall not require the Commissioner's approval pursuant to N.J.S.A. 18A:7G-5 but shall meet all other requirements of EFCFA and this chapter pertaining to school facilities projects.

6A:26-11.2 Application for funds

(a) Any county vocational school district seeking a grant from the County Vocational School District Facilities Rehabilitation Fund shall apply to the Commissioner on a Commissioner-provided form. The application shall, at a minimum, contain the following information:

1. A description of the school facilities project to be undertaken with the funds;

2. A schematic drawing of the project or, at the option of the school district, preliminary plans and specifications for the project to be funded;

3. A delineation and description of each of the functional components of the project to be funded;

4. The estimated cost to complete the project as determined by the school district on a form prescribed by the Commissioner; and

5. Any additional information the Commissioner deems relevant for the project's review.

(b) The Division shall review an application for funds. If the project conforms with the requirements of EFCFA and regulations for approval of school facilities projects, the Division shall notify the county vocational school district of the amount of any grant within 90 days of receiving a grant application.

(c) Any county vocational school district that receives grant funding pursuant to N.J.S.A. 18A:7G-32 and N.J.A.C. 6A:26-11.1 shall not be eligible to receive State support pursuant to any other provision of EFCFA for a period of five years from the school district's receipt of the grant, except that the school district may receive debt service aid pursuant to N.J.S.A. 18A:7G-10; and any county vocational school district that receives aid under any provision of EFCFA other than N.J.S.A. 18A:7G-10 shall not receive a grant pursuant to this subsection for five years after approval of a project that is otherwise funded under EFCFA.

Subchapter 12. Safety Requirements for School Facilities

6A:26-12.1 Facilities maintenance requirements

All facilities and structures and parts thereof shall be maintained in a safe, healthy, and energy-efficient condition. All service equipment, means of egress, devices, and safeguards that are required by the UCC in a building or structure, when erected, altered, or repaired, shall be maintained in good working order.

6A:26-12.2 Policies and procedures for school facility operation

(a) District boards of education shall adopt written policies and procedures regarding the following:

1. Safe and sanitary operation and maintenance of school facilities and grounds according to the provisions of this chapter;
2. Supervision of pupil safety in school facilities that shall include:
    i. Safe storage and use of potentially hazardous materials on school property;
    ii. Compliance with community right-to-know requirements;
    iii. Prevention of accidents, panic, and fire; and
    iv. Provision and maintenance of suitable and safe equipment;
3. Organization of school safety patrols pursuant to N.J.S.A. 18A:42-1, if the decision is made to organize safety patrols; and
4. Prohibition of smoking in public school buildings pursuant to P.L. 1989, c.96.

6A:26-12.3 Health facilities, equipment and supplies

District boards of education shall provide the necessary facilities, equipment, and supplies for the performance of the duties required under State law and rules by health services personnel.

6A:26-12.4 Safe drinking water

(a) The rules in this subchapter for the provision of safe drinking water shall apply to all New Jersey public school districts, charter schools, renaissance schools, jointure commissions, educational services commissions, approved private schools for students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts, State-funded early childcare facilities pursuant to N.J.A.C. 6A:13A, and receiving schools as defined by N.J.A.C. 6A:14-7.1(a). Throughout this subchapter, “district board of education” refers to the governing authority for all of the entities identified in this subsection, unless otherwise indicated.

(b) District boards of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the rules promulgated pursuant thereto, N.J.A.C. 7:10 and 6A:26-6, Planning and Construction Standards for School Facilities.

(c) Testing of school drinking water quality shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the rules promulgated pursuant thereto, N.J.A.C. 7:10 and 6A:26-6, Planning and Construction Standards for School Facilities.

(d) All district boards of education shall conduct lead sampling and analysis, as described in (d)1 and 2 below, in all drinking water outlets to which a student or staff member has, or may have, access, in each school facility, other facility, or temporary facility, as those terms are defined in this chapter. Any district board of education granted an extension of time to conduct initial testing beyond the July 13, 2017, deadline shall complete the initial testing no later than July 13, 2018. District boards of education that completed initial testing prior to July 13, 2017, shall perform follow-up testing in accordance with the schedule in (g) below.

1. Sampling shall be conducted in accordance with a lead sampling plan, which shall include:

i. A plumbing survey for each facility that identifies how water enters and flows through each facility, the types of plumbing materials used in the facility, such as the service line, piping, solder, fixtures, drinking water outlets where students or staff have or may have access, and point of use treatment, such as drinking water filters;

ii. The names and responsibilities of all individuals involved in sampling; and

iii. The following sampling procedures:

(1) Samples shall be taken after water has sat, undisturbed in the school pipes for at least eight hours but no more than 48 hours before the sample is taken.

(A) 24-hour school facilities shall collect first-draw samples at drinking water outlets following a stagnation time that would likely result in the longest standing time;

(2) At least eight hours prior to sampling, signs shall be posted to indicate that water shall not be used and access to the buildings subject to the sampling shall be restricted to all but authorized staff members;

(3) Existing aerators, screens, and filters shall not be replaced or removed prior to or during sampling; and

(4) All samples shall be collected in pre-cleaned high-density polyethylene (HDPE) 250 milliliter (mL) wide-mouth single-use rigid sample containers that are properly labeled.

2. Analysis of samples shall be conducted as follows:

i. Analysis shall be conducted by a certified laboratory to analyze for lead in drinking water;

ii. The laboratory shall use an approved analytical method pursuant to the Federal Safe Drinking Water Act at 40 CFR 141.23(k)(1); and

iii. Sample analysis shall be conducted in accordance with a Quality Assurance Project Plan (QAPP), which shall be signed by the district board of education, the certified laboratory, and the individual responsible for conducting sampling. The QAPP shall include the identification of analytical methods, chain of custody procedures, data validation and reporting processes, detection limits, reporting to three significant figures, field blanks, and quality control measures required by the certified method.

3. The Department, in consultation with the Department of Environmental Protection (DEP), will develop a technical guidance manual to assist district boards of education in complying with the sampling and analysis requirements of this subchapter.

(e) The district board of education, or its designee, shall complete a review of final laboratory results within 72 hours of receipt. Within 24 hours after the district board of education, or its designee, has reviewed the final laboratory results, the district board of education shall:

1. Make the test results of all water samples publicly available at the school facility in accordance with (f) below and make the results from the most recent required Statewide testing available on the district board of education's website; and

2. If any results exceed the permissible lead action level, provide written notification to the parents/guardians of all students attending the facility, facility staff, and the Department. This written notification shall also be posted on the district board of education's website and shall include a description of the following:

   i. Measures taken by the district board of education, or its designee, to immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level;

   ii. Any additional remedial actions taken or planned by the district board of education;

   iii. The measures taken to ensure that alternate drinking water has been made available to all students and staff members at the school(s) where the water outlet(s) is located; and

   iv. Information regarding the health effects of lead.

(f) The district board of education's test results of all water samples shall remain publicly available in accordance with the timeline established by the Department of the Treasury in the Records Retention Schedule under record series number 0021-0000, which is available at https://www.nj.gov/treasury/revenue/rms/pdf/m700104_001.pdf.

(g) Notwithstanding the results or date of any prior testing, all district boards of education shall continue to test drinking water outlets as provided below in the designated

Statewide required testing year, which shall be every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year:

1. By no later than June 30 of the designated Statewide required testing year, all district boards of education shall test all drinking water outlets. Sampling shall be prioritized, such that buildings and facilities that previously had outlets with results above the action level or identified in the plumbing profile as high risk for lead shall be sampled first in accordance with the sampling plan; and

2. All district boards of education shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet.

(h) If district boards of education test drinking water outlets for lead more frequently than the three-year cycle set forth at (g)1 above, the notification requirements set forth in (e) and (f) above shall apply.

1. District boards of education that test drinking water outlets more frequently in accordance with (h) above shall make the most recent results for each facility available on the district board of education's website.

(i) All district boards of education shall submit to the Department by June 30 each year a statement of assurance that lead testing was completed in accordance with this section, that notifications were provided consistent with this section, and that alternate drinking water continues to be made available to all students and staff in accordance with this section.

(j) District boards of education may request an exemption from the testing requirements set forth in (d) above if they can demonstrate that they do not use any drinking water outlets for consumption or food preparation in any of their facilities. District boards of education seeking an exemption pursuant to this provision shall submit an application to the Department documenting that no drinking water outlets are used in their facilities and the provisions for an alternative source of drinking water. A district board of education that

receives an exemption from the Department from testing pursuant to this subsection shall make available for public inspection at the school facility and on the district board of education's website, if applicable, confirmation that the district board of education is exempt from testing. No later than June 30 of each Statewide required testing school year as set forth in (g) above, a district board of education shall either begin testing procedures in accordance with (g) above or reapply for an exemption under this subsection.

(k) All district boards of education shall be eligible to be reimbursed for the water supply testing and analysis conducted pursuant to (g) above after July 1, 2021, as approved by the Department and subject to available funds. To be eligible to receive reimbursement, the district board of education shall complete and submit to the Department a reimbursement application on a form**,** or in a format**,** supplied by the Department. The Department will make the reimbursement application available on its website. Nonpublic schools that conducted testing in accordance with (g) above after July 1, 2021**,** may submit a reimbursement application to the Department, approval of which is subject to available funds. A school district that conducts additional testing in a year other than the Statewide required testing school year as set forth in (g) above shall not be eligible for reimbursement.

(l) A district board of education's failure to comply with any requirement in this section may result in any of the following:

1. The district board of education's disqualification for reimbursement pursuant to (k) above;
2. The Department's initiation of an investigation by the Office of Fiscal Accountability and Compliance; and
3. The Commissioner's withholding of State aid pursuant to N.J.A.C. 6A:2-1.2.

6A:26-12.5 Eye protection in schools

(a) Each district board of education shall require each student, staff member, and school visitor, including individuals present for evening adult-school programs, to wear appropriate eye

protective devices while participating in educational activities and programs as defined in N.J.A.C. 6A:7-1.3 that use caustic or explosive chemicals or materials, hot liquids, or solids, or molten materials, or that engages in welding operations of any type, repairing, or servicing of vehicles, heat treatment or tempering of metals, the shaping of solid materials, laser-device operation and experimentation, or any similar process or activity is engaged in, exposure to which might have a tendency to cause damage to the eyes.

(b) The term "appropriate eye protective device" shall include plain or prescription lenses provided the lenses and other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in (b)1 and 2 below. The standards, with all subsequent amendments and supplements, are hereby adopted as rules and incorporated herein by reference.

1. American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989.
2. American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986 and eye protective procedures recommended by the manufacturer of the laser device.

(c) The documents in (b)1 and 2 above are available for review at the Office of School Facilities, 200 River View Plaza, Trenton, New Jersey. The documents can be purchased from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

(d) Emergency eye wash fountains, or similar devices capable of a minimum 15 minutes continuous flow of eye-wash solution, shall be provided in classrooms, shops, laboratories, or other area where pupils or instructors are exposed to caustic materials that can cause damage to the eyes.

(e) The following types of eye protective devices shall be used to fit the designated activities or processes:

1. Caustic or explosive - Goggles, flexible fitting, hooded ventilation; add plastic-window face shield for severe exposure;

2. Dust-producing operations - Goggles, flexible fitting, hooded ventilation;

3. Electric arc welding - Welding helmet in combination with spectacles with eye cup or semi- or flat-fold side shields;

4. Oxyacetylene welding - Welding goggles, eye-cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lenses;

5. Hot liquids and gases - Goggles, flexible fitting, hooded ventilation; add plastic-window face shield for severe exposure;

6. Hot solids - Clear or tinted goggles or spectacles with side shields;

7. Molten materials - Clear or tinted goggles and plastic- or mesh-window face shield;

8. Heat treatment or tempering - Clear or tinted goggles or clear or tinted spectacles with side shields;

9. Glare operations - Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverspec type with tinted lenses or tinted plate lenses;

10. Shaping solid materials - Clear goggles, flexible or rigid body; clear spectacles with side shields; add plastic-window face shield for severe exposure;

11. Laser device operation or experimentation - Appropriate for specific hazard;

12. Vehicle repair or servicing - Clear goggles, flexible or rigid body; clear spectacles with side shields;

13. Other potentially eye-hazardous processes or activities - Appropriate for specific hazard.

(f) Each district board of education shall establish and implement a specific eye protective policy and program to assure:

1. No staff member, student or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;

2. The detection of eye hazardous conditions shall be continuous;

3. Eye protection devices shall be inspected regularly and adequately maintained;

4. Shared eye protective devices shall be disinfected between uses by a method prescribed by the local school medical inspector;

5. All eye protective devices shall meet or exceed the appropriate specifications for the various types of devices and suppliers of eye protective devices shall certify, in writing, that the devices meet or exceed said specifications;

6. Specific policy and procedures shall be established to deal with individuals who refuse to abide by established eye-safety practices and procedures;

7. The use of contact lenses shall be restricted in learning environments that entail exposure to chemical fumes, vapors, or splashes, intense heat, molten metals, or highly particulate atmospheres. When permitted, contact lenses shall be worn only in conjunction with appropriate eye protective devices, and the lens wearer shall be identified for appropriate emergency care in eye hazardous learning environments;

8. All spectacle-type eye protective devices shall have side shields of the eye-cup, semi- or flat-fold type; and

9. Pupils, staff members, or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless a competent authority can certify the personal eyewear meets or exceeds standards identified in (b) above.

(g) Each school district shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye-safety policies and program. The training shall cover all aspects of eye protection in schools as described in (a) through (f) above.

Subchapter 13. (Reserved)

Subchapter 14. Withholding of State Support for Non-Compliance

6A:26-14.1 Withholding of State support for non-compliance

(a) Pursuant to N.J.S.A. 18A:55-2, the Commissioner shall direct the State Treasurer to withhold funds payable by the State from any school district that fails to obey the law, or the rules or directions of the State Board or the Commissioner. "Funds payable by the State" include State support under EFCFA. A failure to obey the rules shall include non-compliance with this chapter. The non-compliance may:

1. Constitute a default under a grant agreement between the Development Authority and the school district for school districts receiving State support under N.J.S.A. 18A:7G-5 (preconstruction activities), 13(a), or 15. It also may subject the school district to Development Authority remedies for the default, including the reimbursement or withholding of State support under EFCFA. If the Development Authority refers the matter to the Department in lieu of withholding State support under EFCFA, the Department may upon review of the matter direct the State Treasurer to withhold funds payable by the State from the school district;
2. Result in reducing to zero the "M" factor in the debt-service-aid formula in N.J.A.C. 6A:26-3.8 pursuant to N.J.S.A.18A:7G-9.b(1) and (2) and/or subject the school district to a withholding of State support under EFCFA if the school district receives debt service aid under N.J.S.A. 18A:7G-9 or 10; or
3. Subject a school district for which the Development Authority constructs the school facilities project to a withholding of funds payable by the State, including State support under EFCFA.

(b) Pursuant to N.J.S.A. 18A:4-23, the Commissioner shall enforce these rules by any means permitted by law, including, but not limited to, issuing to the school district under N.J.A.C. 6A:3-3.1 an order to show cause why the reimbursement or withholding of State support should not be imposed.

Subchapter 15. (Reserved)

Subchapter 16. Certified Educational Facilities Manager

6A:26-16.1 Certified educational facilities manager

(a) Effective September 1, 2002, no person shall be employed by a district board of education to supervise buildings and grounds unless he or she meets the criteria established in N.J.S.A. 18A:17-49 et seq.

(b) An applicant for certification as an educational facilities manager shall submit to the Division documentation demonstrating compliance with one of the criteria in N.J.S.A. 18A:17-49 et seq. After verifying compliance with one of the criteria, the Division shall issue to the applicant an authorization to serve as an educational facilities manager and shall add the applicant to the Division's master list of certified educational facilities managers.

(c) When a vacancy occurs in a position in which the duties of a supervisor of buildings and grounds are performed, a district board of education may select a person who is not a certified educational facilities manager to perform the duties of a supervisor of buildings and grounds for a period not to exceed two years commencing on the vacancy date. At the expiration of the two-year period, the district board of education shall employ to supervise its buildings and grounds a person certified by the Division as an educational facilities manager.

Subchapter 17. Appeals

6A:26-17.1 Appeals of Commissioner determinations

(a) All appeals of final determinations made by the Commissioner pursuant to EFCFA and this chapter shall be to the Appellate Division of the Superior Court.

(b) Appeals arising from decisions of the Department's Division of Administration and Finance may be requested in writing, and an opportunity given for an informal hearing before the

Assistant Commissioner or other designated official. A written request for an informal hearing shall be made within 30 days of the school district's receipt of the Division's decision.

(c) In the event of an adverse decision after an informal hearing under (b) above, or if a school district determines not to seek an informal hearing, a school district may request, within 90 days of the decision of the Assistant Commissioner or the Division's determination if an informal hearing is not sought, a formal hearing pursuant to N.J.S.A. 18A:6-9 and 18A:6-24 and N.J.A.C. 6A:3, Controversies and Disputes.

Subchapter 18. Section 15 Grants for Regular Operating Districts, Including County Vocational School Districts

6A:26-18.1 Eligibility for section 15 grants for RODs, not including county vocational school districts

(a) Any ROD applying for a section 15 grant shall conform at a minimum with the requirements of this subchapter, as applicable.

(b) Any eligibility determination for a section 15 grant shall be subject to the availability of funds.

(c) If the school facilities project or a portion of <u>it</u> is eligible for State support, the ROD may request State debt service aid pursuant to N.J.S.A. 18A:7G-9 in lieu of a section 15 grant.

(d) All of the following conditions shall apply regarding eligibility for a section 15 grant:

1. A ROD shall have an approved LRFP, pursuant to N.J.A.C. 6A:26-2.1(b).
2. The school facilities project has been approved pursuant to N.J.A.C. 6A:26-3.3 and has no excess costs.
3. The proposed school facilities project shall fall within one or more of the priority project categories described below.
    i. Level 1 are school facilities projects that address the most critical operational building needs, including health and safety issues, and program mandates. The projects shall consist of one or more of the following:

(1) Upgrades to essential building systems;

(2) Repair or replacement of a building skin element;

(3) Fire or life safety building code issues;

(4) Upgrades consistent with the Americans with Disabilities Act;

(5) Hazardous materials abatement;

(6) Security and communication systems;

(7) Site drainage to correct existing conditions;

(8) Upgrades to existing elementary school playgrounds as per N.J.A.C. 6A:26-3.2(a)5;

(9) Renovated or up to a maximum of six new early childhood classrooms; or

(10) Special population needs.

ii. Level 2 are school facilities projects that address the rehabilitation of existing buildings, the easing of overcrowding, and/or improving the quality of existing instructional spaces. The projects shall consist of one or more of the following:

(1) Repair or replacement of existing building systems and components not included in Level 1;

(2) Existing site upgrades excluding upgrades to athletic fields or tracks; or

(3) Renovation or new construction of capacity-generating classrooms to address overcrowding or a substandard condition.

iii. Level 3 are school facilities projects that are either new construction or rehabilitation that also qualifies as reconstruction. For purposes of this subsection, “reconstruction” means reconstruction as defined in the UCC, N.J.A.C. 5:23-6.3. Reconstruction and/or new construction projects shall be evaluated based upon the following attributes:

(1) Districtwide unhoused students and overcrowding;

(2) Early childhood program accommodations;

(3) Compliance with facilities efficiency standards;

(4) Use of temporary or leased facilities;

(5) Building age;

(6) Project scope; and

(7) Prior section 15 funding.

(e) If the school facilities project fits into more than one of the priority project categories, the entire school facilities project shall be deemed to fall within the lowest category for which it qualifies.

(f) If a ROD submits more than one application for a section 15 grant for a school facilities project that includes new construction, all applications for section 15 grants shall not have any excess costs to qualify for a section 15 grant.

(g) A ROD shall be eligible to receive a section 15 grant for a school facilities project involving the replacement of a building system that was all or part of a school facilities project that previously received State support, provided the building system to be replaced has approached or exceeded its life expectancy. The school district shall provide documentation concerning the building system's life expectancy, including, but not limited to, the original installation date or the building system manufacturer's warranty.

(h) A ROD may request on a Department-supplied form a preliminary ROD grant eligibility determination for the scope of work of a school facilities project.

(i) RODs may take one of the following actions, as applicable, for a school facilities project that has been submitted to the Department for approval or has received approval from the Department prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a):

1. A ROD that has submitted to the Office of School Facilities an application for approval of a school facilities project but has not yet received project approval may submit an application for a section 15 grant pursuant to this subchapter in

accordance with the grant deadlines set forth in this subchapter.

2. If a ROD plans to submit an application for a section 15 grant pursuant to this subchapter for a project that previously was reviewed pursuant to N.J.A.C. 6A:26-3.12 as an "other capital" project, the ROD shall withdraw from the Office of School Facilities the prior application and resubmit a new one.

3. If a ROD plans to submit a school facilities project for a section 15 grant pursuant to this subchapter for a school facilities project that previously was approved for State debt service aid and has accepted the preliminary eligible costs as the final eligible costs prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a), the ROD shall withdraw from the Office of School Facilities the prior application and resubmit a new one.

4. If a ROD plans to submit a school facilities project for a section 15 grant pursuant to this subchapter for a school facilities project that previously was approved for State debt service aid but has not accepted the preliminary eligible costs as the final eligible costs prior to the deadline established pursuant to N.J.A.C. 6A:26-18.3(a), the ROD may request that the school facilities project be considered for a section 15 grant instead of State debt service aid.

5. If a school facilities project is cancelled pursuant to this subsection and an application for a section 15 grant for the project is then submitted, the school facilities project must meet the eligibility requirements and deadlines set forth in this subchapter.

6. Any submission by a ROD for a section 15 grant pursuant to this section shall include a resolution from the school board of the district requesting the cancellation of the prior application and submission of a new application for a section 15 grant for the specified school facilities project.

(j) A school facilities project or other capital project shall not be eligible for a section 15 grant pursuant to this subchapter where:

1. A construction contract has been awarded in connection with the school facilities project or other capital project; or
2. The local share for the school facilities project or other capital project has already been approved pursuant to N.J.A.C. 6A:26-3.7.

6A:26-18.2 Funding options for school facilities project in RODs, other than county vocational school districts, that are not awarded a section 15 grant

(a) If the school facilities project met the criteria for inclusion in one of the three priority project categories but was not awarded funding in a grant cycle, the ROD may resubmit in a subsequent grant cycle an application for a section 15 grant for the school facilities project.

(b) If the school facilities project did not fall into one of the three priority project categories or contained work that prevented its placement in a higher priority project category, and was not awarded funding, the ROD may revise and resubmit in a subsequent grant cycle an application for a section 15 grant for the school facilities project.

(c) If a ROD does not obtain a section 15 grant for the school facilities project and also does not want State debt service aid, the ROD may instruct the Office of School Facilities to consider its application for the school facilities project as an other capital project and fully fund the project without State support.

6A:26-18.3 Deadlines for submission of section 15 grant applications for RODs, not including county vocational school districts

(a) The Commissioner annually shall determine the amount of funds allocated to section 15 grants for the year, and shall notify the RODs regarding the amount of funds allocated, and the date on which the Commissioner shall begin to receive applications for the funding.

(b) Applications for section 15 grants shall be submitted by school districts within 90 days of the date upon which the Commissioner indicates applications may be filed.

(c) Within any grant cycle, section 15 grants shall be awarded first to school facilities projects that fall within Level 1. If the total amount of section 15 grants approved in any grant cycle for Level 1 school facilities projects is less than the amount of the annual allocation, section 15 grants shall be awarded to school facilities projects that fall within Level 2. If the total amount of section 15 grants approved in any grant cycle for Level 2 school facilities projects is less than the amount of the annual allocation, section 15 grants shall be awarded to school facilities projects that fall within Level 3. If the total amount of section 15 grants approved in any grant cycle is less than the amount allocated by the Commissioner for grant cycle, the amount remaining shall be added to the allocation for the next grant cycle.

(d) A ROD shall obtain the local share pursuant to N.J.A.C. 6A:26-3.7 within 18 months of notification by the Department of the final eligible costs. If the local share is not obtained within such time period, the award of a section 15 grant shall be rescinded. The ROD may resubmit a grant application for reconsideration in a future grant cycle.

(e) Changes to a school facilities project after notification of the final eligible costs shall be submitted to the Department for its approval. The school facilities project shall meet the eligibility requirements to continue to be eligible for the section 15 grant.

6A:26-18.4 Section 15 grants for county vocational school district school facilities projects

(a) A county vocational school district school facilities project shall be eligible for a section 15 grant provided the school district has an approved LRFP pursuant to N.J.A.C. 6A:26-2.1(b), there are no excess costs, and the project falls within either the Level 1 or Level 2 priority project categories described as follows:

1. Level 1 county vocational school district school facilities projects.

   i. Level 1 county vocational school district school facilities projects address the most critical operational building needs, including health and safety

issues. The projects must consist of one or more of the following:

(1) Capital maintenance projects (maintenance intended to extend the useful life of a school facility, including upgrades and replacement of building systems such as structure, enclosure, mechanical, plumbing, and electrical systems, and can be considered to constitute or be part of a school facilities project);

(2) Projects that address handicapped accessibility, including site and building access, toilet room renovations, or program expansion or educational adequacy for special population needs;

(3) Building code issues; or

(4) Technology infrastructure for classroom instruction in accordance with the Department's Technology Plan, not including equipment.

2. Level 2 county vocational school district school facilities projects.

i. Level 2 county vocational school district school facilities projects must consist of one or more of the following:

(1) Upgrades to existing vocational instructional space to meet certification requirements;

(2) Renovations to existing vocational instructional space to support new programs approved by the Office of Career and Technical Education; or

(3) Additions for existing vocational instructional space to meet industry certification standards.

ii. Level 2 projects shall be evaluated based upon attributes that include, but are not limited to, the following:

(1) Industry certification requirements or standards;

(2) Gap analysis between existing facilities and industry requirements or standards;

(3) Enrollment or anticipated enrollment;

(4) Priority of the related career cluster in the State and local approved Carl D. Perkins Career and Technical Education five-year plan; and

(5) Labor market demand.

(b) Section 15 grants shall be allocated to school facilities projects in the county vocational school districts that fall first within Level 1 and then Level 2 in the following order of priority until the entire allocation has been awarded:

1. County vocational school districts that received no State funding support for its school facilities projects from the $100,000,000 of bond proceeds originally allocated for the State share of county vocational school district school facilities projects. If the total amount requested by county vocational school districts in this category exceeds the amount available, the State share of the preliminary eligible costs approved shall be adjusted on a pro rata basis calculated by multiplying the eligible State share by the ratio of the available funds divided by the total eligible State share. The Department may notify the county vocational school districts of the State share of the final eligible costs in this category prior to the determinations of the State share of the final eligible costs in the following categories.

2. County vocational school districts that received less than $1,000,000 in State funding support for its school facilities projects from the $100,000,000 of bond proceeds originally allocated for the State share of county vocational school district school facilities projects. The Department may notify the county vocational school districts of the State share of the final eligible costs in this category prior to the determinations of the State share of the final eligible costs in the following categories.

3. County vocational school districts that received greater than $1,000,000 but less than $5,000,000 in State funding support for its school facilities projects from the $100,000,000 of bond proceeds originally allocated for the State share of county

vocational school district school facilities projects. The Department may notify the county vocational school districts of the State share of the final eligible costs in this category prior to the determinations of the State share of the final eligible costs in the following categories.

4. County vocational school districts that received greater than $5,000,000 in State funding support for its school facilities projects from the $100,000,000 of bond proceeds originally allocated for the State share of county vocational school district school facilities projects.

5. If the entire $50 million available for school facilities projects in county vocational school districts has not been allocated pursuant to (c)1 through 4 above, additional allocations shall be made based on the same order of funding indicated in (c)1 through 4 above, and on the total of new funding received from the allocation and funding received from the original allocation.

(c) If a school facilities project has been previously approved by the Department and the county vocational school district would like it to be considered for section 15 grant funding, one of the following options may be selected based on the type of project approval:

1. If the project was approved as an other capital project, the county vocational school district may cancel the project application and resubmit to the Department a new project application in accordance with the grant deadlines established pursuant to N.J.A.C. 6A:26-18.3(a) and (b).

2. If the project was approved for State debt service aid, two options shall be available:

   i. If the county vocational school district has accepted the preliminary eligible costs as the final eligible costs, it may cancel the project and submit to the Department a new project application.

ii. If the county vocational school district has not accepted the preliminary eligible costs as the final eligible costs, it may request the school facilities project to be considered for a section 15 grant.

3. All cancellation requests and resubmissions shall include a resolution from the county board of chosen freeholders requesting the cancellation and resubmission of the specified project and shall meet the grant application deadlines established pursuant to N.J.A.C. 6A:26-18.3(a) and (b).

(d) If a county vocational school district elects to cancel a project and apply for a section 15 grant, the school facilities project shall meet the eligibility requirements listed in (a) above.

(e) If a school facilities project in a county vocational school district does not receive section 15 grant funding, the county vocational school district shall have one of the options listed below, depending upon the type of school facilities project.

1. If the proposed school facilities project is not included in Level 1 or Level 2 project priority categories per (a) above, the county vocational school district may revise and resubmit the school facilities project.

2. If the school facilities project has eligible costs for State support, the county vocational school district may request State debt service aid instead of a section 15 grant pursuant to N.J.S.A.18A:7G-9.

3. If the county vocational school district does not want State debt service aid, it may revise and resubmit an application for an other capital project pursuant to N.J.A.C. 6A:26-3.1(b) and for full funding without State support.

Subchapter 19. Management of A School Facilities Project by A Schools Development Authority (SDA) District

6A:26-19.1 Purpose

The rules in this subchapter are adopted to implement subsection 13.e(1) of the Educational Facilities Construction and Financing Act, P.L. 2000, c. 72, as amended by section 24 of P.L. 2007, c. 137, to set forth the requirements that a Schools Development Authority district must satisfy to be considered eligible by the Development Authority to manage a school facilities project or projects. N.J.S.A. 18A:7G-13, as amended, requires the Commissioner, in making this determination to consider the school district's fiscal integrity and operations, the school district's performance in each of the five key components of school district effectiveness under Quality Single Accountability Continuum (QSAC), N.J.S.A. 18A:7A-10 et seq.; N.J.A.C. 6A:30; and other relevant factors.

6A:26-19.2 Determination of eligibility by the Commissioner

(a) An SDA district, upon authorization by its district board of education, may request in writing that the Commissioner determine whether it has satisfied the requirements necessary to be considered eligible by the Development Authority to manage its own school facility project(s) pursuant to N.J.S.A. 18A:7G-13.e. The school district's written request shall include:

1. A resolution or certified minutes of the district board of education authorizing the request;
2. A description of the SDA district personnel who will be managing the school facilities project(s), including the individual(s)' title, certification held, and minimum experience in managing projects of similar scope and complexity to the projects for which the school district might be eligible; and

3. A statement that the school district has not received an adverse opinion or a disclaimer of opinion by its independent audit in its annual audit required pursuant to N.J.S.A. 18A:23-1 for the school year prior to the request for a determination of eligibility.

(b) The Commissioner shall determine whether an SDA district that submitted a request pursuant to (a) above is eligible to be considered by the Development Authority to manage a school facilities project(s). The determination shall be based upon review of the school district's submission of the items in (a) above and its performance in each of the five key components of school district effectiveness under QSAC in accordance with N.J.S.A. 18A:7A-10 at the time of the application, and other relevant factors as set forth in this subchapter.

1. To be eligible for consideration by the Development Authority to manage a school facilities project(s), the SDA district shall attain the high-performing school district designation for QSAC as defined in N.J.A.C. 6A:30-1.1.

2. In determining whether an SDA district is eligible to be considered by the SDA to manage a school facility project or projects, the Commissioner may also consider whether the district meets the criteria to have a fiscal monitor appointed to the district pursuant to N.J.S.A. 18A:7A-55.

(c) A school district determined eligible by the Commissioner for consideration by the Development Authority to manage a school facilities project(s) shall be presumed to be eligible during the intervening years between QSAC reviews. If the Commissioner orders a comprehensive review pursuant to N.J.A.C. 6A:30-3.1, the Commissioner may re-evaluate the school district's continued ability to manage school facilities projects.

6A:26-19.3 Notification of SDA districts

(a) The Commissioner shall notify the school district regarding the results of the eligibility determination. If determined eligible, the Department shall notify SDA that the school

district was determined eligible to be considered by the Development Authority to manage a schools facilities project(s).

(b) A school district that the Commissioner determines to be ineligible for consideration by the Development Authority to manage a school facilities project may request that the Commissioner review its eligibility determination upon the school district satisfying the requirements described in N.J.A.C. 6A:26-19.2.

(c) If the Commissioner orders a comprehensive review pursuant to N.J.A.C. 6A:30-3.1 of any school district previously found eligible to manage a school facilities project, and finds that the school district is no longer able to manage school facilities projects, the Commissioner shall notify the Development Authority that the school district has lost its eligibility based on the Commissioner's assessment as per N.J.A.C. 6A:30-3.1. The Commissioner may rescind at any time a school district's eligibility determination if circumstances arise such that the school district no longer meets the eligibility requirements.

6A:26-19.4 Limitation of the subchapter's applicability

This subchapter shall not apply to any school facilities project in an SDA district under the provisions of N.J.S.A. 18A:7G-13.a.

Subchapter 20. Comprehensive Maintenance Plans

6A:26-20.1 Purpose

The rules are intended to implement the provisions of EFCFA, specifically N.J.S.A. 18A:7G-3, 9.b(3), and 13.d, which require the Commissioner to promulgate rules requiring school districts to have comprehensive maintenance plans for school facilities and to make the appropriate investment in the maintenance of school facilities.

6A:26-20.2 Scope

(a) The rules in this subchapter shall apply to every school district that owns school facilities or operates school facilities owned by another party, when the operating school district is responsible for maintenance of the school facilities.

(b) Each school district that operates school facilities owned by other school districts shall include the school facilities in the operating school district's comprehensive maintenance plan, and shall forward a copy of the comprehensive maintenance plan to the owning school district.

6A:26-20.3 Required maintenance activities

(a) Required maintenance activities shall include, but are not limited to, the following:

1. Periodic inspection, testing, and certification of building systems or components required to maintain system warranty or guaranty provisions performed in accordance with manufacturer instructions and owner manuals;
2. Periodic service required to maintain system warranty or guaranty provisions performed in accordance with manufacturer instructions and owner manuals;
3. Periodic replacement of consumable parts required to maintain system warranty or guaranty provisions performed in accordance with manufacturer instructions and owner manuals;
4. Repairs or localized replacements of system components resulting from breakage, misuse, or vandalism;
5. Refinishing of interior floors and walls, including preparation, stripping, painting, and refinishing;
6. Consulting services needed to determine required maintenance; and
7. Tests to monitor indoor air quality.

(b) Each school district shall determine the required maintenance activities to reasonably maintain each school facility in the school district, and shall report the activities in its annual comprehensive maintenance plan pursuant to N.J.A.C. 6A:26-20.5.

6A:26-20.4 Required maintenance expenditures

(a) Expenditures for required maintenance activities set forth in N.J.A.C. 6A:26-20.3 shall qualify as investments in maintenance for purposes of calculating the required maintenance expenditure in (d) and (e) below, the annual required maintenance budget amount pursuant to N.J.A.C. 6A:26-20.8, and the maintenance factor (M) in N.J.S.A. 18A:7G-9.

(b) Expenditures that qualify as required maintenance include supplies and materials, contracted labor, and salaries of school district employees who are exclusively dedicated to the performance of required maintenance activities or for the payment of contracts for required maintenance.

1. When school district personnel who are not exclusively dedicated to the performance of required maintenance activities perform required maintenance activities, school districts may credit that portion of the salaries of such personnel to required maintenance expenditures where task-specific documentation of such activities is available and subject to audit.

(c) School districts shall maintain their accounting records for required maintenance at the school-facility level and report the final expenditures by school facility in the school district's comprehensive annual financial report. School districts shall have available the expenditure records, detailed by school facility, for verification by the school district auditor.

(d) Beginning in the fourth year after occupancy of a school facility that was funded as a school facilities project under EFCFA, the required maintenance expenditure shall be equal to or exceed 0.2 percent of the related school facility's replacement cost per year.

(e) For existing school facilities for which a school district seeks State facilities aid pursuant to EFCFA for rehabilitation or alteration, the required maintenance expenditure shall be equal to or exceed two percent of its replacement cost over the previous 10 years.

6A:26-20.5 Requirements for comprehensive maintenance plans

(a) Each school district shall develop a comprehensive maintenance plan to document prior-year required maintenance activities and expenditures, and the school district's planned required maintenance activities and budgeted costs for the filing year and one subsequent year. The plan shall incorporate the requirements of N.J.A.C. 6A:26-3.9(h) or 3.10(c), as applicable. The plan shall not include activities for capital maintenance or routine maintenance.

1. The comprehensive maintenance plan shall be submitted to the executive county superintendent by November 15 of every school year accompanied by a district board of education resolution approving the submission of the plan.

(b) Each school facility in the school district shall be included in the comprehensive maintenance plan. Other facilities shall not be included in the comprehensive maintenance plan. However, school districts are encouraged to maintain other facilities.

(c) The comprehensive maintenance plan shall contain the following information:

1. For the year prior to the filing year, a list of the completed maintenance activities for each school facility that corresponds to the actual expenditure for each school facility as reported in the school district's most recent comprehensive annual financial report (CAFR) on the schedule of required maintenance expenditures. A copy of the CAFR's schedules of required maintenance expenditures shall be attached to the activities list.

i. The expenditures for required maintenance activities for the years prior to the filing year shall be reported by school facility in the school district;

2. A worksheet in a Commissioner-provided format of total expenditures for required maintenance by school facility for 10 years prior to the filing year, compared to each school facility's required maintenance expenditure amount under N.J.A.C. 6A:26-20.4(d) and (e), as applicable;

3. For the filing year, the required maintenance activities planned for each school facility and estimated costs included in the filing-year budget;

4. For the year subsequent to the filing year:

   i. The required maintenance activities planned for each school facility and estimated costs; and

   ii. The required annual maintenance budget amount for each school facility pursuant to N.J.A.C. 6A:26-20.8;

5. Asbestos abatement activities planned for the year, in conformance with the school district's asbestos management plan pursuant to Asbestos Hazard Emergency Response Act (AHERA), 15 U.S.C. §§ 2641 et seq.;

6. A schedule for required radon testing for each school facility specifying the spaces to be tested every five years pursuant to N.J.S.A. 18A:20-40 and safe drinking-water testing per N.J.A.C. 7:10; and

7. A plan to correct deficiencies identified in the approved LRFP regarding substandard spaces, temporary classroom units, and dual-use spaces approved by the executive county superintendent for use in the school district pursuant to N.J.A.C. 6A:26-8.1(d).

6A:26-20.6 Submission and review of comprehensive maintenance plans

(a) The comprehensive maintenance plans shall be submitted to the executive county superintendent by district board of education resolution every school year.

(b) The district board of education resolution shall include a certification that the comprehensive maintenance plan:

1. Is complete and in compliance with this chapter; and

2. Includes activities and expenditures for each school facility that qualify as required maintenance pursuant to N.J.A.C. 6A:26-20.3, are reasonable to ensure the facilities are kept open and safe for use or in their original condition, and maintain the validity of warranties.

(c) The executive county superintendent shall notify a school district if a comprehensive maintenance plan is found to be deficient based upon the standards set forth in this chapter. In response to the notification, the school district shall submit to the executive county superintendent a revised comprehensive maintenance plan that addresses the identified deficiencies. The revised comprehensive maintenance plan shall be submitted within 30 days from the date of notification. The plan shall be deemed approved if a school district does not receive notification from the executive county superintendent within 90 days from submission date.

(d) The executive county superintendent shall review the implementation of the comprehensive maintenance plans in each school district at the time of cyclical evaluations of the school district pursuant to N.J.S.A. 18A:33-1 et seq. and N.J.A.C. 6A:30-2 to ensure the plan addresses required maintenance activities and the reported activities actually occurred.

6A:26-20.7 Requirements for a maintenance package for newly completed school facilities projects

(a) As a condition for the completion of a school facilities project, the school district shall obtain from the architect or engineer, or the Development Authority in the case of an SDA project, a certification that the contractor for the school facilities project has provided a maintenance package containing all of the following:

1. Manufacturer's warranties;

2. Owner's and training manuals;

3. Required maintenance and testing instructions; and

4. A summary of (a)1 through 3 above.

(b) The maintenance package shall cover the useful life of the school facilities project and be incorporated into the school district's comprehensive maintenance plan.

(c) At the completion of a school facilities project, the school district shall certify in writing to the Office of School Facilities that the architect, engineer, or contractor provided all of the required items listed in (a) above to close out the school facilities project.

6A:26-20.8 Required maintenance budget amount

(a) The required annual maintenance budget amount for each school district, as reported in its comprehensive maintenance plan, shall be included in the school district's annual budget certified for taxes in the required maintenance line-item accounts and/or as a deposit into the maintenance reserve in accordance with N.J.A.C. 6A:23A-14.2.

(b) The required annual maintenance budget amount shall be calculated by totaling the sum of the replacement cost as of the current year for each school facility multiplied by 0.002 and shall correspond to the amount reported in the most recent comprehensive maintenance plan submitted pursuant to N.J.A.C. 6A:26-20.6.

1. The required annual budget amount may be adjusted up or down, with the executive county superintendent's approval, based upon prior-year expenditures to ensure an overall expenditure of two percent on required maintenance per school facility over 10 years.

2. The replacement cost of the current year of a school facility shall be calculated by multiplying the area cost allowance by the current gross square footage of the building.

(c) If a school district does not annually include in the budget certified for taxes the required amount calculated pursuant to this section, the executive county superintendent shall not

approve the school district's budget unless he or she determines that the school district may budget less than the full amount as follows:

1. If a school district determines it cannot budget the required amount, the school district shall submit to the executive county superintendent along with its budget acceptable proof of its inability to budget the required amount. The proof shall be accompanied by a plan to ensure that the required two percent will be expended over 10 years pursuant to EFCFA and this chapter.
    i. If the executive county superintendent concurs with the school district's explanation of its inability to budget the full amount and approves its plan, the school district may budget less than the full amount as approved. The executive county superintendent shall not reject the school district's budget on this ground.
    ii. If the executive county superintendent does not concur with the school district's explanation of its inability to budget the full amount or does not approve of its plan, the school district shall budget the full amount. The executive county superintendent shall not approve a budget that does not comply with this section.

6A:26-20.9 The maintenance factor in State debt service aid

(a) State debt service aid shall be calculated pursuant to N.J.A.C. 6A:26-3.8. The Maintenance Factor "M," pursuant to N.J.A.C. 6A:26-3.8(a), shall be 1.0 except when one of the following conditions applies, in which case the maintenance factor shall be as specified:

1. The maintenance factor for aid for reconstruction, remodeling, alteration, modernization, renovation, or repair, or for an addition to a school facility, shall be zero for all school facilities projects for which the school district fails to demonstrate that over the 10 years preceding issuance of the school bonds it incurred a net investment in maintenance of the related school facility of at least two percent of the replacement cost of the school facility, pursuant to N.J.S.A.

18A:7G-7.b and N.J.A.C. 6A:26A-4.1, using the area cost allowance of the year 10 years preceding the year in which the school bonds are issued; or

2. For new construction, additions, and school facilities aided under N.J.S.A. 18A:7G-7.b supported by financing issued for projects approved by the Commissioner after July 18, 2000, beginning in the fourth year after occupancy of the school facility, the maintenance factor shall be reduced according to the schedule in (b) below for all school facilities projects for which the school district fails to demonstrate in the prior fiscal year an investment in maintenance of the related school facility of at least 0.002 percent of the replacement cost of the school facility, determined pursuant to N.J.S.A. 18A:7G-7.b and N.J.A.C. 6A:26-20.8.

(b) A school district's failure to make the required expenditures for maintenance for existing or new facilities pursuant to (a) above shall result in a Maintenance Factor (M) of less than one, and shall reduce debt service aid as follows:

Table 3 Maintenance Factor (MF)

Annual Maintenance Percentage	Maintenance Factor (M)
.199 percent to .151 percent	75 percent
.150 percent to .100 percent	50 percent
Less than .100 percent	Zero

New Jersey School Zone Design Guide

November 2014 | New Jersey Department of Transportation

New Jersey Safe Routes to School

New Jersey School Zone Design Guide

Prepared for:

The New Jersey
Department of Transportation

Prepared by:

The RBA Group

Fitzgerald & Halliday, Inc.

November 2014

Disclaimer

This Design Guide has been prepared to provide information on engineering measures and treatments that can be utilized to enhance pedestrian and bicyclist accommodations to, from and around schools. This publication does not constitute a standard, specification, or regulation, and is not intended as a comprehensive reference for all aspects of student pedestrian and bicycle safety.

The inclusion of measures in this report should not be considered as justification for their inclusion at any specific location. Their application, as with any traffic control devices, is dependent upon site-specific conditions and engineering judgment.

This publication has been financed with federal funds provided by the United States Department of Transportation's Federal Highway Administration as administered by the New Jersey Department of Transportation (NJDOT). The United States Government assumes no liability for its contents or its use thereof.

Contents

Chapter 1: Introduction and Overview

The NJ School Zone Design Guide provides guidance for the community of people, government and schools involved in the effort to enable and encourage children, including those with disabilities, to walk and bicycle to school.

Purpose of the NJ School Zone Design Guide

This Guide is intended to be used as a resource for school boards, school administration, police, parents and engineers to advance the goals of the NJ Safe Routes to School (SRTS) Program.

The focus of the Design Guide is on engineering measures that can be utilized to make the environment to, from and around schools a place where children and their parents feel safe and want to walk and bicycle. Engineering measures include physical improvements to the transportation infrastructure in the vicinity of the school and on school property that are intended to improve access and safety for travel by walking and bicycling and minimize conflicts with motorized traffic. They are typically designed to address specific problems or needs that have been identified and can range from simple sidewalk replacement/repair to more complex traffic calming devices, such as roundabouts or speed humps.

The inclusion of engineering measures in this guide does not necessarily mean they should be included in every school zone. Their application, as with any traffic control devices or design elements, is dependent upon site-specific conditions and engineering judgment.

The Design Guide is based on:

- the Federal Highway Administration's *2009 Manual on Uniform Traffic Control Devices* (MUTCD),
- the American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities*,
- AASHTO *Guide for the Planning, Design, and Operation of Pedestrian Facilities,*
- National Center for Safe Routes to School Online Guide, and
- the National Center for Safe Routes to School and the Institute of Transportation Engineers (ITE) *SRTS Briefing Sheets.*

Safe Routes to School (SRTS)

The goals of the SRTS Program are to encourage more students to walk and bike to school where it is safe to do so and to improve the areas where it is not safe.

Students crossing in Ridgewood, NJ.
Image: The RBA Group

Health, Safety and Transportation

Building an environment that supports children's ability to walk or bicycle to school safely achieves a wide range of benefits for students, the school and the community. These benefits include reduced traffic in the vicinity of schools, improved air quality, creation of safer, calmer streets and neighborhoods, and increased physical activity among students and families, contributing to healthier lifestyles.

Today, fewer children are walking and bicycling to school, and more children are at risk of becoming overweight and obese than children 30 years ago. The U.S. Department of Health and Human Services recommends that children engage in 60 minutes or more of physical activity each day and that the bulk of this physical activity comes through aerobic exercise. By walking or bicycling to school, children can easily incorporate exercise into their day and increase their overall physical activity. Children who walk one mile to and from school each day get approximately two-thirds of the recommended level of sixty minutes of physical activity a day. Plus, research shows that children who walk to school have higher levels of physical activity throughout the day and are more likely to get the full sixty minutes of activity in a day.

Not only does regular physical activity reduce obesity, it also helps build and maintain healthy bones and muscles, reduces feelings of depression and anxiety and promotes psychological well-being. Furthermore, research shows that active children tend to have better academic achievement, enhanced concentration, and better classroom behavior.[1]

Many children do not currently walk or bike to school due to safety concerns. This guide is intended to assist communities in identifying and developing solutions to those safety concerns. Proper design and focus on the school zone through the SRTS program can lead to a decrease in the number of pediatric pedestrian injuries for school-aged children. A safety analysis by the California Department of Transportation estimates that the safety benefit of SRTS included up to a 49 percent decrease in the childhood bicycle and pedestrian collision rates.[2] In NJ, the SRTS program is centered around a comprehensive 5E approach to ensure that school zones are not only designed to be self-enforcing but that children are also given the proper educational tools to cultivate their pedestrian and bicycling skill sets in order to help them eventually navigate the way to school on their own.

The 5 Es

The SRTS Program is organized around five complementary strategies known as the five Es. They are:

1. **Engineering:** Making the environment safer for walking and bicycling
2. **Encouragement:** Encouraging kids to walk and bike to school more often
3. **Education:** Teaching kids and parents safe ways to walk and bike
4. **Enforcement:** Changing driver, walker and bicyclist behavior as they travel together along the road
5. **Evaluation:** Checking to see how many kids are walking and biking as a result of the program or how conditions have improved

Projects that incorporate all five Es are likely to be more effective and sustainable.

[1] Centers for Disease Control and Prevention, "Health and Academic Achievement" (05/2014). www.cdc.gov/healthyyouth/health_and_academics/pdf/health-academic-achievement.pdf
[2] Marla Orenstein, Nicolas Gutierrez, Thomas Rice, Jill Cooper, and David Ragland, "Safe Routes to School Safety and Mobility Analysis" (April 1, 2007). UC Berkeley Traffic Safety Center. Paper UCB-TSC-RR-2007-1

NJ SRTS Overview

History of the NJ SRTS Program

In 2003, the New Jersey Department of Transportation's Office of Bicycle and Pedestrian Programs utilized on-call consultant support and a statewide Technical Advisory Committee to develop a SRTS Program. In 2004, NJDOT launched a series of SRTS pilot demonstration programs in varied community settings around the state. At the same time, the Department initiated the Safe *Streets* to School Program and in 2006, awarded approximately $5 million in state funds to 60 infrastructure projects to improve safety around schools.

Safe *Routes* to School was established as a federal program under the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) in 2005. The NJDOT designated a full-time SRTS Coordinator, developed its first SRTS Strategic Plan and initiated a competitive grant program to fund local and statewide engineering, enforcement, education and encouragement projects to enable elementary school children to walk and bike to school safely.

In 2012, Congress passed a new transportation bill: Moving Ahead for Progress in the 21st Century (MAP-21). Under this legislation, SRTS has been combined with two other programs (Transportation Enhancements and Recreational Trails) under the Transportation Alternatives Program. NJDOT has elected to continue SRTS as a standalone federal-aid program. It is currently administered by the NJDOT, in partnership with the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC) and the South Jersey Transportation Planning Organization (SJTPO).

As of October 2014, NJDOT has awarded more than $19 million in federal SRTS funds to 129 projects at 212 schools in 98 communities across New Jersey. Another $5 million has supported these local projects with statewide programs. More rounds of infrastructure grants and educational programs are planned to fulfill the goals of the Safe Routes to School Program.

How does the NJ SRTS Program work today?

The overall SRTS program is overseen by the SRTS Coordinator in the NJDOT's Office of Bicycle and Pedestrian Programs. The SRTS Coordinator is responsible for monitoring all aspects of the program. This includes managing the non-infrastructure program, participating in the SRTS infrastructure grant program solicitation and selection process and helping to ensure that state and federal requirements are met. The federally funded SRTS grant program is administered by NJDOT's Division of Local Aid and Economic Development. It is operated as a competitive grant program in which proposals from applicants to develop and implement infrastructure projects are solicited and evaluated.

Why develop accommodations along walking and bicycling routes to and from school?

- Improvements provide a safer environment for the whole community — 24 hours a day, not just before and after school.
- Walking and biking to school reduces the amount of greenhouse gas emissions released as it reduces the number of children that are driven to school.
- Over time, bicycle and pedestrian improvements can save tax dollars.
- Walking and bicycling are fun, healthy, non-polluting, friendly, educational, and economical!

Walk to School Event in Tenafly, NJ. Image: VTC

The Alan M. Voorhees Transportation Center (VTC), working closely with NJDOT, operates the NJ Safe Routes to School Resource Center (NJ SRTSRC) which provides services, training, coordination, and technical assistance directly to regional planning organizations, schools and school districts, and local and regional governments.

In 2011, NJDOT implemented the New Jersey Safe Routes to School Non-Infrastructure Technical Assistance Program. This program is a cooperative venture involving New Jersey's eight Transportation Management Associations (TMAs), the NJ SRTSRC and NJDOT. NJDOT provides federal funding, program administration and oversight; the NJ SRTSRC provides services, training, evaluation, and technical assistance to all eight NJ TMAs; and the SRTS Regional Coordinators at each of the TMAs proactively reach out to schools, local governments and other organizations to provide them with a variety of SRTS non-infrastructure services. Services include assistance with pedestrian safety assemblies, bicycle rodeos, walking school buses and Walk and Bike to School Day events.

As part of this program, all New Jersey municipalities and K-8 schools are eligible to receive free, non-construction related services. TMAs are also charged with prioritizing disadvantaged communities in their outreach efforts to allow for an equitable distribution of services.

Resources

NJDOT Safe Routes to School Program
Email: srts@dot.state.nj.us
Website: www.state.nj.us/transportation/community/srts/

New Jersey SRTS Resource Center
Telephone: 848-932-7901
Email: srts@ejb.rutgers.edu
Website: www.saferoutesnj.org

The National Center for SRTS
Website: www.saferoutesinfo.org/

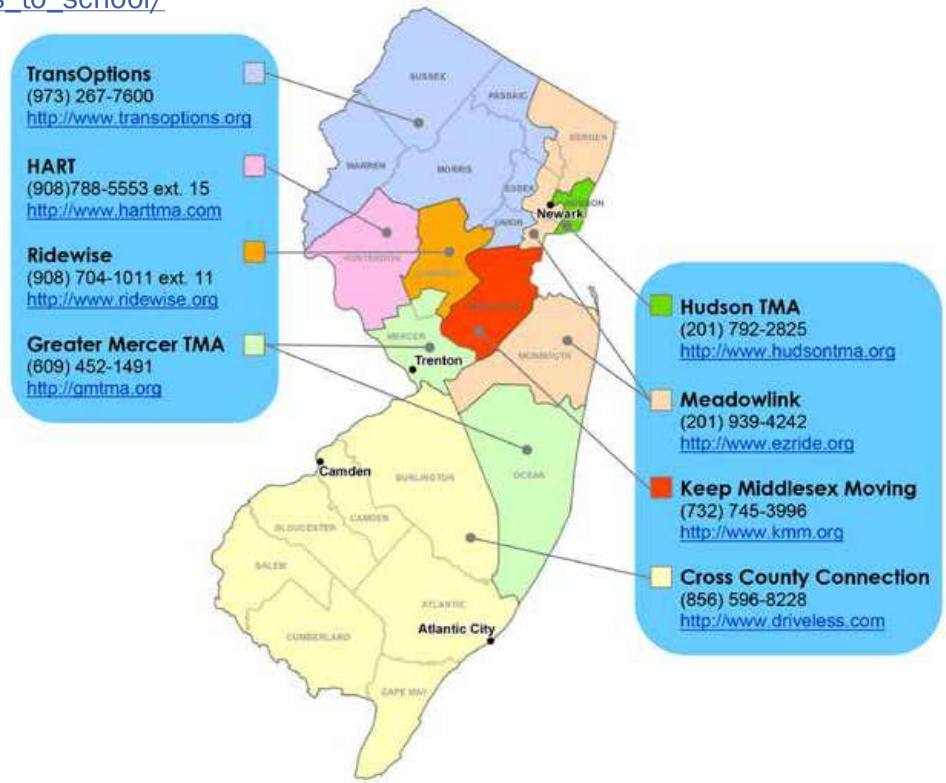
Federal Highway Administration (FHWA) SRTS
Website: www.fhwa.dot.gov/environment/safe_routes_to_school/

SRTS National Partnership
Website: www.saferoutespartnership.org/

The Official Web Site of International Walk to School
Website: www.iwalktoschool.org/

The USA Web Site for International Walk to School Events
Website: www.walkbiketoschool.org/

Centers for Disease Control and Prevention (CDC) Kids Walk to School
www.cdc.gov/nccdphp/dnpa/kidswalk/



Chapter 2: What is a School Zone?

There are generally three zones around the school one must think about when applying safety standards for walking and bicycling routes to school: the state statutory definition of school zone, the student catchment area or enrollment boundary, and the school walking zone.

What is a school zone?

The State Statutory Definition of School Zone

Title 39 of the New Jersey Statutes Annotated (N.J.S.A.) contains the laws that control every publicly maintained roadway, as well as the majority of laws that govern bicycle and pedestrian matters. It also includes two definitions for "school zone." N.J.S.A. 39:1-1 describes a school zone as:

1. The section of roadway adjacent to a school, or,

2. Where school crossings have been established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the chief administrator and in accordance with law. "School crossing" means that portion of a publicly maintained roadway where school children are required to cross the roadway in the vicinity of a school.

The focus of this Design Guide is on engineering measures that can be utilized to make the environment around schools a place where children and their parents feel safe and want to walk and bicycle. Because the first statutory definition is limited to the area around the school and the second statutory definition is confined to crossings, both of these definitions of "school zone" are too restrictive for the purposes of this Guide.

The section of roadway adjacent to a school (one definition of a school zone, as defined by NJ State Statute) is shown in yellow above.

Student Catchment Area or Enrollment Boundary

The student catchment area or enrollment boundary refers to the geographic area from which students are eligible to attend a local school. This area is the theoretical outside limit for a "school zone." For schools with a geographically expansive catchment area, some students will live too far away from school to reasonably be expected to walk or bike. In addition, the growth of charter and magnet schools has made applying an enrollment boundary more difficult because these schools can typically draw from anywhere within a school district. Therefore, the student catchment area, as a practical matter, and for the purposes of this design guide, could cover too much territory to function as the school zone.

School Walking Zone

The concept of "school zone" that is the focus of this design guide is best described by the term school walking zone. The school walking zone can be defined as the area surrounding a school that includes the public rights of way that are most frequently and intensively used by students and others accessing the school, especially by walking or by bicycle. In this design guide, unless otherwise specified, the term "school zone" is synonymous with the term "school walking zone."

Student Catchment Area or Enrollment Boundary shown in red.

School Walking Zone with half-mile radius shown in light orange and one-mile radius shown in darker orange.

School walking zones vary in size depending on local policies, context and the student enrollment boundary. While there is no established definition of a school walking zone, a number of sources provide guidance regarding the extent of a school walking zone.

- Under the FHWA program guidance for the federal Safe Routes to School (SRTS) funding program, projects and activities must be located or take place within two miles of a primary or middle school (grades K – 8).
- Also suggestive is the fact that New Jersey law does not require and the state does not provide funding to bus public school students that live within two miles of school.
- The MUTCD defines a school zone as "a designated roadway segment approaching, adjacent to and beyond school buildings or grounds, or along which school related activities occur."
- The NJ SRTS Resource Center recommends a school walking zone covering the area within at least one half mile of the school.
- The National Center for Safe Routes to School general rule of thumb is that the walking boundary is one half mile to one mile around an elementary school, and sometimes further for middle and high schools.

For this design guide, the term school zone or school walking zone refers to the area within approximately a one-mile radius of a school – a distance easily covered by most elementary students on foot or bike. This area should be adjusted as needed to take into account local conditions, such as the extent of the school catchment area, traffic conditions, geographic constraints and other local concerns. During the course of determining the school walking zone, it is likely that conditions that are problematic to pedestrians and bicyclists will be discovered which may need to be remedied by applying the design guidance contained in this document.

School Busing

New Jersey Administrative Code (N.J.A.C) 6A:27 sets forth the rules governing the transportation of students to and from school. A school district is required to provide busing only to those students who live more than 2 miles from their public elementary and middle schools and more than 2.5 miles from their public high schools and to certain special education students. 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, many districts have opted to bus students who live below these distance thresholds, a service known as "courtesy" busing or non-mandated busing. Some school districts help defray the cost of courtesy busing by charging 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.

State law (N.J.S.A. 18A:39-1.5) requires school districts that provide courtesy busing to adopt a policy addressing the busing of students who walk along hazardous routes between their homes and schools. The policy must include a list of hazardous routes that require courtesy busing and the criteria used in designating the routes as hazardous. In New Jersey, routes are considered hazardous based on criteria such as high traffic volume, traffic speed, roads with blind curves or steep inclines and declines, lack of sidewalks, presence of bridges and train tracks, and busy roads or highways that must be crossed to reach the school. School districts must work with municipal officials and police officers when designating a route hazardous.

For more information visit, www.state.nj.us/education/finance/transportation/

Is there any relationship between a drug-free, drunk-driving free or smoke-free school zone and a school walking zone?

No, there is no relationship. Drug-Free / Drunk-Driving Free / Smoke-Free School Zones include the areas on or within 1,000 feet of property used for school purposes and which is owned or leased to any elementary or secondary school or school board. Any Drug-Free / Drunk-Driving Free / Smoke-Free School Zone map must be created and adopted by the municipality. The map is intended to be used as evidence in prosecutions arising under the criminal laws of the state (N.J.S.A. 2C:35-7).

How do you designate a school zone?

Designating a school zone or school walking zone is accomplished by local action, often on an ad hoc basis by, for example, a SRTS working group as part of the process of developing a SRTS Travel Plan. School zone boundaries can be formalized by the school board or a municipality by formal adoption of the SRTS Travel Plan or by ordinance.

School zones, as defined by New Jersey statute, do not need to be adopted by municipal ordinance or resolution; however, designated school crossings can be adopted by municipal ordinance or resolution. A municipality may choose to designate crossings as school crossings where special emphasis is needed due to a combination of the number of crossing school children, geometry of the approaching roadways, approach speed, and traffic volumes. Special emphasis could include placement of an adult school crossing guard, installing signage, pavement markings or a signal.

How is a reduced school speed zone designated?

A reduced speed zone is designated through signing supplemented with striping. A school zone should be marked with special signing to alert drivers of the high concentration of children. School crossing signs, speed signs, and school zone pavement markings remind drivers to treat the area with special care and attention.

Image: The RBA Group

Where should the school speed limit zone begin and end?

NJDOT has adopted the federal Manual on Uniform Traffic Control Devices (MUTCD) for rules and regulations concerning the placing, specification, location and maintenance of highway and traffic signs and markings (N.J.S.A. 3:4-183.27). According to the 2009 MUTCD, the beginning point of a reduced school speed limit zone should be at least 200 feet in advance of the school grounds, a school crossing, or other school related activities; however, this 200-foot distance should be increased if the reduced school speed limit is 30 mph or higher (MUTCD Section 7B.15).

The speed limit in NJ, unless otherwise posted, is 25 mph when passing through a school zone (N.J.S.A. 39:4-98). Therefore, many school speed limit zones may be as short at 400 ft. However, the beginning and end points of a school speed limit zone should be determined based on the location of other traffic control devices, features and locations where children cross the roadway.

What is the school zone speed limit? Who determines the speed limit?

Establishing and enforcing the proper school zone speed limit is critically important. The speed limit in New Jersey, unless otherwise posted, is 25 miles per hour (mph) when passing through a school zone during recess, when the presence of children is clearly visible from the roadway, or while children are going to or leaving school, during opening or closing hours (N.J.S.A. 39:4-98). Because it is established by statute, a 25 mph school zone speed limit does not require adoption of an ordinance and approval from NJDOT.

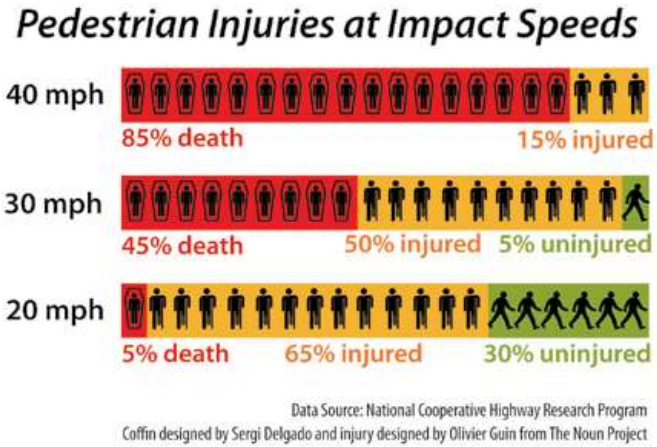
However, not all school speed limit zones are 25 mph. Local authorities, with reference to roadways under their jurisdiction, may by ordinance, or in the case of county authorities, by ordinance or resolution, designate a reasonable and safe speed limit that is less than or greater than 25 mph after an engineering and traffic investigation. The establishment of school speed limits should always be done in coordination with the agency having jurisdiction over the roadway in question, particularly if the limits are less than or greater than 25 mph [N.J.S.A. 39:4-98(c)].

Hoboken's 20 is Plenty Campaign

In October 2010, the City of Hoboken launched a "Twenty is Plenty" driving and pedestrian safety public awareness campaign to encourage drivers to consider driving no faster than 20 mph despite the 25 mph speed limit on most Hoboken streets. The campaign was inspired by the "20's Plenty for Us" effort started in Britain. Hoboken promoted the Twenty is Plenty effort through newspapers, flyers at the Parking Utility, and with electronic signs at major inbound streets.

Why is driving 20 mph so important?

Driving just 5 mph slower can have a profound impact on the safety of pedestrians.



For more information on Hoboken's "20 is Plenty"campaign visit www.hobokennj.org/departments/transportation-parking/twenty-is-plenty/

For more on England's "20 is Plenty for Us" effort visit www.20splentyforus.org.uk/

When does "when children are present" apply?

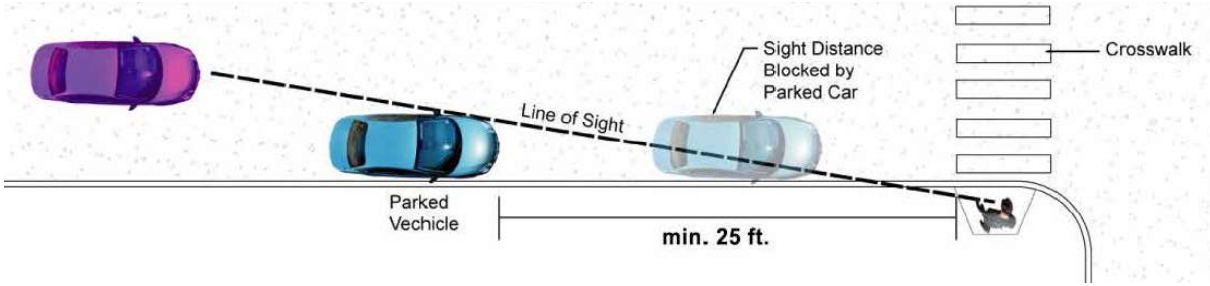
"When children are present" does not apply at all times in a school zone. The Superior Court of New Jersey has determined the lower speed limit in a school zone is only applicable (1) during school hours, but only during recess, when children are clearly visible from the roadway, or (2) when children are going to or leaving school during opening or closing hours of school (State of New Jersey v. Floyd A. Beierle (1999)).The reduced school zone speed limit does not apply outside of these times.

Regardless of the time of day or year, drivers should always be alert and on the lookout for children when driving near schools, parks or other attractions.

What other traffic laws relate to school zones?

Restricting parking in advance of crosswalks and corners improves visibility of the crossing for both drivers and pedestrians. According to N.J.S.A 39:4-138, parking is not permitted:

- within an intersection;
- on a crosswalk;
- within 50 feet of a "stop" sign; or
- within 25 feet of the nearest crosswalk or side line of a street or intersecting highway or within 10 feet of the nearest crosswalk or side line of a street or intersecting highway, if a curb extension or bulb-out has been constructed at that crosswalk.



Recommended Parking Setback for Sight Distance. Image: The RBA Group

Criteria for Safe Speed Limit Design

According to N.J.S.A. 39:4-98, when designating reasonable and safe speed limits for a street under its jurisdiction, as part of an engineering and traffic investigation, a municipality or county shall consider, but not be limited to, the following criteria: crash history; residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities or senior communities; and input from the school district and other community representatives.

The City of New Brunswick has begun installing plastic pylons in the no-parking area, a practice called "daylighting." The cost of purchasing and installing the standard-use pylons is minimal and can be done in-house with little delay.
Image: VTC

Are designating school walking and/or bicycling routes required by law?

New Jersey state laws or regulations do not require school districts to have walking or bicycling route plans that designate particular routes to school. Therefore, there is no official or uniform process for designating a school walking or bicycling route.

Who is responsible for developing school walking and/or bicycling routes?

There is no singular entity responsible for developing school walking or bicycling routes. A school route map should be developed through a partnership between the school and surrounding community ideally as part of the development of a comprehensive Safe Routes to School (SRTS) School Travel Plan. A SRTS School Travel Plan "maps out" how to improve pedestrian and bike travel to and from school by identifying where students currently walk and bike, where students would walk and bike if they could and what changes need to be made so that students can and will walk and bike to school. A SRTS School Travel Plan should be prepared by a team of school officials, municipal representatives, local law enforcement, parents, students, safety advocates and other interested parties responsible for student safety.

Mapping the neighborhood is one of the six elements of a SRTS School Travel Plan. The other elements include a school description, working group and partnerships, walk/bike barriers and opportunities, goals and actions, and evaluation. For more on developing a SRTS School Travel plan, visit the NJ SRTS Resource Center at: www.saferoutesnj.org/resources/stp/

Get Points with your School Travel Plan

Though applications to receive NJDOT SRTS grants do not require a School Travel Plan, schools that have completed a School Travel Plan will be eligible for extra points for submitting the Plan in the application for SRTS infrastructure grant funding. While the preparation of a SRTS Travel Plan is not an eligible activity for New Jersey SRTS funding, schools and municipalities can receive assistance in developing school travel plans from the Safe Routes to School Regional Coordinators at their Transportation Management Association (TMA). You can find your Regional Coordinator on the NJ SRTS Resource Center website at www.saferoutesnj.org/about/regional-coordinator-tmas/

To receive consideration for Silver level SRTS Recognition, share your School Travel Plan with the NJ Safe Routes to School Resource Center by emailing it to srts@ejb.rutgers.edu. For more information on the Recognition Program Levels, visit www.saferoutesnj.org/levels/

Municipalities and school districts registered to Sustainable Jersey can include School Travel Plans as part of the submission requirements to receive certification. For more on Sustainable Jersey, visit www.sustainablejersey.com/

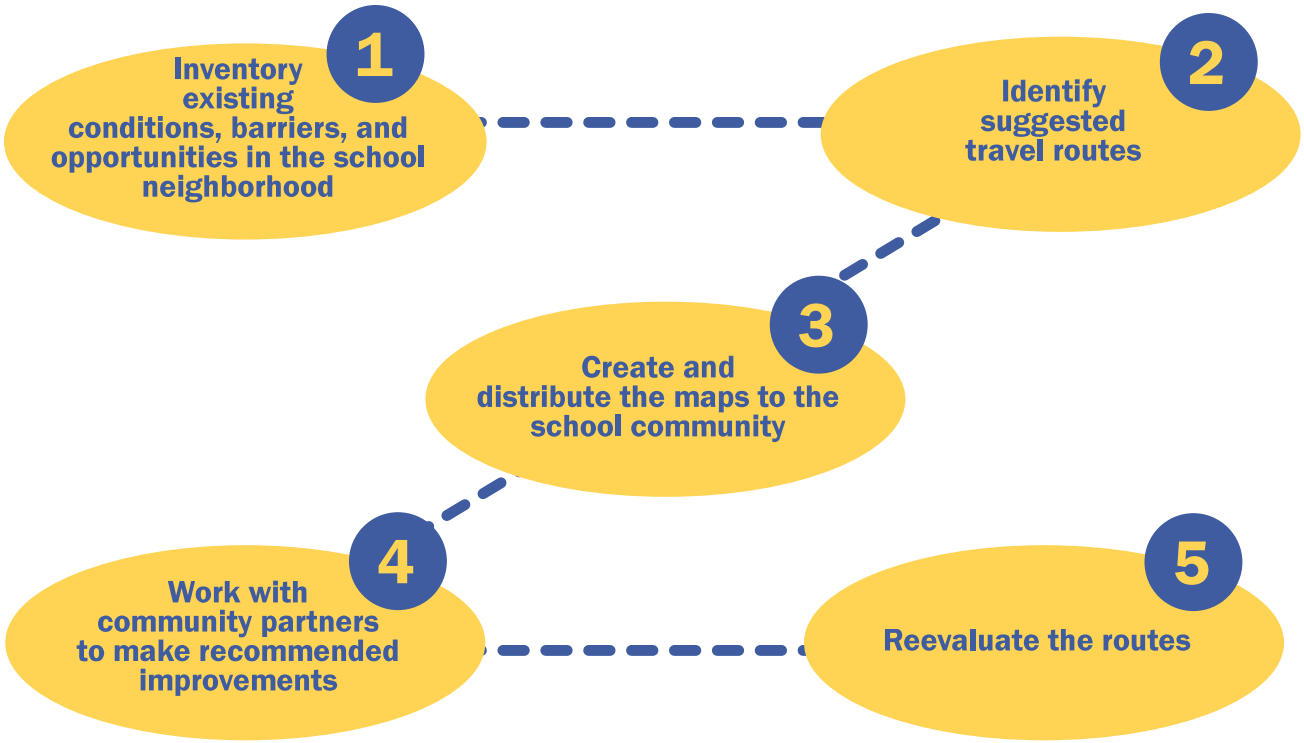
Recommendations for a School Route Plan

The federal MUTCD recommends that a school route plan for each school serving elementary and high school students should be prepared in order to develop uniformity in the use of school area traffic controls and to serve as the basis for a school traffic control plan for each school (MUTCD, Section 7A.01). The school route plan should be developed by the school, law enforcement and traffic officials responsible for school pedestrian safety and should include a map. The map should show

- streets,
- the school,
- existing traffic controls
  - signalized intersections,
  - stop or yield sign approaches,
  - crossing guard locations,
- established school walk routes, and
- established school crossings including marked crosswalks.

How should school walk routes and school bike routes be developed?

Before routes can be designated, a team of school administrators, parents, teachers, students, municipal engineers and planners, and elected officials should comprehensively evaluate safety concerns along these potential routes. Steps in this process include:



Step 1 Inventory existing conditions, barriers, and opportunities in the school neighborhood

- Start with a base map that shows the location of the school and the surrounding neighborhood. The area evaluated will vary depending on the extent of the selected school walking zone. It is recommended that all the routes within one half mile to one mile of the school are assessed. The team can use paper road maps or use the NJ SRTS Resource Center online tools to map out the school zone. www.saferoutesnj.org/resources/stp/maps/
- Conduct a walk and/or bike assessment to identify existing facilities and safety concerns that could impact students walking and bicycling to and from school. While the walk and bike assessments are very similar, the challenges pedestrians and bicyclists face can be very different. For example, a few minor cracks in the sidewalk might be fine if you are walking, but a smooth road surface which is free of debris that can cause flat tires is much more important for bicyclists. Also, a walk assessment can identify areas where crosswalks are faded or missing, however it will not indicate whether or not there is a safe place to lock bikes at school. Therefore, it is important to conduct both walk and bike assessments. More information, including downloadable materials for conducting a walk and bike assessment, is available at www.saferoutesnj.org/resources/stp/walkbike-assessments/#

Mapping exercise in Lumberton, NJ. Image: The RBA Group

Step 2 Identify suggested travel routes

- A recommended route should be selected on the basis of community input, traffic patterns, traffic volume, speed limits, road hazards, high crime areas, and the existence of sidewalks, paths, crosswalks, bike lanes, traffic signals and crossing guards. The chosen route should limit the number of street crossings and provide the greatest separation between students and traffic.
- Sometimes the safer route is not the most direct. However, routing students more than a block or two out of their way should be avoided or they will likely ignore the selected route. When determining the feasibility of requiring children to walk a longer distance to a street crossing with an existing traffic signal, the MUTCD recommends considering the following factors: the availability of adequate sidewalks or other pedestrian walkways to and from the location with existing control, the number of students using the crossing, the age levels of the students using the crossing and the total extra walking distance.
- Ultimately, every street should be a walking or bicycling route. However, until that vision is achieved, identifying suggested walking and bicycling routes can help steer people to safer routes.

Step 3 Create and distribute the maps to the school community

- The map can be posted on the school website or handed out to parents and students.

Step 4 Work with community partners to make recommended improvements

- Seldom are school walk or bike routes ever completely free from safety risks. Once created, these maps can help municipalities and school administrators identify priorities for where sidewalk and roadway investments should be targeted.

Step 5 Reevaluate the routes

- Once developed, the routes need to be reassessed annually by the team of school administrators, parents, teachers, students, municipal engineers and planners, and elected officials to ensure they are still meeting the needs of the student population. This can be accomplished by periodically completing walk and bike assessments can help evaluate progress in reaching SRTS goals.

Map distributed to the Ivy Hill Elementary School community in Newark, NJ for Walk to School Day. Image: The RBA Group

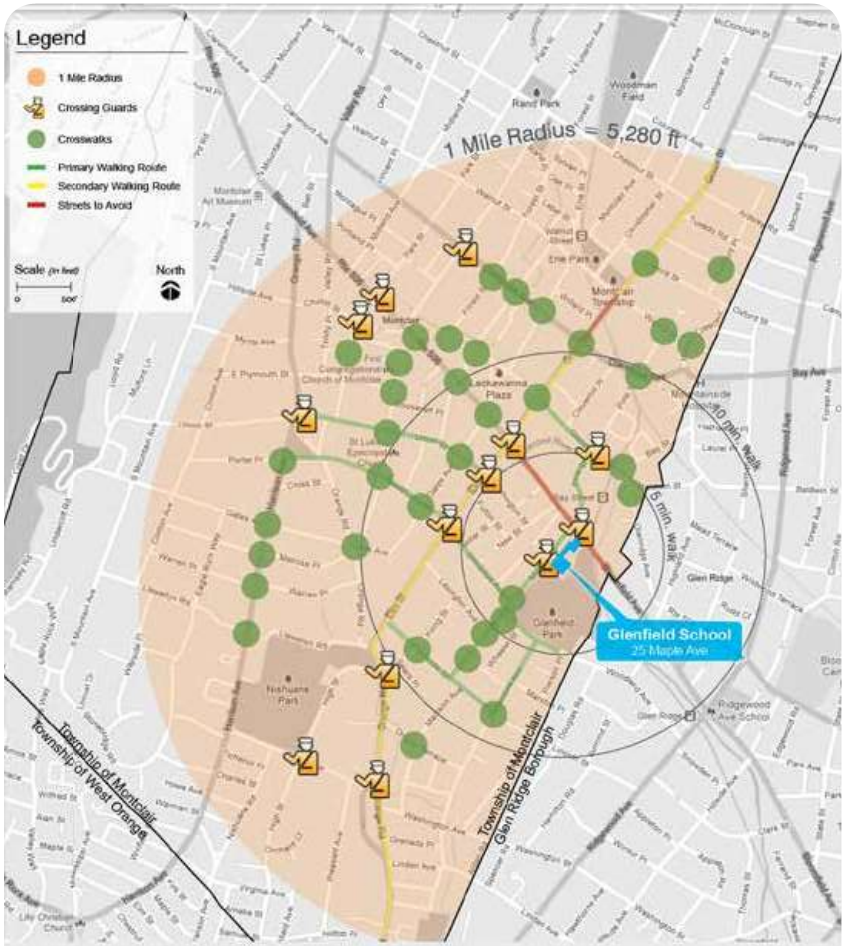
For more information on establishing a school walking route refer to *School Route Maps and the Tools to Create Them* developed in 2007 by the Pedestrian and Bicycle Information Center (PBIC). The resource is available at guide.saferoutesinfo.org/engineering/school_route_maps_and_the_tools_to_create_them.cfm.

The School Administrator's Guide to School Walk Routes and Student Pedestrian Safety by the Washington Traffic Safety Commission and Washington State Department of Transportation suggests processes for developing and maintaining school walk routes. The guide can be downloaded from www.wsdot.wa.gov/NR/rdonlyres/5463FD69-F7B9-477D-B9AA-D21CEEFCF722/0/SchoolAdminGuide.pdf.

Example: Developing a Walking Route Map for Montclair

In 2008, the Township of Montclair, through its SRTS Task Force, applied for and received funding through NJDOT for the development of three (3) E's of its district-wide Safe Routes to School program (Engineering, Encouragement and Enforcement). As part of this effort, the Township selected a consultant team to conduct SRTS workshops and develop Travel Plans.

In developing the Travel Plans, the project team confirmed preliminary walking and bicycling routes and analyzed the basic elements required for safe routes. The project team performed field investigations to observe the conditions around the schools. Observations were made of the physical conditions around the school campuses and surrounding neighborhoods, parking patterns and restrictions, as well as auto and foot traffic and circulation. Information was also gathered from local stakeholders – staff, students, parents, as well as community members such as the Township Engineer, local police, health and bicycle advocates, board of education transportation representatives, and local crossing guards through interviews, travel surveys and community workshops. The resulting maps identify key features of the school neighborhood such as the location of crossing guards, primary and secondary walking routes and crosswalks.



Map 1 - *School Location Map*

Pedestrian Related Laws (N.J.S.A. 39:4-32 to 39:4-36)

Drivers and pedestrians are responsible for each other's safety.

Pedestrians must:

- Not leave a "curb or other place of safety" by walking or running into the path of a vehicle which is so close that it is impossible for the driver to yield or stop. [N.J.S.A. 39:4-36(a)(2)]
- Yield to drivers when crossing a road at any point other than within a marked or unmarked crosswalk at an intersection. [N.J.S.A. 39:4-36(a)(4)]
- Not cross a roadway against the "stop" or red signal at a crosswalk, whether marked or unmarked, unless otherwise specifically directed to go by a traffic or police officer, or official traffic control device. [N.J.S.A. 39:4-32(a)]
- Walk on sidewalks where they are provided and accessible. (N.J.S.A. 39:4-34)
- Walk along the extreme left side of a highway or its shoulder when possible facing approaching traffic, when practicable, if there is no sidewalk. (N.J.S.A 39:4-34)
- Exercise due care for his/her safety. [N.J.S.A. 39:4-36(a)(5)]
- Not cross any highways having roadways separated by a median barrier except where provision is made for pedestrians to cross. (N.J.S.A. 39:4-34)
- Cross intersections at crosswalks where traffic is directed by a police officer or traffic signal. (N.J.S.A. 39:4-33)

Pedestrians risk fines and community service if they fail to yield the right of way to motorists anywhere except at crosswalks [N.J.S.A 39:4-36 (b)].

Drivers must:

- Stop and remain stopped while a pedestrian is in a marked crosswalk. [N.J.S.A. 39:4-36(a)(1)]
- Stop and remain stopped for pedestrians crossing within the adjacent crosswalk into which the motorist is turning right from either a red signal, stop or yield sign. [N.J.S.A. 39:4-36(a)(1) and (2)]
- Stop and remain stopped if a pedestrian is within one lane of their half of roadway. [N.J.S.A. 39:4-36(a)(1)]
- Not overtake and pass a vehicle that is stopped to permit a pedestrian to cross the roadway. [N.J.S.A. 39:4-36(a)(3)]
- Yield to pedestrians at unmarked crosswalks at an uncontrolled intersection. [N.J.S.A. 39:4-36(a)]
- Exercise due care for the safety of any pedestrian upon a roadway. [N.J.S.A. 39:4-36(a)(5)]

With the passage of NJ Assembly Bill 1329 in 2010, drivers now risk $200 fines, 15-day community-service sentences and four points if they fail to bring their vehicles to complete stops at crosswalks to allow pedestrians to pass in front of them. The new law, N.J.S.A. 39:4-36(b), provides that when a collision occurs between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there shall be permissive inference that a driver did not exercise due care for the safety of the pedestrian. The law also specifies that a pedestrian crossing on a "Go" or green signal has the right of way over all vehicles, including those making turns.

Chapter 3: MUTCD Traffic Control for School Zones

This chapter sets forth standards and guidance for the use of school zone signage, pavement markings and related devices throughout the State of New Jersey. This guide is based upon the standards and guidance presented in the 2009 Manual on Uniform Traffic Control Devices with Revisions Number 1 and 2 incorporated (MUTCD). The recommendations are typical solutions that should be applied, keeping in mind the unique needs of each school environment. The location of signage and distances relative to the school grounds noted here should be considered "best practice."

Standard Signage and Pavement Markings for School Zones

The following signs and pavement markings are recommended for use in school zones. School warning signs and any supplemental plaques used in association with these warning signs shall have a fluorescent yellow-green background with a black legend and border unless otherwise noted. Refer to the 2009 MUTCD for full guidance. A PDF of the manual is available at mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm.

School Zone Sign Assembly (MUTCD Section 7B.08)

This sign assembly should be used on all approaches that enter a school zone. Guidance on the placement of school zone sign assembly is found in MUTCD Section 2C.4, Table 2C-4. This sign is an assembly of two signs and includes the SCHOOL Marker sign (S4-3P) below the School sign (S1-1). The marker sign should always be used to distinguish this warning sign from the School Crosswalk sign assembly. The downstream end of a designated school zone may be identified with an END SCHOOL ZONE (S5-2) sign.

Many local jurisdictions also find it beneficial to use this sign to advise road users that they are approaching a school that is adjacent to a highway or where additional care is needed, even if no school crossing is involved and the speed limit remains unchanged. This is permissible.

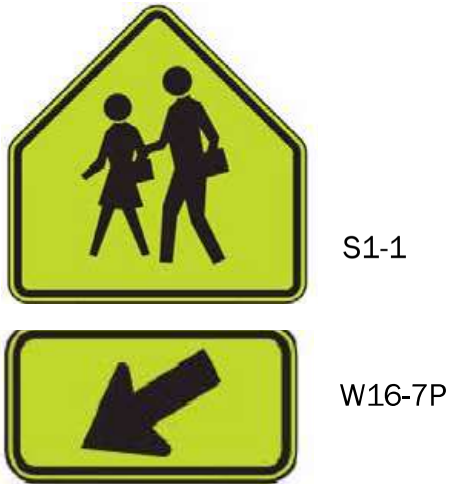
S1-1

S4-3P

School Zone Sign Assembly

School Crosswalk Sign Assembly (MUTCD Section 7B.12)

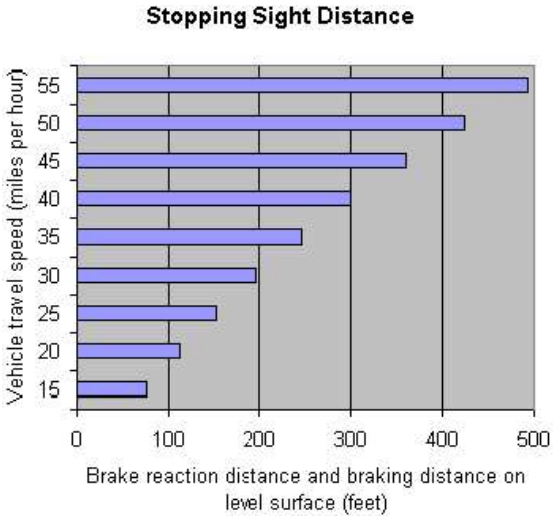
This sign assembly is used to identify a crosswalk that is not protected by a stop or yield sign or a traffic signal. This sign is used primarily within the reduced school speed zone and/or along established school walking routes and/or where a significant student crossing exists. The School Crosswalk sign assembly consists of a School sign (S1-1) supplemented with a diagonal downward arrow (W16-7P) plaque. Guidance on the placement of the school crosswalk sign assembly can be found in the MUTCD Section 2A.16, Figure 2A-3. When used outside of the reduced school speed zone, this sign must be accompanied by the School Advance Crossing sign assembly.



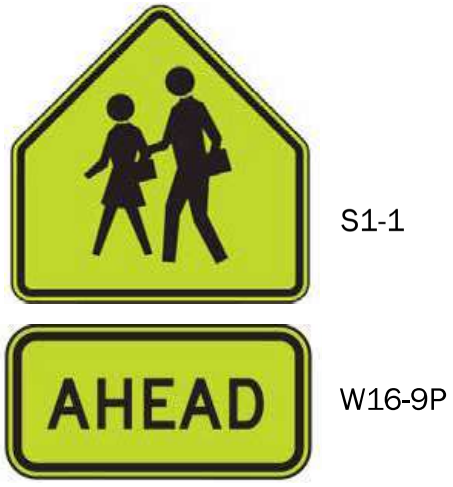
School Crosswalk Sign Assembly

School Advance Crossing Sign Assembly (MUTCD Section 7B.11)

This sign assembly, while often misapplied, is used exclusively in conjunction with the School Crosswalk sign assembly as a means of advanced warning. This sign assembly is only used when the school crosswalk exists outside of the posted reduced school speed zone, and therefore acts in lieu of the School Zone sign assembly in those areas. This sign assembly should precede the School Crosswalk sign assembly in each direction by enough distance to allow a motorist to stop before the crosswalk. For example, a motor vehicle traveling on a level surface at a rate of 30 miles per hour (MPH) will need approximately 200 feet to stop before a crosswalk. This distance will change depending on speed and roadway conditions. See Table 2C-4 in the MUTCD for advanced placement guidelines.



Source: National Center for Safe Routes to School



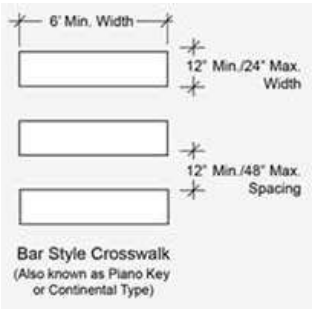
School Advance Crossing Sign Assembly

Marked Crosswalk (MUTCD Section 7C.02)

All designated pedestrian crossings within a school zone and along established school walking routes should be marked with a bar style crosswalk (also known as piano key or continental type). This is preferred over the formerly conventional use of "zebra" stripes, due to its visibility and durability. Marked crosswalks not protected by signalization or stop control should always be accompanied by the School Crosswalk sign assembly. Additional protection may include in-street crosswalk signs, refuge islands, raised crosswalks and/or flashing beacons.

Marked crosswalks alone, without other measures designed to reduce traffic speeds, shorten crossing distances, enhance driver awareness of the crossing, and/or provide active warning of pedestrian presence, should not be installed across uncontrolled roadways where the speed limit exceeds 40 mph and either:

- The roadway has four or more lanes of travel without a raised median or pedestrian refuge island and an ADT (average daily traffic) of 12,000 vehicles per day or greater; -or-
- The roadway has four or more lanes of travel with a raised median or pedestrian refuge island and an ADT of 15,000 vehicles per day or greater.



Bar style crosswalk in Hoboken, NJ.
Image: The RBA Group

School Sign Assembly

School Area Sign, warns road users that they are approaching a school area that may include school buildings or grounds, a school crossing, or school related activity adjacent to the roadway.

S4-3P

School Zone Assembly, used to warn road users that they are approaching a designated school zone

W16-9P

School Advance Crossing Assembly, used to warn road users that they are approaching a crossing where school children cross the roadway

W16-7P

School Crossing Assembly, used to warn approaching road users of the location of a crossing where school children cross the roadway

Distracted Driving in School Zones

Distracted driving (including talking or texting on cell phones, using GPS for navigation, eating, and listening to music) around schools can adversely impact safety for children walking and bicycling to school and influence parent decisions about how children will get between home and school. Research indicates that the probability and severity of a crash taking place are strongly influenced by driver attention. Various studies have documented an almost six times greater risk when dialing a phone and 23 times greater risk when texting. Other studies show that using a cell phone while driving delays your reaction time as much as having a blood alcohol concentration of .08, the legal limit for drunk driving.

Distracted driving draws driver attention off the road and away from the primary task of driving. This lengthens reaction time and puts pedestrians, bicyclists, drivers and passengers at greater risk. Research from Safe Kids USA shows that one out of every six drivers in school zones is distracted by the use of cell phones, eating, drinking, smoking, reaching behind, grooming and reading. The study, "Characteristics of Distracted Drivers in School Zones: A National Report," consisted of more than 40,000 observational road-side surveys conducted by local Safe Kids researchers in 20 locations across the United States. Use of electronics (such as cell phones, PDAs and Smartphones) was the leading category of distraction while driving at 9.8 percent.

Findings from the study include:

- The majority of distracted drivers were observed during the afternoon school zone hours as compared to the morning hours.
- Distracted drivers appeared more frequently in school zones without flashing lights and in school zones that had a daily traffic volume of 10,000 or more cars.
- Drivers of larger vehicles such as sports utility vehicles, pickup trucks, and minivans were more distracted than car drivers.

The study also found that having a law on the books may somewhat decrease the prevalence of distracted driving. The study, which covered communities in 15 states, showed that those states with laws regulating cell phone or hand-held electronic device use in a vehicle were 13 percent less likely to have distracted drivers in school zones. New Jersey law bans the use of hand-held devices and texting for all drivers (N.J.S.A. 39:4-97.3). Hands-free cell phone use is also prohibited for bus drivers and novice drivers. New Jersey defines novice drivers as those under the age of 21 with a GDL or a provisional license.

Source: MyParkingSign.com

Resources

- Safe Kids USA, "Characteristics of Distracted Drivers in School Zones: A National Report," 2009 www.safekids.org/research-report/distracted-drivers-school-zones-national-report-2009
- National Center for Safe Routes to School, "Getting Results: SRTS Programs That Reduce Speeding and Distracted Driving," www.saferoutesinfo.org/sites/default/files/resources/srts_gettingresults_drivingbehavior_0.pdf
- Official US Government Website for Distracted Driving, www.distraction.gov/
- Strayer DL, Drews FA, Crouch DJ. (2006). "A comparison of the cell phone driver and the drunk driver." Hum Factors. 2006; 48: 381-91. www.distraction.gov/download/research-pdf/Comparison-of-CellPhone-Driver-Drunk-Driver.pdf

Optional Signs & Pavement Markings for School Zones

School Speed Limit Sign Assembly and END SCHOOL SPEED LIMIT Sign (MUTCD Section 7B.15)

This sign assembly is used where a reduced school speed limit zone has been established. The School Speed Limit assembly is placed at or as near as practical to the point where the reduced school speed limit zone begins. However, the School Zone sign assembly must be installed in advance of the first School Speed Limit sign assembly. In addition, the downstream end of a designated reduced speed school zone should be identified with an End School Speed Limit sign. A standard Speed Limit sign showing the speed limit for the section of highway that is downstream from the authorized and posted reduced school speed limit zone may be mounted on the same post above the END SCHOOL SPEED LIMIT sign (S5-3).

School Speed Limit Sign Assembly

End School Speed Limit Sign

Warning Beacons (MUTCD Section 4L.03)

Warning Beacons can be used to call attention to a School Speed Limit sign assembly or a School Zone sign assembly. Flashing yellow beacons are one of the most effective safety improvements a school can make, as they have been shown to decrease vehicle speeds an average of five to seven miles per hour in school zones. The "When Flashing" marker should be used if the sign is automated with a flashing beacon. If not automated with a beacon, the marker sign should read "When Children are Present." This marker is preferred over a sign that lists school times, as school hours vary from year to year, and the information is often too small and complex to be comprehended by a passing driver.

This system is most effectively applied to arterial and/or multi-lane roadways where drivers would not otherwise note school zone signage due to traffic conditions, speed of travel, and competing signage. The flashing lights should be timed to correspond to school arrival and dismissal times. Warning beacons may also be used with the School Crosswalk Sign Assembly or School Advance Crossing Sign Assembly.

Warning Beacon in Haddon Heights, NJ. Image: The RBA Group

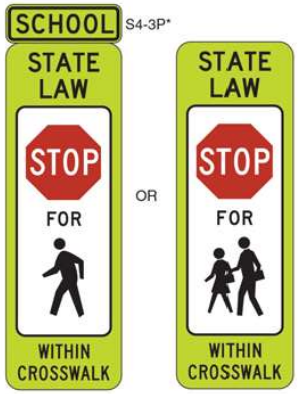
"Slow School" Pavement Markings (MUTCD Section 7C.03)

This pavement marking should be used as an additional warning where vehicle speeds are a concern. It should be placed in proximity to reduced school speed zones or School Speed Limit sign assemblies. These markings are most effective on single lane local or collector streets, where they are visible from a distance and not obscured by heavy vehicle traffic. This application offers a cost-effective alternative to flashing beacons and may be more appropriate in a residential environment where flashing beacons may not be desirable.

"Slow School" pavement markings on Glenwood Avenue in East Orange, NJ. Image: The RBA Group

In-Street Crosswalk Signs (MUTCD Section 7B.12)

The In-Street Pedestrian Crossing (R1-6a) sign or the In-Street Schoolchildren Crossing (R1-6c) sign may be used at mid-block crosswalks that are not protected by stop signs or signalization. If the In-Street Pedestrian Crossing (R1-6a) sign is used at a school crossing, a 12 x 4-inch SCHOOL (S4-3P) plaque may be mounted above the sign. The sign is placed on the yellow centerline immediately adjacent to (not within) the crosswalk. It should be placed on the side of the crosswalk that most vehicles approach from or as geometry permits. They are more effective on unsignalized two-lane low-speed streets than on multi-lane high-speed streets. They can be easily damaged and need to be reset or replaced when struck. When portable in-street signs are used for school crossings, they should be monitored by a school official or school crossing guard.



R1-6A R1-6C

Vertical Reflective Strip (MUTCD Section 2A.21)

This reflective strip should be used at stop controlled intersections that have crosswalks within the school zone and along school walking routes to call extra attention to the stop sign. Reflective fluorescent yellow-green strips may also be used on School Area signs. The strip shall be at least 2 inches in width and placed for the full length of the post from the sign to within 2 feet above the edge of the roadway. The color of the reflective strip must match the sign background, except that the color of the strip for the YIELD and DO NOT ENTER signs shall be red.

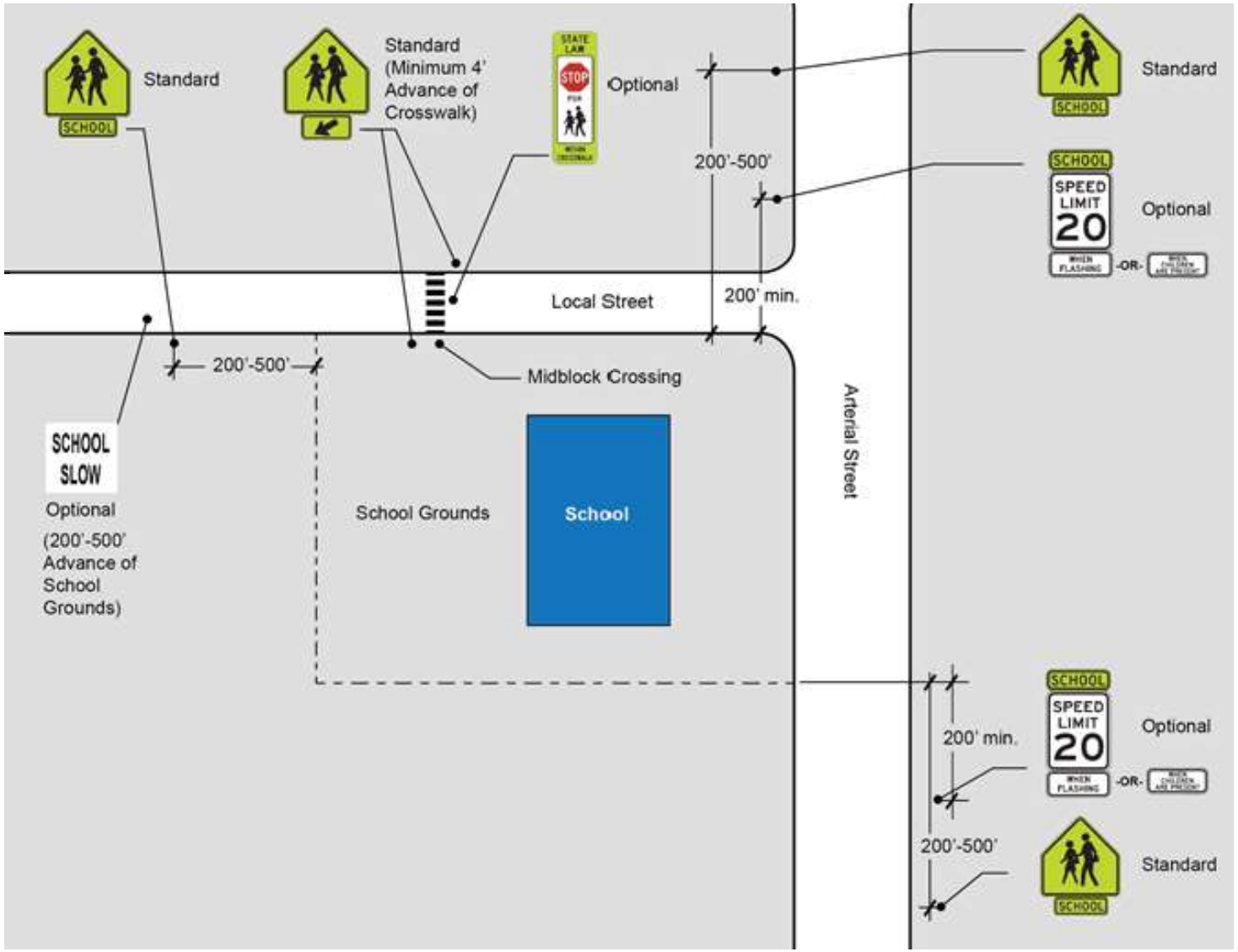
Reflective tape on stop sign post in Newark, NJ. Image: The RBA Group

Sign Placement

While the MUTCD provides guidance for the type of signage and its application, the placement of school zone signage is often dictated by standards set forth by state and local jurisdictions. New Jersey has no such standards, therefore the location of signs and distances relative to the school zone recommended here should be considered "best practice." Refer to the diagram for sign placement.

Signs should be used judiciously, as overuse may lead to driver noncompliance and excessive signs may create visual clutter.

Where practical, signs can be combined on one post to reduce sign clutter. Image: Minnesota Department of Transportation



Graphic: Fitzgerald & Halliday, Inc.

Signage Selection Matrix

Signs must be selected in response to the type of roadway and pedestrian crosswalk facilities located within proximity of a school. The following matrix should be used as a guide for signage options.

	Local or Collector Street	Arterial Street or Multi-Lane Street	Streets w/ Speed limit 30 mph or above	Midblock Crosswalk within School Zone	Midblock Crosswalk outside of School Zone
School Warning Sign (S1 + S4-3P)	●	●	●		
Crosswalk Warning Sign (S1+ W16-9P)					●
Crosswalk Sign (S1 + W16-7P)				●	●
In-Street Crosswalk Sign (R1-6C)				○	○
School Speed Limit Sign (S4-3P + R2-1 + S4-2P) or (S4-4P)			●		
Flashing Beacon		○	○		
Slow School Pavement Marking	○		○		
Oversized Signage		○	○		

● **Optional Application** ○ **Standard Application**

Table: Fitzgerald & Halliday, Inc.

Size of School Signs (MUTCD Section 7B.01)

The sizes of signs and plaques to be used on conventional roadways in school areas shall be as shown in the table below. The sizes in the Conventional Road column shall be used unless engineering judgment determines that a minimum or oversized sign size would be more appropriate. The sizes in the Minimum column shall be used only where traffic volumes are low and speeds are 30 mph or lower, as determined by engineering judgment. The sizes in the Oversized column should be used on roadways that have four or more lanes with posted speed limits of 40 mph or higher. The sizes in the Oversized column may also be used at other locations that require increased emphasis, improved recognition or increased legibility.

Sign	Sign Designation	Section	Conventional Road	Minimum	Oversized
School	S1-1	7B.08	36 x 36	30 x 30	48 x 48
School Bus Stop Ahead	S3-1	7B.13	36 x 36	30 x 30	48 x 48
School Bus Turn Ahead	S3-2	7B.14	36 x 36	30 x 30	48 x 48
Reduced School Speed Limit Ahead	S4-5, S4-5a	7B.16	36 x 36	30 x 30	48 x 48
School Speed Limit XX When Flashing	S5-1	7B.15	24 x 48	—	36 x 72
End School Zone	S5-2	7B.09	24 x 30	—	36 x 48
End School Speed Limit	S5-3	7B.15	24 x 30	—	36 x 48
In-Street Ped Crossing	R1-6, R1-6a, R1-6b, R1-6c	7B.11, 7B.12	12 x 36	—	—
Speed Limit (School Use)	R2-1	7B.15	24 x 30	—	36 x 48
Begin Higher Fines Zone	R2-10	7B.10	24 x 30	—	36 x 48
End Higher Fines Zone	R2-11	7B.10	24 x 30	—	36 x 48

Plaque	Sign Designation	Section	Conventional Road	Minimum	Oversized
X:XX to X:XX AM X:XX to X:XX PM	S4-1P	7B.15	24 x 10	—	36 x 18
When Children Are Present	S4-2P	7B.15	24 x 10	—	36 x 18
School	S4-3P	7B.09, 7B.15	24 x 8	—	36 x 12
When Flashing	S4-4P	7B.15	24 x 10	—	36 x 18
Mon-Fri	S4-6P	7B.15	24 x 10	—	36 x 18
All Year	S4-7P	7B.09	24 x 12	—	30 x 18
Fines Higher	R2-6P	7B.10	24 x 18	—	36 x 24
XX Feet	W16-2P	7B.08	24 x 18	—	30 x 24
XX Ft	W16-2aP	7B.08	24 x 12	—	30 x 18
Turn Arrow	W16-5P	7B.08, 7B.09, 7B.11	24 x 12	—	30 x 18
Advance Turn Arrow	W16-6P	7B.08, 7B.09, 7B.11	24 x 12	—	30 x 18
Diagonal Arrow	W16-7P	7B.12	24 x 12	—	30 x 18
Diagonal Arrow (optional size)	W16-7P	7B.12	21 x 15	—	—
Ahead	W16-9P	7B.11	24 x 12	—	30 x 18

Note: 1. Larger sizes may be used when appropriate.
2. Dimensions are shown in inches and are shown as width x height.
3. Minimum sign sizes for multi-lane conventional roads shall be as shown in the Conventional Road column.

Chapter 4: Determining Placement of Crossing Guards

The proper placement of well-trained crossing guards is one of the most effective methods to improve student and crossing guard safety at crossings. There are many factors that contribute to the need for a crossing guard at a particular location including the age of students, road conditions (width, number of lanes), sight distances, presence or absence of traffic control devices, vehicle speed, traffic and pedestrian volumes, truck traffic, location of crossing, and crash history.

According to the NJ SRTS Resource Center, "Every school day, over 6,400 crossing guards throughout New Jersey assist hundreds of thousands of children walking and biking to and from school."

How to Identify the Locations where Crossing Guards are Needed

Provisions for hiring and training qualified individuals have long been established in New Jersey State Law (N.J.S.A. 40A:9-154.1 - 40A:9-154.4. According to State statute, "the chief of police or other chief law enforcement officer of a municipality *shall have the right to position school crossing guards on any street or highway within the municipality;* provided, however, that such guards may be stationed only when it is necessary to control or direct vehicular or pedestrian traffic during those time periods of a school day when it is necessary to control traffic." (emphasis added)(N.J.S.A. 40A:9-154.4). It is recommended that the identification of adult school crossing guard locations involve not only the police department, but also the traffic engineering and/or planning departments, school representatives, and parents.

There are no specific state guidelines or criteria in New Jersey to determine which crossings require an adult crossing guard. The design and implementation of an adult school crossing guard program is largely a local decision and no set of guidelines can cover all the unique conditions that may describe crossing locations. The police department along with the municipality's traffic engineering and/or planning department and school representatives should determine the criteria for locations that need crossing guards, and then gather the information about local conditions that will be used to determine the need for the crossing guards.

A crossing guard assists pedestrians cross the street. Image: VTC

MUTCD Adult Crossing Guards

While no national criteria exist for identifying which street crossings in a community require a crossing guard, the Manual on Uniform Traffic Control Devices (MUTCD) provides some general guidance on how to determine the need for a guard at a particular location.

Section 7D.02
"Adult crossing guards may be used to provide gaps in traffic at school crossings where an engineering study has shown that adequate gaps need to be created (see Section 7A.03), and where authorized by law."

Section 7A.03
"The frequency of gaps in the traffic stream that are sufficient for student crossing is different at each crossing location. When the delay between the occurrences of adequate gaps becomes excessive, students might become impatient and endanger themselves by attempting to cross the street during an inadequate gap. In these instances, the creation of sufficient gaps needs to be considered to accommodate the crossing demand."

What information should be collected when identifying the locations where crossing guards are needed?

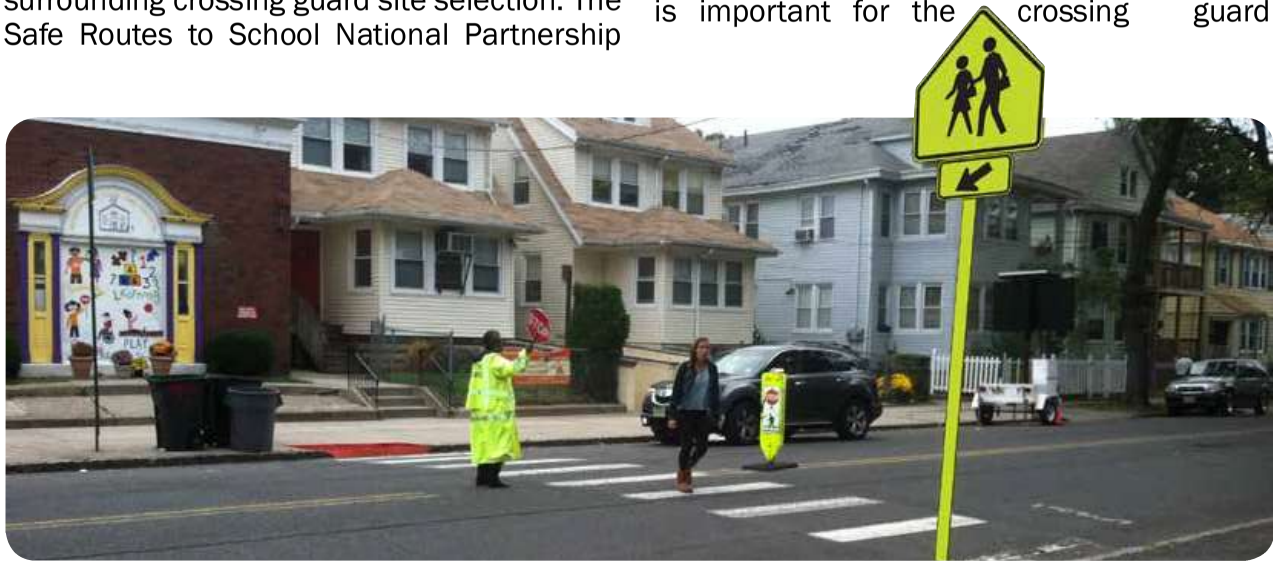
Adult school crossing guards should be assigned to school crossings only after the need is established. While there are a variety of criteria that can be applied to determine the need for a crossing guard, the criteria utilized must be applied consistently to allow a community to provide crossing guards where schools need them the most. In order to guarantee that the criteria are applied consistently, it is recommended that the municipality adopt a policy outlining the guidelines. Developing a uniform procedure of study and analysis can also help the municipality avoid complaints and questions surrounding crossing guard site selection. The Safe Routes to School National Partnership recommends that local communities consider collecting the following information when identifying guard placement:

The age of the students who are crossing

Generally, younger children need more assistance than older children because they have a more difficult time judging the speed and distance of approaching vehicles and may be tempted to cross when it is unsafe.

The width of the street and the number of lanes of traffic students must cross

Wide streets with multiple lanes of traffic typically require the use of two or more adult school crossing guards. If only one crossing guard is assigned to a multi-lane street, it is important for the crossing guard



Crossing guard at an unsignalized mid-block crossing. Image: The RBA Group

to remain in the center of the roadway while assisting students and be aware of what is happening in every lane before directing students to enter the crosswalk.

The sight distance at the crossing

These conditions are measured from the students' and drivers' perspectives using actual vehicle operating speeds. Sight distance can be affected by temporary obstructions, such as parked vehicles and piled snow near the crossing.

Younger students walking to school. Image: VTC

Safe gaps in traffic

Available gaps in traffic are a primary factor in determining the need for a crossing guard. Are the gaps long and frequent enough to allow safe crossing opportunities? The Institute of Transportation Engineer's (ITE) School Trip Safety Program Guidelines states that on the average, at least one adequate gap should occur each minute to allow for children to cross without undue delay or risk. However, other factors, such as volume of child pedestrians, should also be considered when determining the need for adult school crossing guards or other traffic control. If traffic volumes during crossing hours do not correspond to enough safe gaps, some method to interrupt traffic should be considered, such as a crossing guard or traffic signal. See the following section on *How to Conduct a Gap Study.*

Presence of traffic control devices, including traffic signals, signs and pavement markings

If present, are the traffic controls sufficient? Is the time allotted for pedestrian crossing sufficient? For example, a signalized intersection at a school crossing location should always have WALK/DON'T WALK signals.

The speed of vehicles at the crossing

Vehicles that travel faster require greater stopping distances, and younger children have more difficulty than adults in judging the speed of a fast-approaching vehicle.

A crossing guard assists pedestrians at a signalized crossing. Image: VTC

Model Municipal Crossing Guard Policy

www.saferoutesnj.org /crossingguards

The model policy was developed as a guide for New Jersey municipalities seeking to adopt a School Crossing Guard Policy and can be downloaded at www.saferoutesnj.org/wp-content/uploads/2011/12/Model-Municipal-Crossing-Guard-Policy.pdf. The model policy includes the following section on crossing guard placement.

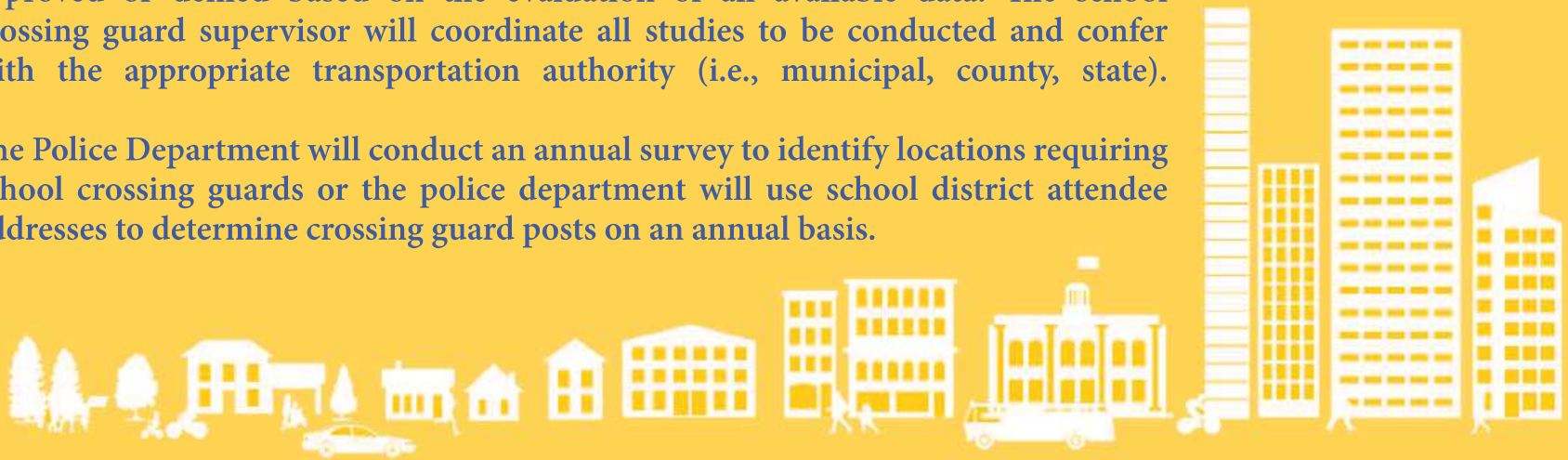
In New Jersey, crossing guard placement is determined by the municipality through traffic engineering studies and consultation with the local school district based on the following:

Sites where a school crossing guard may be needed are surveyed by the Police Department and the Engineering Department following requests or observations made by the school crossing guard supervisor, school officials, and/or concerned parents.

1. The request for establishing a new school crossing guard post should be put in writing to the school crossing guard supervisor who, in response, conducts an observational survey of the location during key times.

3. The request for a school crossing guard at a prospective location will be approved or denied based on the evaluation of all available data. The school crossing guard supervisor will coordinate all studies to be conducted and confer with the appropriate transportation authority (i.e., municipal, county, state).

4. The Police Department will conduct an annual survey to identify locations requiring school crossing guards or the police department will use school district attendee addresses to determine crossing guard posts on an annual basis.



Volumes of traffic and pedestrians

Local transportation planning or engineering departments can provide or help collect this data. Vehicle counts may be readily available, but pedestrian counts will likely need to be made during this process. The number of students currently using pedestrian facilities as well as the projected pedestrian demand based on school demographics or improvements to infrastructure should be determined.

The attendance boundary and walk zone for each school

The distances that walk zones extend from schools as well as policies regarding the provision of bus service can impact the number of children walking to school and the routes they take.

Crash history of the crossing

The type and time of day that each crash occurs at a specific location should be recorded and analyzed.

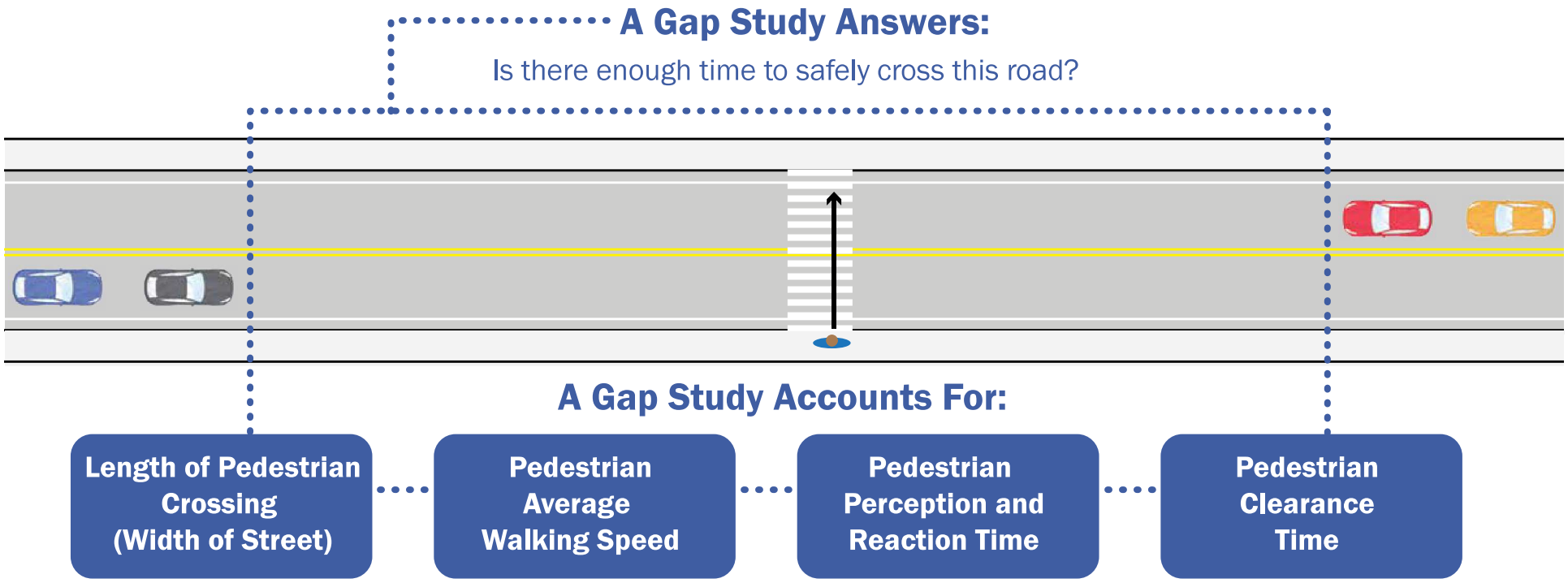
The distance the crossing is from a school and the type of adjacent land use

A crossing in close proximity to a school within a residential neighborhood may attract more student pedestrians than, for example, a crossing located farther from a school surrounded by non-residential land uses.

High volume student crossing in Dover, NJ. Image: The RBA Group

How to Conduct a Gap Study

Available gaps in traffic are a primary factor in determining the need for a crossing guard. Gap studies provide a method of quantitative analysis for road crossing opportunities accounting for the duration of gaps in motor vehicle traffic, the length of the pedestrian crossing (width of street), and pedestrian average walking speed, perception and reaction time, and clearance time in order to determine where crossing guards are needed to ensure safe crossing. According to the Institute of Transportation Engineer's (ITE) *School Trip Safety Program Guidelines*, an acceptable gap may be defined as the minimum time between vehicles that 85 percent of all groups of pedestrians waiting to cross a street will accept as adequate to cross the street. On the average, at least one gap should occur each minute to allow for children to cross without undue delay or risk.



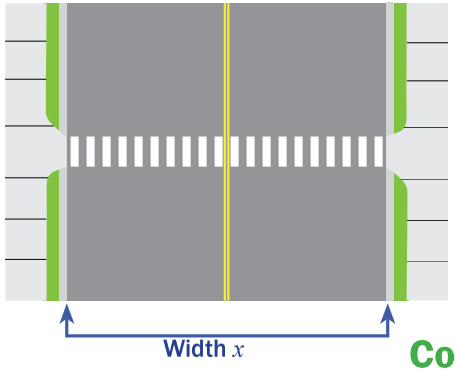
Gap studies consist of determining the number of rows of pedestrians in the predominant (85th percentile) pedestrian group size, determining the length of a minimum adequate gap, measuring the number and size of gaps in the traffic stream, and determining the sufficiency of adequate gaps. The minimum safe crossing time, the gap, is calculated using the following formula:

$$\text{Gap} = \frac{\text{Width of Street}}{\text{Average Walking Speed}} + \text{Perception \& Reaction Time} + \text{Pedestrian Clearance Time}$$

Width of Street

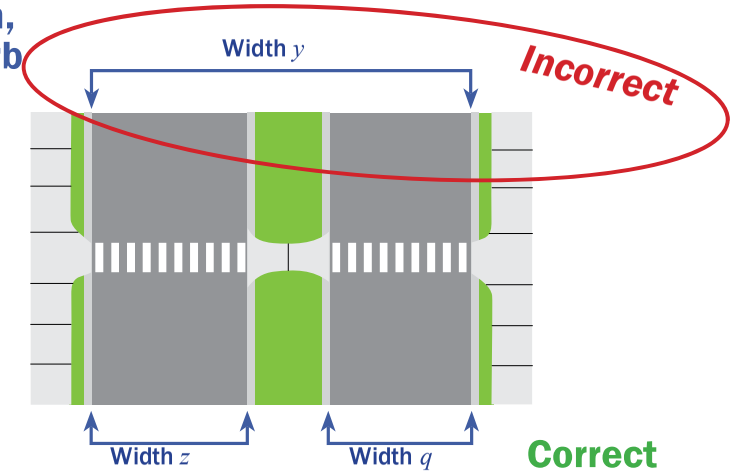
The crossing distance is normally measured from one curb to the other. If the roadway is divided such that the median provides a safe haven for the school crossing, a minimum adequate gap will be determined for each half of the crossing.

Without median, measure curb to curb.



Correct

With median, measure curb to curb on either side.



Correct

Average Walking Speed

The 2009 MUTCD assumes a walking speed of 3.5 feet per second, but allows consideration of slower walking speeds to accommodate slower pedestrians such as those in wheelchairs or who are visually impaired. Large groups of children as well as childern hand assisted by adults also have slower walking speeds. Therefore, the slower 3 feet per second walking speed should be assumed as the average walking speed (MUTCD Section 4E.06).

3
feet per second

Perception and Reaction Time

Physical and cognitive abilities of young children differ from the abilities of adults. In general, gap studies add 3 seconds to account for the time required for a child to look both ways, make a decision, and begin walking across the street.

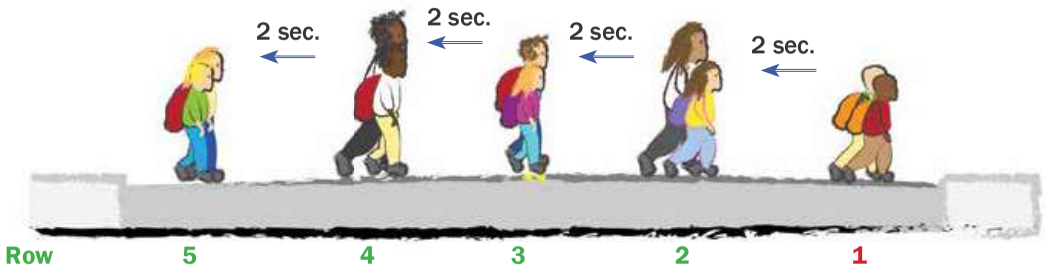
3
seconds

Pedestrian Clearance Time

Pedestrian clearance time is the additional time (in seconds) required to clear large groups of students from the roadway. Children are assumed to cross the roadway in rows of five with two-second time intervals between each row. The clearance time is equal to 2(N - 1) where N is the number of rows in 85th percentile group size, 1 represents the first row and 2 is the time interval between rows in seconds.

$$2(N-1)$$

- **2** — seconds between each row
- **N** — number of rows in 85th percentile of group size
- **1** — first row is subtracted from calculation



Calculating Pedestrian Clearance Time: How to determine "N", the number of rows in the 85th percentile pedestrian size group

The survey should begin upon arrival of the first child and end when the last one has crossed the street. The field survey portion of the study must be done under normal conditions involving the weather, school schedule, nearby traffic generator schedule, etc.

Pedestrian Group Survey Size

The observer should count the students as they gather into groups to wait for a gap in the traffic and record the sizes of the group in the table below. It is important to record the number of children because the school crossing signal warrant in the MUTCD includes a requirement of a minimum of 20 students during the highest crossing hour (MUTCD Section 4C.06 Warrant 5, School Crossing).

Pedestrian Group Size Survey

Location: Crossing Main St @ Maple Ave, Anytown, NJ

Date: 05/15/13 | Time from: 7:30 AM | Time to: 9:00 AM | Observer: Liz W.

Street Width: 35' | Raised Median: No | Width of median: N/A

Notes:

Group Size	Number of Students in Each Group	Number of Groups	Cumulative Number of Groups	# of Rows (N)
5 or less	2, 2, 4, 3, 5, 2, 3, 4	8	8	1
6 – 10	6, 8, 6, 7, 7	5	13	2
11 – 15	12, 11, 14	3	16	3
16 – 20	17, 19	2	18	4
21 – 25				5
26 – 30				6
31 – 35				7
36 – 40				8
41 – 45				9
46 – 50				10
	Total Students:	Total Number of Groups:	18 × 0.85 = 15.3	N = 3

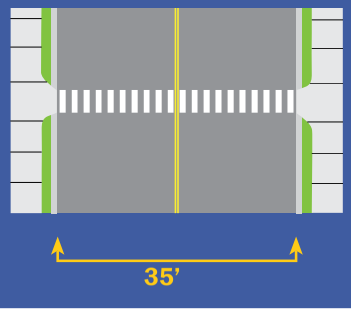
Table adapted from Iowa DOT's Office of Traffic Safety Form 1 – Pedestrian Group Size Survey

In order to obtain the 85th percentile group size:

1. Multiply the cumulative total number of groups by 0.85.
2. Fit the product of 1 within the series of ranges established in the Cumulative Number of Groups column. In this case, 15.3 fits between 13 and 16, so assign it to the row with 16.
3. The N value for 16 groups is 3. The N value of 3 will be used to complete your Gap Study.

Example: Determining the Minimum Adequate Gap

width of street



average walking speed

3

feet per second

perception & reaction time

3

seconds

pedestrian clearance time

2(N-1)

where N=3 (see calculation on previous page)

$$\text{Gap} = \frac{\text{Width of Street}}{\text{Average Walking Speed}} + \text{Perception \& Reaction Time} + \text{Pedestrian Clearance Time}$$

$$= \frac{35}{3} + 3 + 2(3-1)$$

$$= 18.67$$

$$\approx 19 \text{ seconds}$$ **Minimum Adequate Gap for Safe Crossing**

After the minimum adequate gap is calculated, the actual gaps in traffic must be measured. The length of each gap greater than the minimum (19 seconds in the example above) is recorded. If there is at least one safe gap per minute of crossing time, there may be no need for any special traffic controls. If, however, there is not at least one safe gap per minute, officials should consider using an adult crossing guard or traffic signal to create safe gaps.

What are the Guidelines for School Crossing Guard Use?

As is true for all traffic control measures, certain warrants must be met before adult guards are employed. An adult crossing guard should be considered when:

1. a school crossing guard is more feasible and economical than either a pedestrian bridge or tunnel or a traffic signal specifically installed to handle the crossing problem; and/or

2. there are special hazards, at either signalized or non-signalized locations, which can be properly handled only by adult supervision. These hazards include unusual conditions such as complicated intersections, heavy vehicular turning movements and high vehicular approach speeds; and/or

3. a change in school routes is imminent, thus requiring protection at the location for only a limited time. An example would include construction within a city which detours the preferred school route to another location that may need additional control.

Specific criteria regarding number of students, traffic volume and roadway condition vary depending on location. Guidelines from various states and cities across the country regarding the need for adult crossing guards include those produced by the State of California, the State of Utah, the City of Weston, Florida, and the City of Springfield, Missouri, and are described in the examples that follow.

Crossing guard wearing a retroreflective jacket.
Image: VTC

Examples of Guidelines for Crossing Guard Deployment

California Criteria for Adult Crossing Guards (California MUTCD 2012 Edition, Section 7D.02 Adult Crossing Guards)

Adult Crossing Guards normally are assigned where official supervision of elementary school pedestrians is desirable while they cross a public highway on the "Suggested Route to School", and at least 40 elementary school pedestrians for each of any two hours (not necessarily consecutive) daily use the crossing while going to or from school. Adult crossing guards may be used under the following conditions:

1. At uncontrolled crossings where there is no alternate controlled crossing within 180 meters (or 460 feet); and
   - **a.** In urban areas where the vehicular traffic volume exceeds 350 during each of any two hours (not necessarily consecutive) in which 40 or more school pedestrians cross daily while going to or from school; or
   - **b.** In rural areas where the vehicular traffic volume exceeds 300 during each of any two hours (not necessarily consecutive) in which 30 or more school pedestrians cross daily while going to or from school.

   Whenever the critical (85th percentile) approach speed exceeds 40 mph (64km/h), the guidelines for rural areas should be applied.

2. At stop sign-controlled crossings:
   Where the vehicular traffic volumes on undivided highways of four or more lanes exceed 500 per hour during any period when the school pedestrians are going to or from school.

3. At traffic signal-controlled crossings:
   - **a.** Where the number of vehicular turning movements through the school crosswalk exceeds 300 per hour while school pedestrians are going to or from school; or
   - **b.** Where justified through analysis of the operation of the intersection.

www.dot.ca.gov/hq/traffops/engineering/mutcd/ca_mutcd2012.htm

Utah Traffic Control for School Zones, Section 7D.02 Adult Crossing Guards

Adult crossing guards shall be used at school crosswalks for elementary schools in:

1. All Reduced Speed School Zones; and,

2. School Crosswalk Zones at signalized intersections where the posted speed limit is 30 mph or greater; and,

3. All roundabouts.

For elementary schools, if no adult crossing guard is provided per above, then that School Crosswalk Zone or Reduced Speed School Zone shall be removed, and the Student Neighborhood Access Program (SNAP) plan shall be revised by the School Community Council.

Under Utah law, all elementary, middle and junior high schools are required to create and distribute a SNAP Plan, which shows the safest routes to school.

SNAP™
Student Neighborhood Access Program

www.udot.utah.gov/snap

City of Weston, FL Minimum Guidelines for the Placement of Adult Crossing Guards for Public Elementary and Middle Schools

Adult School Crossing Guards should be assigned at designated crossing locations along the safe walk routes where 25 or more students are present during official school zone times. School Crossing Guards may also be used under the following conditions:

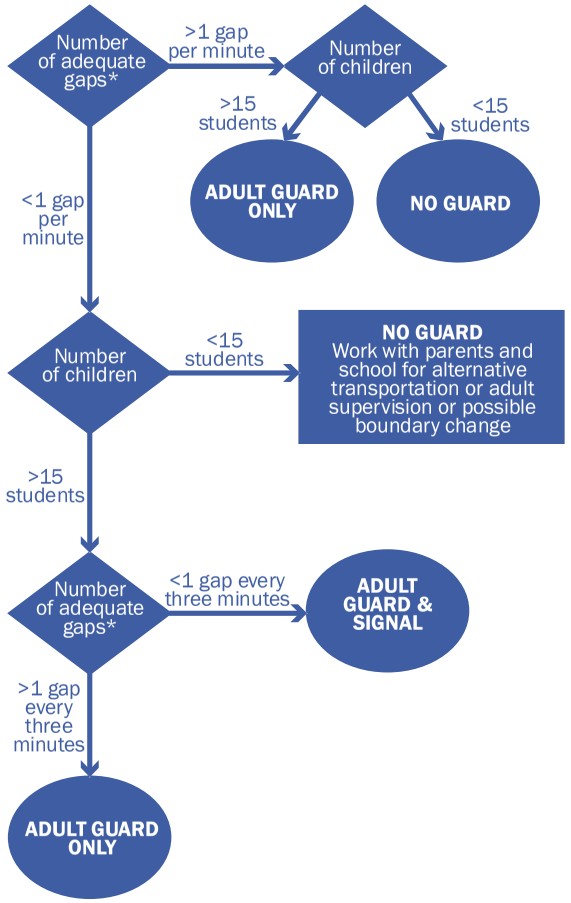
1. At uncontrolled crossings where there are no alternative controlled crossings within 600 feet; and
   - **a.** Vehicular traffic volume exceeds 350 during official school zone times; or
   - **b.** Where the gap in traffic is less than what is needed to cross the street
2. At stop sign controlled crossings where the vehicular traffic volume conflicts with the crosswalk and exceeds 500 during the official school zone times
3. At mid-block pedestrian signal controlled crossings
4. At intersection traffic signal controlled crossings where the number of vehicular turning movements through the crosswalk exceeds 300 during official school zone times

The placement of additional crossing guards at a specific location is recommended under the following conditions:

1. Four or more lanes of travel, including turn lanes
2. Physically divided roadways
3. Turning movements that conflict with the student crosswalk
4. Where students are required to utilize more than one crosswalk at the intersection
5. Sight visibility issues (both vehicular and pedestrian should be considered)

www.westonfl.org/media/docs/misc/Weston_Crossing_Guard_Placement_Guidelines.pdf

Flow Chart Depicting the Process for Placement of a School Crossing Guard in the City of Springfield, MO



www.springfieldmo.gov/documentcenter/view/2939

What is the process for requesting new adult crossing guards?

All requests for new adult crossing guards should be directed to the school district or the police department. The school district will make the request to the police department, who will arrange the collection of the necessary data to thoroughly study the location. The school crossing guard supervisor within the police department will coordinate all studies to be conducted and confer with the appropriate transportation authority (i.e., municipal, county, state).

If the standards are met for placing a crossing guard, the police department will explore funding options available for hiring a new crossing guard. When the funds are budgeted, the new adult crossing guard will be placed. If the standards for a new crossing guard are not met, the police department will notify the school district that the standards were not met.

Annual Reviews

In New Jersey, the governing body of any municipality may appoint school crossing guards for terms not exceeding one year and may revoke such appointments for cause and after proper hearing before the chief of police or other chief law enforcement officer of the municipality (N.J.S.A 40A:9-154.1). In order to allocate crossing guards in the most effective manner, the police department should conduct an annual survey to identify locations that require school crossing guards. During these annual reviews the placement and/or removal of school crossing guards should be reviewed by both a representative of the engineering department and the school district. It is important for police officers to document their process and decisions for assigning or removing a crossing guard post.

Decommissioning a Crossing Guard Post

As student populations shift or age out of the need for crossing guard assistance with crossing streets, crossing guard posts may need to be moved or decommissioned. When decommissioning a post, the municipality should use the same criteria used to determine if a crossing guard is necessary at a particular location. Factors should include the number of students, the age of students, road conditions (width, number of lanes), sight distances, presence or absence of traffic control devices, vehicle speeds, traffic and pedestrian volumes, truck traffic, location of crossing, and crash history.

If appropriate, the municipality should perform a gap study of the crossing location to look at the width of the street and the pedestrians' average walking speed, perception and reaction time, and clearance time. If officials find that there is at least one adequate gap in the traffic per minute to allow for safe crossing, the decommissioning may be justified on this basis.

Officers may work with the schools and/or may contact the families affected to explain the change and to inform walkers of alternative routes to school. The critical points to remember when decommissioning a post are to document the decision made, the reasons behind the decision, and to inform the communityof the change in a timely manner.

Crossing Guard Resources

The NJ SRTS Resource Center compiles resources and tools to support school crossing guards and to assist traffic safety officers. The Resource Center also conducts training programs for Municipal Police Traffic Safety Officers that supervise school crossing guards. The training includes crossing guard positioning and procedures, state and federal law and regulations, and hands-on practice to set up similar training for crossing guards in your community. The *New Jersey School Crossing Guard Manual for Supervisors* is part of the statewide school crossing guard training program and serves as a reference document to reinforce classroom and field training.

More information and resources, including the manual, are available at www.saferoutesnj.org/crossingguards

Chapter 5: Crossing the Street

Whether walking or bicycling, a student's journey to school will more than likely require crossing one or more streets.

Per the *Safe Routes to School Guide*, maintained by the National Center for Safe Routes to School at saferoutesinfo.org, the development of safe crossings for children is guided by several principles including the need to:

1. Establish or identify good crossing locations.
2. Reduce crossing distances.
3. Provide crossings that are direct, so that children with physical and visual impairments can easily negotiate them.
4. Use appropriate traffic controls such as marked crosswalks, traffic signals, and warning signs or flashers.
5. Slow motor vehicle speeds.

Treatments and/or practices that can be used to provide safer street crossings within school zones include: marked crosswalks, curb ramps, curb extensions, pedestrian refuge islands and medians, tight curb radii, parking restrictions, pedestrian and bicycle bridges and underpasses, rectangular rapid flashing beacon (RRFB), and pedestrian hybrid beacon (HAWK signal).

Pedestrian Safety is a Shared Responsibility

According to the New Jersey Driver's Manual, the most important pedestrian safety message for New Jersey residents is: Pedestrian safety is a shared responsibility. There is no single cause of crashes involving pedestrians. Pedestrians and motorists must all do their part to keep pedestrians safe.

Relative to pedestrians in crosswalks, New Jersey motorists must:

- Stop for pedestrians in marked crosswalks.
- Watch for and yield to pedestrians when turning right on red.
- Obey speed limits.
- Be sure not to block or park in crosswalks.
- Keep the vehicle's windshield clean for maximum visibility.
- Be alert for pedestrians at all times.
- Be aware of areas where pedestrians are most likely to appear (near schools, town centers, residential neighborhoods, parks).

Image: The RBA Group

- Never pass another vehicle that has stopped for a pedestrian.
- Stop for all pedestrians in a crosswalk, even if they began crossing with a proper signal and they are still in the crosswalk when the signal changes.
- Remember that pedestrians are the most vulnerable roadway users.
- Keep in mind, motorists share the responsibility for maintaining pedestrian safety.

Marked Crosswalks

A crosswalk is an extension of the road, sidewalk, curb or edge of the shoulder at an intersection for people on foot. Crosswalks may be either marked or unmarked. A marked crosswalk is any portion of the road outlined by painted markings or a different texture, such as concrete or pavers. Marked crosswalks are an essential tool for helping pedestrians move safely, conveniently, and predictably across roadways. A marked crosswalk can benefit pedestrians by directing them to cross at locations where appropriate traffic control, including traffic signals or school crossing guards, either currently exist or can be provided. It should be noted, however, that marked crosswalks, in and of themselves, do not slow traffic or reduce pedestrian crashes. In most cases, marked crosswalks should be used in conjunction with other pedestrian safety devices such as pedestrian signals or signage to increase visibility and driver awareness. Refer to Chapter 3 of this document for MUTCD standards on marked pedestrian crosswalks.

General guidelines include:

- Marked crosswalks should be designed to minimize crossing distances and should be straight, to make them easier for people with visual impairments to navigate.
- The decision to mark a crosswalk at an uncontrolled location should be guided by an engineering study. Factors considered in the study should include vehicular volumes and speeds, roadway width and configuration, stopping sight distance, distance to the next controlled crossing, night time visibility, grade, and pedestrian volumes. In the final analysis it may be determined that the crosswalk is appropriate but that traffic control (HAWK signals, RRFB or other) is required.
- According to the 2009 MUTCD, marked crosswalks alone (without other substantial treatments) should not be installed across uncontrolled roadways where the speed limit exceeds 40 miles per hour or either:
  - The roadway has four or more lanes of travel without a raised median or pedestrian refuge island and an average daily traffic (ADT) of 12,000 vehicles per day or greater; or
  - The roadway has four or more lanes of travel with a raised median or pedestrian refuge island and an ADT of 15,000 vehicles per day or greater.
- The minimum crosswalk width is six feet, but school-related crosswalks should be 10 to 15 feet wide or wider at crossings with high numbers of students.
- School-related crosswalks should be checked annually before the start of the school year. If necessary, fresh paint, inlay tape or thermoplastic should be applied and other improvements made to keep the crosswalks in good condition. Although initially more costly than paint, both inlay tape and thermoplastic are more cost-effective in the long run. Inlay tape is recommended for new and resurfaced pavement, while thermoplastic may be a better option on rougher pavement surfaces. Both inlay tape and thermoplastic are more visible and less slippery than paint when wet.

High-visibility crosswalk in Montclair, NJ.
Image: www.pedbikeimages.org/Tiffany Robinson

Unmarked Crosswalks

Crosswalks exist at all legs of all intersections but not every crosswalk is marked with painted lines. In fact, most are unmarked. In New Jersey, the driver of a vehicle must stop and stay stopped for a pedestrian crossing the roadway within any marked crosswalk, and they shall yield the right-of-way to a pedestrian crossing the roadway within an unmarked crosswalk at an intersection (N.J.S.A 39:4-36(a)).

Pedestrians crossing at an unmarked crosswalk. Image: Arterial

Curb Ramps

Curb ramps provide pedestrians with a means of negotiating any change of elevation between the sidewalk and roadway. This is especially important for people using wheelchairs, strollers, walkers, crutches, handcarts, and pedestrians who have trouble stepping up and down high curbs. Per 2004 Americans with Disabilities Act (ADA) guidelines, curb ramps must be installed at all intersections and at mid-block locations to access on-street accessible parking spaces, where provided, and at all new passenger loading zones.

ADA guidelines state that curb ramps should be perpendicular wherever possible, where each corner has two ramps installed perpendicular to the face of the curb (vs. a single ramp facing diagonally into the intersection). In doing so, the curb ramps lead directly along the line of travel, guiding pedestrians into the crosswalk rather than into the middle of the intersection. This design is especially desirable to pedestrians with vision impairments.

Curb ramps and crosswalks should be clear of obstacles. Existing conflicting elements should be moved as opportunities and budgets allow. No new poles, utilities or other impediments should be placed in the curb ramp return areas. When a corner is retrofitted with new curb ramps, the crosswalk markings may have to be moved so that the curb ramp fully aligns within the crosswalk.

Intersections should have two perpendicular, ADA-compliant curb ramps per corner. Image: The RBA Group

Diagonal curb ramps are not desirable because they force pedestrians into the intersection and are more difficult for visually-impaired people to determine the correct crossing location and travel direction. Image: Arterial

Curb Extensions

Curb extensions narrow the roadway by providing an extension of the sidewalk area into the parking lane thereby reducing crossing distances and pedestrian exposure to motor vehicles. This design also brings pedestrians out from behind parked motor vehicles and helps pedestrians and drivers to better see each other. Smaller children who are often invisible behind parked motor vehicles and may take longer to cross the street would particularly benefit from curb extensions. For main streets, reducing the crossing time permits the green-light time for the major street traffic to be increased proportionately (AASHTO, 2009).

A curb extension also can slow turning vehicles and prevent drivers from parking on or near a crosswalk. Curb extensions must be designed to accommodate drainage. There are cases where curb extensions may not be needed or desirable on every leg of an intersection, such as when the street is narrow, parking is not permitted, or the curb would interfere with a bicycle lane or the ability of fire trucks or other large vehicles to negotiate a turn (AASHTO, 2009).

A mid-block storm-water curb extension example, Route 45 in Woodbury, NJ. Image: NJDOT

A median with a staggered crosswalk forces pedestrians to turn and face oncoming traffic before crossing the second half of the crosswalk. In order to curtail shortcutting and force pedestrians to follow the intended path, some medians may also have attractive fencing to corral pedestrians in the correct direction. Image: Oregon Department of Transportation

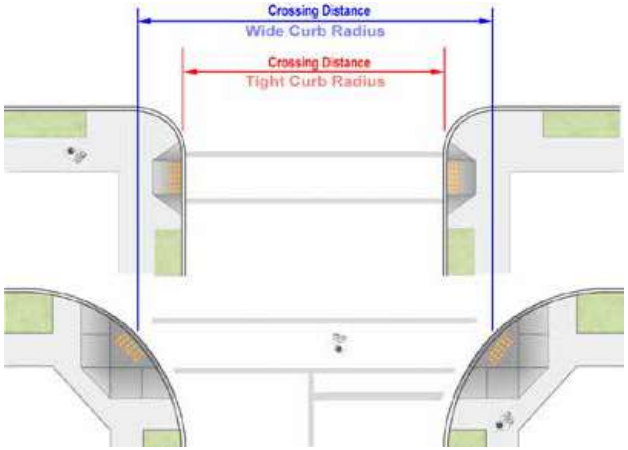
Pedestrian Refuge Islands and Medians

Medians and islands help pedestrians cross streets by providing refuge areas that are physically separated from the automobile path of travel. A median separates opposing lanes of traffic, while an island is a protected spot within a crosswalk for pedestrians to wait to continue crossing the street or to board transportation such as a bus. Medians and islands reduce the crossing distance from the curb and allow pedestrians to cross during smaller gaps in traffic. Medians and islands are useful to pedestrians who are not able to judge distances accurately. Medians and islands also help people with slow walking speeds cross long intersections with short signal cycles. These benefits are especially important for children, who tend to cross streets more slowly and have less experience with crossings than adults. Because medians and islands separate traffic into channels going in specific directions, they require crossing pedestrians to watch for traffic coming in only one direction at a time.

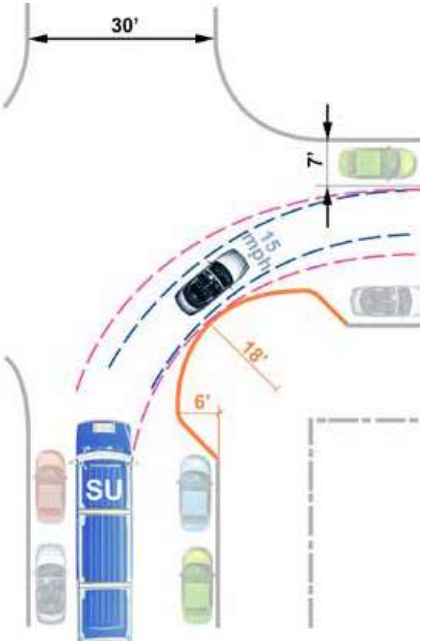
Tight Curb Radii

Reducing the curb radius "extends" the curb/sidewalk into the intersection. This design decreases the number of crash conflicts by reducing the speed of the turning vehicles and allows for the pedestrian to see and be seen. It also shortens the crossing distance so the pedestrian spends less time in the street with less exposure to conflicts with motor vehicles.

The *Safe Routes to School Guide* states that when designing curb radii, consider the area motor vehicles actually need when turning. In other words, the needs of all road users including pedestrians, bicyclists, buses, trucks and cars should be considered in designing or retrofitting corner turn radii. Instead of assuming that every corner needs to be cut back, look at other factors such as on-street parking and bicycle lanes to determine how much space a turning motor vehicle will need. The effective radius should take into account, the width of parking lanes and bicycle lanes on both streets. Large trucks do not need to stay on their half of the street when turning onto local streets. There is no need to design for the largest vehicle that might ever use a street, especially for residential streets within neighborhoods.



Crossing Distance (Wider vs. Tighter Curb Radii); Image: The RBA Group



Single Unit (SU) Truck Turning Radii vs. Personal Car Turning Radii. Image: The RBA Group

Parking Restrictions

In New Jersey, parking is not permitted within 50 feet of a stop sign or within 25 feet of a crosswalk, unless a curb extension exists at the crosswalk (N.J.S.A. 39:4-138). According to the National Center's *Safe Routes to School Guide*, restricting parking at corners will improve visibility of the crossing for both drivers and pedestrians. The *Guide* states that, at a minimum, 30 feet should be kept clear in advance of marked crosswalks to help pedestrians and drivers see each other better. While distances greater than 30 feet are generally better, parking restrictions have to be balanced with the need of the motorists. For example, if parking is severely restricted or completely removed near schools, motorists may ignore all parking restrictions.

Image: The RBA Group

Pedestrian and Bicycle Bridges and Underpasses

There are locations where a pedestrian bridge or underpass is the only way for pedestrians and bicyclists to safely cross the road, such as when children would otherwise be forced to cross freeways or major multi-lane arterial streets to get to or from school. According to the Federal Highway Administration's (FHWA) Designing Sidewalks and Trails for Access Guide, pedestrian bridges and underpasses are most efficient in areas where pedestrian attractions such as shopping centers, large schools, recreational facilities, parking garages and other activity centers are separated from pedestrian generators by high-volume and/or high-speed arterial streets. However, the benefits of bridges and underpasses must be weighed against their substantial costs, which can be $2 million or more. The convenience of bridges and underpasses should also be considered. They require the pedestrian to change elevation and expend energy, and they may require pedestrians and bicyclists to follow an indirect path. As a result, there may be some resistance to using them. Some schools station crossing guards at such facilities to ensure that students use them.

A pedestrian bridge connects Millburn Middle School with the athletic fields across Old Short Hills Road (CR 527). The bridge also serves as a gateway to downtown. Image: Bing Maps

An RRFB signal has been installed in Atlantic County at the intersection of Old Tilton Road (NJ 687) and the Linwood Bikepath. Image: The RBA Group

Rectangular Rapid Flashing Beacons (RRFB)

Rectangular rapid flashing beacons (RRFBs) are active warning devices used to alert motorists of crossing pedestrians at uncontrolled crossings. They remain dark until activated by pedestrians, at which point they emit a bright, rapidly flashing yellow light, which cautions drivers to stop. The Manual on Uniform Traffic Control Devices (MUTCD) suggests that RRFBs can significantly increase yielding rates over standard pedestrian warning signs, thereby increasing pedestrian safety.

RRFBs should be installed on both the right and left sides of the crosswalk, or in a median if available; however, because decreased effectiveness may result from overuse, RRFBs should be limited to locations with the most critical safety concerns, such as pedestrian and school crosswalks with uncontrolled vehicle approaches. RRFBs have received interim approval from FHWA (pending their formal inclusion in the MUTCD) under Section 1.A.10 of the 2009 MUTCD; however, jurisdictions wishing to use them must inform FHWA prior to installing them on any roadway.

HAWK Signals

The pedestrian hybrid beacon (also known as the High intensity Activated crossWalK (or HAWK)) is a pedestrian-activated warning device located on the roadside or on mast arms over midblock or unsignalized pedestrian crossings. The beacon head consists of two red lenses above a single yellow lens. The beacon head is "dark" until the pedestrian desires to cross the street. At this point, the pedestrian will push an easy to reach button that activates the beacon. After displaying brief flashing and steady yellow intervals, the device displays a steady red indication to drivers and a "WALK" indication to pedestrians, allowing them to cross a major roadway while traffic is stopped. After the pedestrian phase ends, the "WALK" indication changes to a flashing orange hand to notify pedestrians that their clearance time is ending. The hybrid beacon displays alternating flashing red lights to drivers while pedestrians finish their crossings before once again going dark at the conclusion of the cycle.

The pedestrian hybrid beacon is a potential solution for midblock or unsignalized crossing locations where neighborhoods are located on the opposite side of a wide or busy street from a school. It is often difficult to get drivers to stop or yield to pedestrians at uncontrolled crossings on high volume, high speed, or multi-lane roadways, even if crosswalk markings and advance pedestrian warning signs are installed. At the same time, there may not be enough pedestrians crossing to warrant a full traffic signal. The warrants for the pedestrian hybrid beacon are much easier to meet, compared to the warrants of a full traffic signal.

Pedestrian hybrid beacons should only be used in conjunction with a marked crosswalk. In general, they should be used if gaps in traffic are not adequate to permit pedestrians to cross, if vehicle speeds on the major street are too high to permit pedestrians to cross, or if pedestrian delay is excessive. Transit stops and school locations may be good places to consider using the pedestrian hybrid beacon. Chapter 4F of the MUTCD contains a section on the pedestrian hybrid beacon and when and where it should be installed. Practitioners should follow the MUTCD guidelines.

Since the pedestrian hybrid beacon is a traffic control device many people are not yet familiar with, effort should be made to perform outreach to the public before implementation so there is no confusion about how the beacon operates and what drivers and pedestrians should do when encountering it.

HAWK Signal across Route 27 to the Metropark Train Station. Image: NJDOT


Pedestrians utilizing the HAWK signal to get to the Metropark Train Station. Image: NJDOT

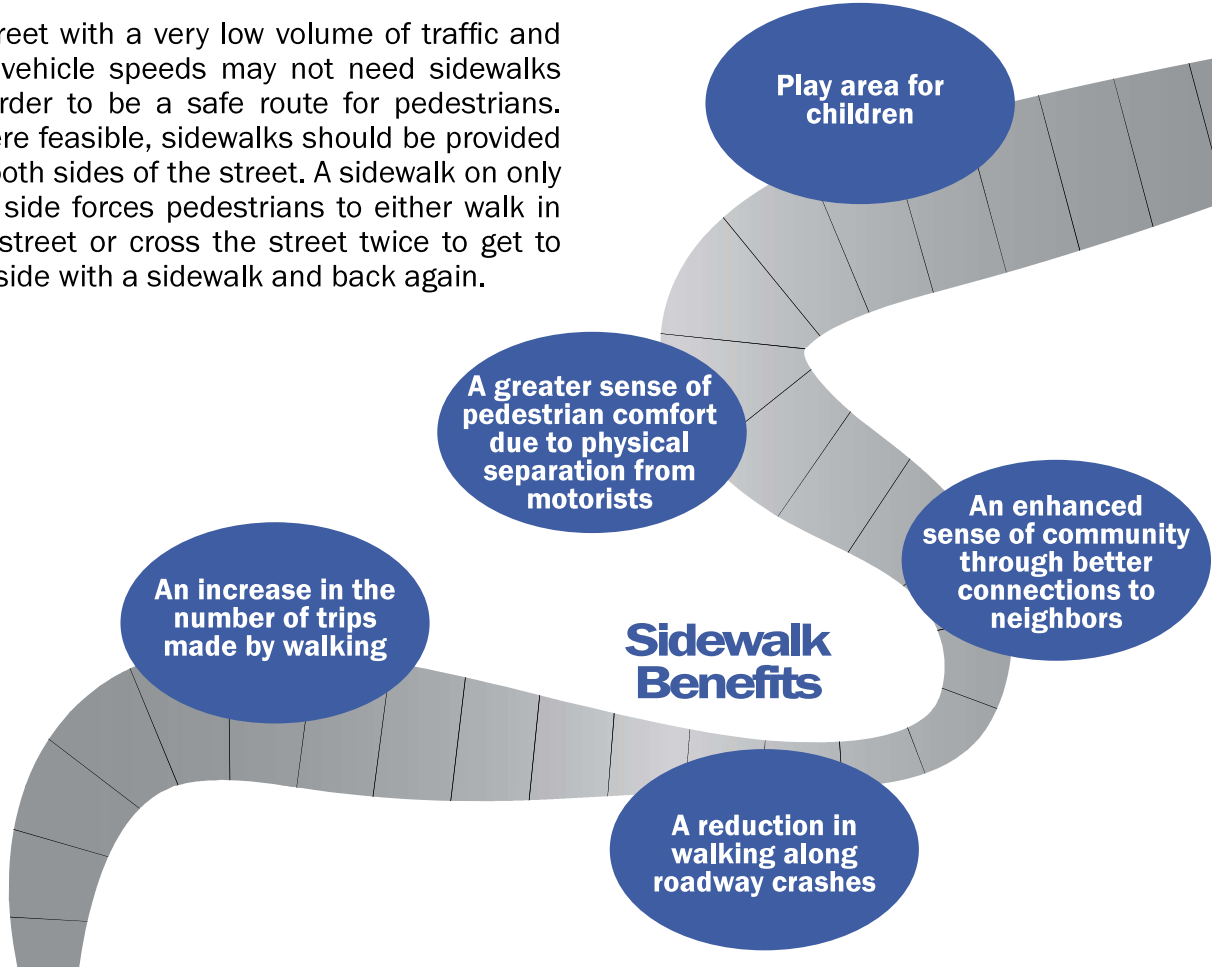
Chapter 6: Along the Street

This section describes the types of infrastructure that should be in place along school routes to make walking and bicycling to school safer.

Sidewalks

In communities with sidewalks, it is often more convenient to choose walking as a transportation mode or a recreational activity. For children, sidewalks provide an essential environment for safe, independent mobility. In addition, sidewalks can provide a safe, communal play area for a variety of games and activities including drawing with chalk, playing hopscotch, and learning to bicycle or roller skate, among others.

Most sidewalks in New Jersey are constructed by landowners as part of the development process. They may also be built by a state, county, or local agency in connection with roadway construction or reconstruction or as an independent project. The State's Residential Site Improvement Standards (RSIS) set forth sidewalk requirements for residential development in the state. No comparable set of standards exists for non-residential developments. Streets that do not have sidewalks, particularly those on routes where children walk or bicycle to school, should be identified and assessed to determine if retrofitting these streets with sidewalks is appropriate. It is possible that a street with a very low volume of traffic and low vehicle speeds may not need sidewalks in order to be a safe route for pedestrians. Where feasible, sidewalks should be provided on both sides of the street. A sidewalk on only one side forces pedestrians to either walk in the street or cross the street twice to get to the side with a sidewalk and back again.



Considerations for Sidewalks

Sidewalk Surface Types

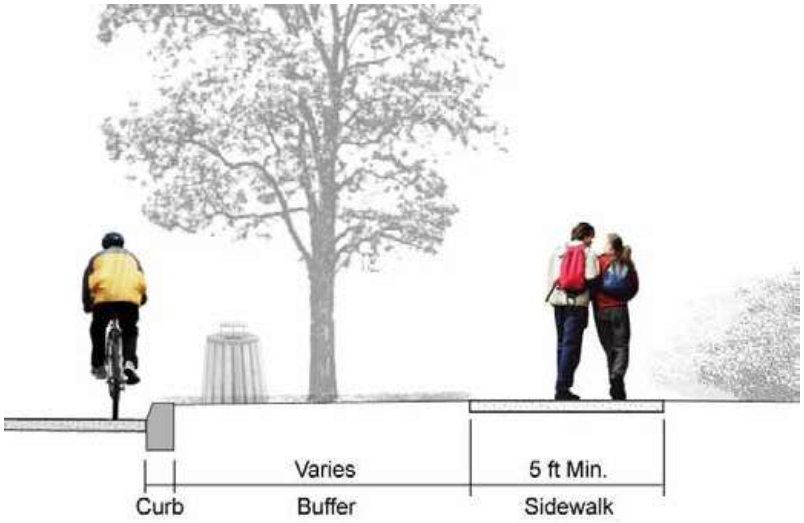
Sidewalks can be surfaced with a variety of materials to accommodate varying budgets and contexts. While urban, suburban, and heavily used sidewalks are typically made of concrete, less expensive walkways may be constructed of asphalt, crushed stone, or other materials if they are properly maintained and accessible (usable by those with disabilities or those pushing carts or strollers). Concrete is more expensive than asphalt to install, but it lasts longer and requires less maintenance, which may make it a better value in the long run. Although brick pavers may appeal to some designers, they can require more maintenance and create a tripping hazard condition. Pavers may also pose a problem to pedestrians in wheelchairs if the bricks settle or become lifted. Safe sidewalk surfaces should be firm, stable, and slip-resistant.

Examples of concrete, asphalt and brick paver sidewalks.

Sidewalk Width

The width of a sidewalk depends primarily on the number of pedestrians who are expected to use the sidewalk at a given time — high-use sidewalks should be wider than low-use sidewalks. Per the Federal Highway Administration's (FHWA) Recommended Guidelines/Priorities for Sidewalks and Walkways, a sidewalk width of five feet is needed for two adult pedestrians to comfortably walk side-by-side; all sidewalks should be constructed to be at least this width. Near parks, schools, and other major pedestrian generators sidewalks should be eight to ten feet wide.

Every attempt should be made to locate streetlights, utility poles, sign posts, fire hydrants, mail boxes, parking meters, bus benches, and other street furniture out of the sidewalk. When that is not possible, sidewalk furnishings and other obstructions should be located consistently so that there is a clear travel zone for pedestrians with vision impairments. A wider sidewalk should be provided to accommodate this line of obstructions.



Sidewalk cross section. Image: The RBA Group

Sidewalk Buffer Zones

Buffers between pedestrians and motor vehicle traffic are important to provide greater levels of comfort, security, and safety to pedestrians. In general, there are four types of sidewalk buffers:

1. Planting strip of grass and trees - This is the preferred buffer as it provides a more pleasant, shaded environment for walking.
2. Bicycle lane –Whether or not a planting strip is possible, a bicycle lane can provide or add to an acceptable buffer between pedestrians and motor vehicles.
3. Parked cars –Parking spaces, especially when parked vehicles are present, provide a great buffer between pedestrians and moving vehicles; however, parked cars also create a visual screen for motorists who are not looking for pedestrians that want to cross midblock.
4. Street furniture - Examples include benches, newspaper boxes, street lighting, and public art.

Sidewalk with a planting strip. Image: The RBA Group

If a sidewalk buffer does not exist, an effort should be made to provide a wider sidewalk. A wider sidewalk allows pedestrians to better avoid the splash zone (area subjected to spray from vehicles traveling through water). It also provides a snow storage area and a more comfortable separation between moving vehicles and pedestrians.

Guidelines for sidewalk buffers are available in the FHWA's Designing Sidewalks and Trails for Access (Section 4.1.2) at www.fhwa.dot.gov/environment/sidewalk2/sidewalks204.htm and AASHTO's Guide for the Planning, Design, and Operation of Pedestrian Facilities (Section 3.2.4).

Other Sidewalk Design Considerations

- The distance between the sidewalk surface and the bottom of signs placed in or right next to the sidewalk shall be at least seven feet to avoid injury to pedestrians.

- Bushes, trees, and other landscaping should be maintained to prevent encroachment into the sidewalk. Jurisdictions should adopt ordinances requiring local property owners to trim the landscaping along their frontage to maintain clear and unobstructed sidewalks.

- Per FHWA guidelines, guy wires and utility tie-downs should not be located in or across sidewalks at heights below seven feet. When placed adjacent to sidewalks or pedestrian walkways, the guy wires should be covered with a bright yellow (or other high-visibility) plastic guard to make the wire more visible to pedestrians. Guy wires of any color will not be visible to blind pedestrians and must not be located within the pedestrian route.

Girls walking in downtown Somerville. Image: Arterial

- Bus shelters should be located between the sidewalk and the street, or between the sidewalk and adjacent property, so that waiting passengers do not obstruct the flow of pedestrians along the sidewalk. Benches and other street furniture should be placed outside the walking paths to maintain the accessibility of the walkway and to provide good pedestrian service. In addition, curb ramps should be provided at bus stops because it is not always possible for the bus to pull close enough to the curb to deploy a lift.

- Street lighting improves pedestrian visibility and personal security and should be provided on school access routes. On streets with a large number of trees, street lighting scaled to pedestrians (low lights) illuminates the sidewalks even after the trees grow quite large. Street lighting improves safety by allowing pedestrians and motorists to see each other. It also contributes to aesthetics. Two-sided lighting should be considered along wide streets. Two-sided lighting consists of two light fixtures on one light pole. One fixture illuminates the roadway and the other illuminates the sidewalk or pedestrian realm. It is especially important to provide lighting at pedestrian crossings. Lighting can also be helpful along streets adjacent to the school grounds to minimize vandalism and improve security. While most school walking activity occurs during daylight hours, the morning school trip in the middle of winter often occurs during hours of darkness, and school activities often occur during nighttime hours.

On-Street Bicycle Facilities

Bicycling is an important way for children to travel to and from school. Bicycling can help students who live too far from school to walk comfortably to participate in active transportation. An important thing to remember is that the use of on-street facilities is more appropriate for older children who have sufficient bicycle handling skills and knowledge of bicycle and traffic safety rules than it is for young children just learning to ride.

A considerable amount of all bicycling occurs on the street system, and for children especially, most will occur in the streets near where they live. Children of all ages will bicycle to school if given the opportunity. When designating bicycle routes to encourage bicycling to school, all age groups should be targeted including elementary, middle, and high school students.

A bike train arriving at Thorton Creek Elementary School in Seattle, WA. Image: walkbikeschools.wordpress.com

Bicycle Lanes

Bicycle lanes provide a striped and stenciled lane for one-way bicycle travel on roadways. Bicycle lanes offer a comfortable space for older or more experienced children to ride. Typically, bicycle lanes are installed on roadways with higher traffic speeds and volumes than residential streets. Where the lane is directly serving a school, however, communities may elect to stripe bicycle lanes on low-traffic residential streets in order to provide an additional level of visibility for younger bicyclists. Per the Safe Routes to School Guide from the National Center for SRTS:

- Bicycle lanes located next to motor vehicle parking should be at least five feet wide.
- The preferred width of bicycle lanes next to a curb is also five feet, although four feet, excluding the gutter pan, may be adequate.
- Bicycle lanes should not be wide enough to accommodate a motor vehicle as drivers may attempt to use a wide bicycle lane as a travel lane.
- Bicycle lanes should be designated through the use of signs or painted symbols and, if appropriate, motor vehicle parking restrictions.

A newly striped bicycle lane on Diesterweg Street in Egg Harbor. Image: NJDOT

Shared Lane Markings

Shared Lane Markings (SLM) (sometimes known as "sharrows") are placed in a travel lane to indicate that motorists and cyclists are sharing the road. Sharrows assist cyclists by helping them to position themselves in the appropriate part of the travel lane, away from the curb, or, where there is parking and opening of car doors. They also help motorists by alerting them that cyclists are likely to be using the lane with them. Shared lanes are different than a dedicated bike lane, which has a solid white line separating the car lane from the bike lane. Sharrows are used when the roadway width in insufficient for a dedicated lane.

Newly-installed "sharrow" in Hoboken.
Image: The RBA Group

According to the National Safe Routes to School Guide, SLMs should not be placed on roadways that have a speed limit above 35 mph and cannot be placed on road shoulders or in designated bicycle lanes. Information on Shared Lane Markings, including proper placement, can be found in Section 9C.07 of the 2009 Manual on Uniform Traffic Control Devices (MUTCD).

Paved Shoulders

Paved shoulders benefit both bicyclists and drivers. They provide a place for bicyclists to ride that is removed from the motor vehicle travel lane and reduce the likelihood of crashes from run-off-the-road motor vehicle crashes. Providing shoulders on existing roadways or including them in new roadway projects can also be justified by the safety benefit provided to drivers of motor vehicles. While pedestrians can walk along them, shoulders should not be considered a good substitute for sidewalks in urban areas. Per the FHWA's Recommended Guidelines/Priorities for Sidewalks and Walkways, a five-foot wide shoulder is acceptable for bicyclists along low-volume rural highways. Greater width, up to eight to ten feet, is desirable along high-speed highways, particularly those with a large number of trucks. An edgeline should be marked to separate the shoulder from the roadway.

Burlington County has been striping 6-inch edge lines on shoulders along roadways with high bicyclist and pedestrian use, including this section of County Route 528 in a school zone in Bordentown Township.
Image: NJDOT

Multi-Use Paths

Multi-use paths, sometime known as shared-use paths, are parallel and adjacent to a roadway or on their own separated right of way and add to the connectivity of the pedestrian and bicycle network. Paths can sometimes connect neighborhoods directly with schools and thereby, shorten the distance children must walk or bicycle. However, paths must be designed properly, especially where they intersect roadways, to minimize the risk of pedestrian and bicyclist crashes. Guidelines for designing paths are available in the FHWA *Designing Sidewalks and Trails for Access Part 2* and in the American Association of State Highway and Transportation Officials' (AASHTO) *Guide for the Development of Bicycle Facilities, 2012 edition*.

Per AASHTO guidelines:

- The width of a multi-use path can range from 8 to 14 feet or more.
- Under most conditions, the recommended minimum width for a two-direction path designed for bicyclists and pedestrians is ten feet.
- When heavy pedestrian and bicycle traffic is expected, a path width of 12 to 14 feet is recommended.

According to the *Safe Routes to School Guide* from the National Center for SRTS:

- Abandoned rail lines and utility corridors often make excellent corridors for multi-use paths.
- Pavement for multi-use paths can be asphalt or concrete.
- Measures should be taken to keep motor vehicles off of the path, while maintaining access for maintenance vehicles.
- Agencies should monitor conditions along the path for maintenance and repair.

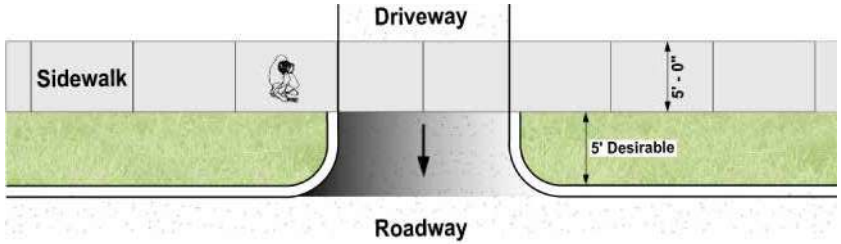
Students use a multi-use path to get to school in Chesterfield, NJ.
Images: NJDOT

Driveways

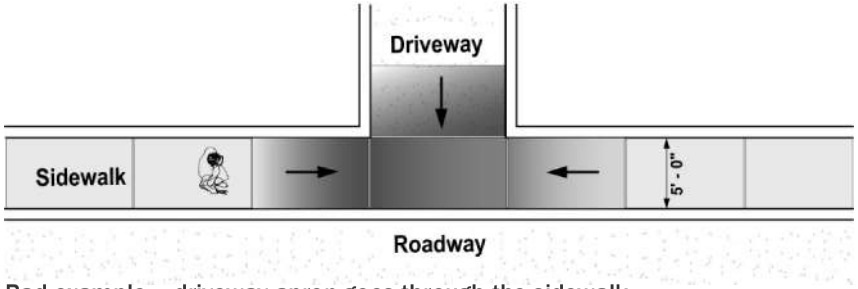
Designing driveway crossings for pedestrians can improve the walking environment, improve visibility and reduce conflicts between drivers and pedestrians. Reducing the number of driveways can make it easier for people with disabilities to access and walk on the sidewalk. Per the National Safe Routes to School Guide, the following principles should be applied to driveway design:

- The sidewalk continues across the driveway at the same elevation or level.
- The driveway apron does not go through the sidewalk.

Ramps may be necessary for pedestrians to cross the street at intersections but the rest of the sidewalk network should be continuous and at one level. Providing a level, continuous sidewalk not only brings the sidewalk up to the standards of universal access for persons in wheelchairs or on crutches, but also changes driver behavior. The driver exiting or entering such a driveway is more aware that they are crossing a sidewalk, will proceed more slowly and is more likely to stop. Fewer driveways and narrower driveway crossings provide improved pedestrian safety, especially in busy commercial zones. School walking routes should keep busy driveway crossings to a minimum. If young students are required to cross a busy school driveway, an adult should be assigned to monitor or direct the students at the driveway.



Good example - sidewalk continues across driveway apron.
Image: The RBA Group



Bad example – driveway apron goes through the sidewalk.
Image: The RBA Group

Wayfinding along School Routes

Wayfinding signage and markings provide direction to students and parents and mark roads as preferred travel routes. Wayfinding could include paint markings designating preferred corridors by color or markers, such as the one pictured to the right, that designate safe travel routes. These markings and signs also increase visibility of walking routes among the community and encourage more children to walk or bike to school. This guide recommends wayfinding markings or signage to be placed on primary school travel corridors.

Pavement markings indicate the school walking route in Trenton. Image: VTC

The Richmond Liberty Trail utilizes a blue compass marker to point visitors to the next historical site. Volunteers used stencils to paint the icons. Image: www.visitrichmondva.com

Fizzy the Dragon points the way for students on Walk and Bike to School Day in Chesterfield, NJ. Image: NJDOT

Carson City, NV marks its “Kit Carson Trail,” with a six-inch wide, blue skid-resistant surface line. Image: RVfor5.blogspot

The Windsor-Essex County, Canada Active and Safe Routes to School project provided signs for walking routes. Image: www.saferoutestoschool.ca/

Chapter 7: Traffic Calming

By design, traffic calming is a self-enforcing traffic management approach that forces motorists to alter their speed or direction of travel. The purpose of traffic calming is to improve safety, especially for pedestrians and bicyclists, and to improve the"livability" of streets for residents and visitors. Enhanced safety is one of the most fundamental benefits of traffic calming. By decreasing the volume and/or reducing the speed of motor vehicles, the number and severity of crashes is greatly diminished.

What techniques are used in traffic calming?

Traffic calming techniques may include education, enforcement, or engineering – "the three E's" – to shift traffic patterns and/or reduce speeds. Most traffic calming measures focus on engineering changes to alter driver behavior. Engineering techniques are the focus of this chapter. Traffic calming measures can generally be separated into three groups based on the goal they are trying to achieve: speed control, volume control, and safety enhancement. Volume control attempts to minimize motor-vehicle volumes or cut-through traffic through restricted turns, roadway closures or median barriers. Speed control measures include **passive** concepts such as gateways or streetscapes that change a driver's perception of a corridor as well as **active** concepts that force a driver to physically alter their travel path and slow down. Certain safety enhancements, such as in-pavement lighting or raised crosswalks, have the additional benefits of raising driver awareness and slowing traffic, and are typically implemented in combination with other traffic calming techniques. Education and enforcement programs should be considered before, and as a complement to, engineering efforts.

What does Traffic Calming do?

Passive traffic calming techniques can include visual prompts that give drivers the perception that they are entering a traffic-calmed area. Examples include streetscaping and/or landscaping, textured/colorized pavement, on-street parking, striped bicycle lanes or variable message signs with speed radar. Passive traffic calming also includes creating a physical environment where the driver slows down as a reaction to changes in the roadway. Examples include narrowed lanes, rumble strips, and on-street parking.

Active traffic calming could include vertical deflection, or raised roadway treatments that force the motorist to slow down, such as speed humps/tables, raised crosswalks, or raised intersections. Active traffic calming could also include horizontal deflection to limit the speed a vehicle can safely travel through an intersection or along a roadway, such as full or mini-roundabouts, chicanes, or center island medians. Lastly, active traffic calming could also include constrictions, or horizontal extensions that limit vehicle speed by narrowing the travel way such as curb extensions, neck downs, bulb outs, or pedestrian island refuges.

Effective traffic calming strategies often include using more than one measure. Traffic calming decisions should be made using a systematic approach. Measures should be appropriately spaced and any secondary effects of the installations must be considered.

There are several communities in New Jersey that have developed traffic calming programs or implemented traffic calming measures. These include: Hoboken, Maplewood, Fair Lawn, Woodbury, Haddonfield, Camden, Montclair, and Lawrence Township.

Pedestrian refuge in Lawrence Township, NJ. Image: NJDOT

> **Institute of Traffic Engineers**
>
> "Traffic calming is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users."

Types of Traffic Calming Measures Best Suited for School Zones

The following describes and illustrates various traffic calming measures which can be employed in and around school zones. In addition to describing the measures, a list of general benefits and drawbacks associated with each measure is also presented. The intent is to provide the reader with a quick indication of what might be expected if this measure is implemented.

Following the descriptions, a matrix provides a concise summary of the traffic calming tools.

Gateway

Description: A signing and/or landscaping treatment to alert motorists they are entering a lower speed environment and they should expect bicyclists and pedestrians. A gateway treatment can be used at entrances to school zones, neighborhoods, commercial areas, town centers, or busy places of activity. Gateways can be as simple as signs and landscaping. They are typically supplemented with other traffic calming measures such as bulb outs, public art and raised crosswalks.
Benefits: Can be visually aesthetic and heighten awareness. Creates a unique image for an area.
Drawbacks: Can require routine maintenance.
Costs: Varies

Gateway to Forest Hill School in Camden, NJ. Image: VTC

Stationary Radar Sign/ Speed Display Board/ Speed Feedback Sign

Description: Radar signs are interactive signs that draw motorists' attention to their speed and the road's legal speed limit. They work by informing motorists when they are exceeding the speed limit. They can be used in residential areas, school zones, construction zones, or other safety zones. Radar signs can be permanently mounted on signposts or temporary installations using self-contained trailers.
Benefits: Radar signs have proven to slow down traffic, even years after their initial installation. They are particularly effective on high volume arterials, where physical measures would restrict traffic flow, as well as local roads and in school zones.
Drawbacks: Radar signs do not slow traffic as much as physical measures. Motorists' compliance is voluntary. Enforcement is still necessary.
Costs: $5,000 - $15,000 each

Temporary speed feedback trailer in Jersey City, NJ. Image: The RBA Group

Permanent speed feedback sign in front of an elementary school in Delanco, NJ. Image: NJDOT

Pavement Marking/Stencil

Description: Pavement markings are another means to alert or inform a motorist of a condition or a potential situation. Painted lines and symbols need to be selected and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Some examples include: The word "SLOW" can be painted on a travel lane to encourage motorists to drive slowly and painted white edgelines can be used to visually narrow streets. Crosswalks can be used to alert motorists of pedestrian activity. Bicycle lanes can be striped and on-street parking can be delineated. Pavement markings are also used in conjunction with signs and other measures.

Benefits: Low cost and easy to install. Can increase motorist awareness of pedestrians and bicyclists.
Drawbacks: Requires regular maintenance. Not visible with snow-covered roads.
Costs: Low

SLOW SCHOOL ZONE pavement marking in Ridgewood, NJ.
Image: The RBA Group

Textured and Colored Pavement

Description: Paving materials such as brick, cobbles, stamped concrete or concrete pavers can be used to delineate separate space for pedestrians or bicyclists. The variety of color and texture signal to drivers that they are traveling in a pedestrian-centric zone. Some projects include colored and textured pavement along the entire calmed roadway. However, limiting the special pavement to edges, such as on-street parking lanes or center line is preferred. Stamped concrete or concrete pavers are preferred to bricks or blocks for pedestrian zones or bicycle paths because they offer a smoother travel surface. Striping may still be necessary to maximize visibility for motorists in inclement weather or darkness.
Benefits: Textured pavements attract the driver's attention visually, audibly, and physically and are ideal for residential and neighborhood shopping areas. They are permanent and effective and can add to the aesthetic identity of a neighborhood.
Drawbacks: Some materials, particularly cobblestones, present a hazardous riding surface to bicyclists and may be uncomfortable for pedestrians, especially those in wheelchairs. Loose or uneven installations of paving stones pose a tripping hazard to pedestrians and should be regularly inspected, increasing maintenance costs over ordinary asphalt or concrete pavement.
Costs: Low to Moderate. Costs vary depending on materials used and size of paving area.

Textured crosswalk in Montclair, NJ.
Image: The RBA Group

Landscaping

Description: Landscaping defines pedestrian and vehicle areas, reduces the visual width of the roadway, and provides a more pleasant street environment for all. Landscaping can include trees, bushes and/or planters which can be planted in the buffer area between the sidewalk and the street. Landscaping is often used in conjunction with other traffic calming measures such as roadway narrowing, traffic islands, and sidewalk improvements.
Benefits: Landscaping increases motorists' awareness and can help define a neighborhood identity. Its installation is long term and increases the quality of life of a community.
Drawbacks: Depending on the design, the installation and maintenance costs can be high. Maintenance costs can be minimized by choosing appropriate plants and providing adequate space for them to grow.
Costs: Moderate to high - varies depending on scale and materials/ plantings

Landscaped buffer in Jersey City, NJ. Image: The RBA Group

Rumble Strips

Description: Rumble strips are raised buttons or grooves closely spaced on the roadway surface to create noise and vibration. They are typically installed to alert drivers of an upcoming curve or speed change. They are also commonly placed in the shoulders of freeways to alert drivers who might veer or drift off the road. They are also placed in the centerline area to alert drivers who may be drifting into oncoming traffic.
Benefits: Rumble strips are a permanent method to alert motorists they are entering an area with high pedestrian activity or other safety concerns. They do not require any additional right of way and their installation does not disrupt existing traffic patterns. They are inexpensive.
Drawbacks: Rumble strips are effective only through the noise and vibration they create. This same noise and vibration are their biggest detraction, particularly in residential areas. Drivers can more easily ignore rumble strips than other calming methods that vertically or horizontally deflect vehicles. Without adequate signage, rumble strips could startle motorists, potentially creating a hazardous condition. They also require increased maintenance; particularly during roadway re-paving.
Costs: $7 - $10/foot

Rumble strips in Newark, NJ. Image: The RBA Group

Signage

Description: Traffic signs can be used to alert or inform motorists of a condition or a potential situation. Signs need to be selected and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Speed limit signs, pedestrian/bicycle/school crossing signs, and in-street pedestrian crossing signs have been used by municipalities to warn motorists of high pedestrian activity, and can help to reduce speeds. Signs are also used in conjunction with other measures such as pavement markings.
Benefits: Can be low cost. Increases awareness.
Drawbacks: Can clutter the roadway especially on residential streets. In-street signs may get hit or may need to be removed at night and placed back during the day. Overall effectiveness can vary.
Costs: Varies, depending on type and amount of signage.

In-Street Stop for Pedestrians Sign with SCHOOL plaque mounted above the sign in Glen Ridge, NJ.
Image: The RBA Group

Narrowed Lanes

Description: Studies have shown that wider travel lanes allow for faster vehicular travel speeds. Conversely, drivers naturally go more slowly when navigating narrow travel lanes, providing a more subtle calming effect than other physical calming methods. Visually narrowing travel lanes using paint while leaving a several foot shoulder that emergency vehicles or cyclists can utilize, effectively provides a narrow lane for motorists and a wider lane for emergency vehicles and law enforcement. Lanes can also be physically narrowed by providing on-street parking on one, or both, sides or by adding bollards, planters, or bike lanes. Narrowing traffic lanes makes slower speeds seem more natural to drivers and less of an artificial imposition, as opposed to other physical treatments that compel lower speeds or restrict route choice.

Benefits: Excess right-of-way can be shifted to providing wider sidewalks, bicycle lanes, or on-street parking. Simple roadway restriping to achieve roadway narrowing is inexpensive.
Drawbacks: Without other provisions for bicyclists, the narrower road may increase motor vehicle/bicycle conflicts.
Costs: Varies depending on method of narrowing the roadway.

Narrowing the travel lanes on River Road in Hudson County, NJ allowed room for bike lanes. Image: NJ.com

Hoboken's Traffic Calming Toolkit

In 2011, the City of Hoboken prepared a Traffic Calming Toolkit to provide residents and community leaders with information about the City's Traffic Calming Policy, to highlight common traffic calming measures, and to explain the protocol used in selecting the most appropriate measures for each application. For more on the City's Traffic Calming Program, visit www.hobokennj.org/departments/transportation-parking/traffic-calming-toolkit/.

Hoboken's Traffic Calming Decision Making Process

Step 1 — Department of Transportation and Parking reviews traffic calming requests and conducts data collection and evaluation.

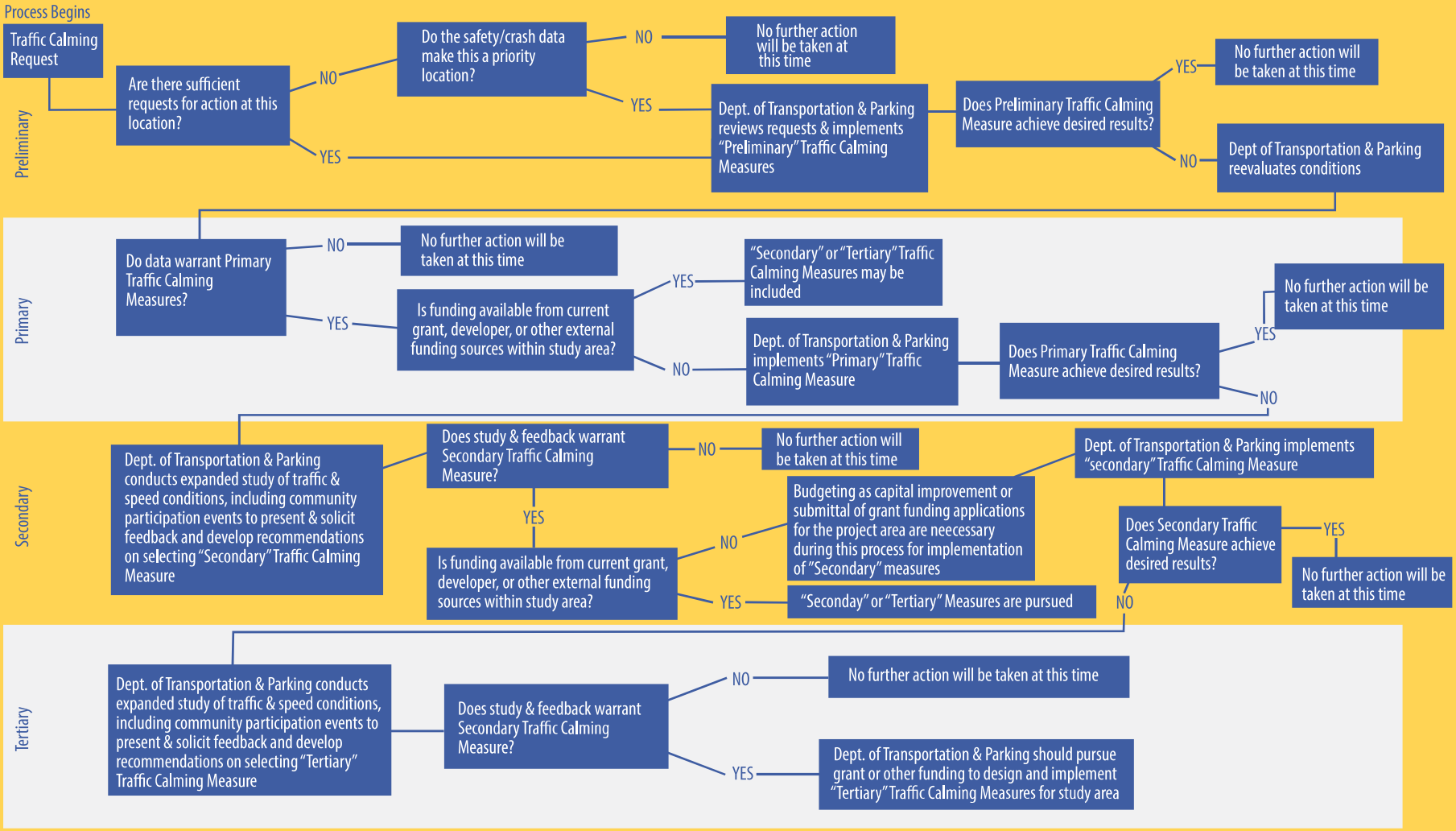
Step 2 — If poor conditions are found, the Department of Transportation and Parking will consider implementation of "**Preliminary**" *(enforcement operations, general education campaigns, repainting pavement markings, lane narrowing striping, signs)* or "**Primary**" *(changes to speed limits, informational signs, bike lanes)* Traffic Calming measures.

Step 3 — If after further evaluation poor conditions continue to persist, the Department of Transportation and Parking will conduct an expanded study of traffic and speed conditions, including community participation events, to present and solicit feedback and develop recommendations for "**Secondary**" *(changes to lane and/or parking configurations, speed humps, mini roundabouts)* Traffic Calming measures. Budgeting as capital improvement or submittal of grant funding applications for the project area is necessary during this process for implementation of "Secondary" measures.

Step 4 — If the above efforts do not result in desirable results, the Department of Transportation and Parking will pursue grants or other funding sources to design and implement "**Tertiary**" *(raised crosswalks, curb extensions, chicanes)* Traffic Calming measures for the project area.

The following flow chart below represents the steps in the City's traffic calming decision making process.

Hoboken's Traffic Calming Toolkit



Speed Humps

Description: Speed humps are rounded, raised areas across the roadway that cause vehicles to reduce speeds. They are usually found on neighborhood streets (low-volume), not on major roadways or primary emergency vehicle routes. Speed humps should terminate before the gutter pan, so as to not interfere with proper storm water drainage. They are sometimes broken up to allow a clear path for bicyclists, and include signage and paint markings so that they are visible.
Benefits: Speed reduction. Relatively low-cost. Easy to test.
Drawbacks: Increased roadway noise. Increased maintenance costs. Requires additional costs for signage. Extra care is required when snowplowing.
Costs: Varies depending on material ($1,000 - $12,000 each)

Speed hump in front of an elementary school in West Orange, NJ. Image: The RBA Group

Raised Crosswalks

Description: Raised crosswalks are elongated speed humps that feature a marked crosswalk at the same elevation as the adjacent sidewalks. Crosswalk markings or contrasting crosswalk materials (pictured) show this element is also a crosswalk. As both a marked crosswalk and a traffic calming element, raised crosswalks provide a superior safety advantage to pedestrians. They can be found at intersections or mid-block and should only be used in high pedestrian travel areas. They are most appropriate on streets with only moderate traffic (<10,000 trips/day). This type of facility is particularly effective where heavily used trails cross roadways.
Benefits: Speed reduction. Increase visibility of and for pedestrians.
Drawbacks: Noise. Maintenance. Need for signage
Costs: Moderate ($2,000 - $15,000 each)

Raised crosswalk at Somerville School in Ridgewood, NJ. Image: The RBA Group

Raised Intersections

Description: Raised intersections are raised areas of roadway, including crosswalks that are higher than the surrounding roadway approaches. Like speed humps, they deflect both the wheels and frame of traversing vehicles. The entire intersection is at sidewalk grade, putting pedestrians and vehicles on the same plane.
Benefits: Speed reduction. Improved safety. Reduction in cut-through traffic. The gentle ramps that lead to the intersection are designed to avoid damage to large vehicles and emergency response vehicles.
Drawbacks: Increased roadway noise. Higher maintenance costs. Required signage costs and aesthetics.
Costs: High ($50,000 - $200,000 each)

Raised intersection, Haddonfield, NJ. Image: VTC

Mini Roundabouts / Mini Traffic Circles

Description: Another variation used in residential traffic calming is the mini traffic circle, which is a raised circular islands constructed in the center of residential or minor street or intersections. These are generally not intended for use where one or both streets are arterial streets. Motorists must reduce speed to maneuver around the circle, which helps reduce the frequency and severity of crashes. Mini-circles are commonly landscaped, most often at locations where the neighborhood has agreed to maintain the plants. In locations where landscaping is not feasible, traffic circles can be enhanced through specific pavement materials. Mini-circles are an intersection improvement as well as a traffic-calming device and can take the place of stop or yield signs.
Benefits: Slows traffic. Reduces cut-through traffic. Can provide a gateway or identity to a neighborhood. Does not alter the path of pedestrians or bicyclists.
Drawbacks: In some cases, design techniques may be employed to mitigate impacts on emergency access, for example, by providing mountable curbs or aprons at the edges of traffic circles or medians. A single roundabout used in isolation will not significantly calm traffic. A coordinated system of multiple traffic circles or other calming measures is preferred.
Costs: $6,000 - $12,000 each

Mini traffic circle in Westfield, NJ. Image: The RBA Group

Chicanes

Description: A chicane is a set of two or more alternating curb extensions or islands that narrow and realign the roadway for short segments. Since the street is no longer straight, drivers must slow down to negotiate the roadway. Two-way traffic and full access for larger vehicles and emergency services can be maintained. A chicane effect can be created using various methods, including concrete curbs, landscaped areas or alternating diagonal and parallel parking.
Benefits: By creating a slalom effect, chicanes reduce vehicle speeds and discourage cut-through traffic. These methods can improve the appearance and function of the street.
Drawbacks: Concrete chicanes complicate street maintenance and storm water drainage. Must be able to maintain required clearances for emergency vehicle and bus access.
Costs: $10,000 - $30,000 (paint versus physical diverter)

Roadway with a chicane. Image: VTC

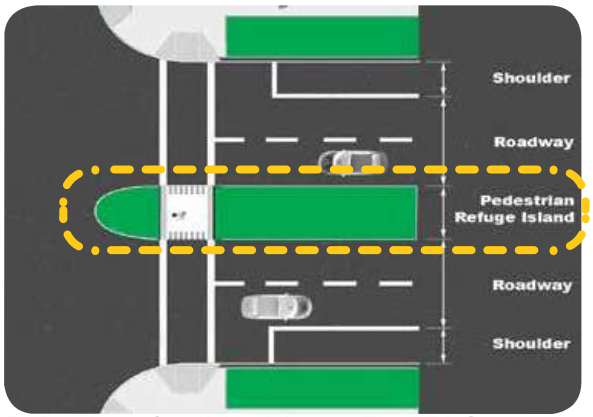
Curb Extensions / Bulb Outs

Description: Curb extensions or bulb outs narrow the roadway by extending the curb at key intersections and mid-block locations.
Benefits: Slows traffic. Reduces turning speeds. Increases pedestrian safety by reducing crossing distance and increasing pedestrian visibility. Can be lengthened to create landscaped areas or transit stops.
Drawbacks: Relatively high initial costs. Potential loss of on-street parking. Increased maintenance costs. Complicates plowing and street sweeping operations. Can hinder drainage.
Costs: $2,000 - $20,000 each, depending upon size and material

Curb extension in front of the middle school in Maplewood, NJ.
Image: The RBA Group

Pedestrian Refuge Islands

Description: Concrete or landscaped islands typically located down the center of a roadway or at a roadway entrance.
Benefits: Landscaped or concrete traffic islands and medians can reduce speeds by narrowing drivable travel lane widths. They can improve pedestrian accommodation by providing a mid-block pedestrian refuge at crossings. They complement improved crosswalks and reduce pedestrian crossing width. They can be used to provide a visual enhancement or gateway to promote neighborhood identity.
Drawbacks: Traffic islands and medians may reduce parking and driveway access, and the narrower road may also increase motor vehicle/bicycle conflicts.
Costs: Varies depending on length, materials and right-of-way availability ($4,000 - $30,000)



Pedestrian refuge island. Image: The RBA Group

Roadway Closures

Description: The most extreme form of traffic diversion, a permanent roadway closure interrupts the traffic grid pattern by creating dead-end or cul-de-sac street segments. A street closure is accomplished by installing a physical barrier that blocks a street to motor vehicle traffic and provides some means for vehicles to turn around. Full street closures should be used only in the rarest of circumstances. Neighborhoods with cul-de-sac streets require extensive out-of-the-way travel, which is not a mere convenience issue, but has serious implications for impacts on other streets. If a street closure is done, it should always allow for the free through movement of all pedestrians, including wheelchair users, and bicyclists. Local emergency services should be consulted when planning a roadway closure.
Benefits: This treatment works very well where all other calming attempts have failed.
Drawbacks: Street closures divert all through traffic onto other nearby roadways in the network.
Costs: High ($30,000 - $100,000), varies depending on materials, landscaping

This permanent roadway closure in Ocean City, NJ preserves bicycle and pedestrian access. Image: The RBA Group

Diverters

Description: Several types of diverters, such as semi-diverters and diagonal diverters, may be used to restrict traffic flow and discourage cut-through traffic. Diagonal diverters, also called turning movement diverters, can be installed at the intersection of a neighborhood street with a major street or collector to prevent cut–through traffic. They prevent straight–through movements and allow right turns only into and out of the neighborhood.
Benefits: Diverters reduce through traffic without preventing pedestrian access. They can also be designed to allow bicycle and emergency vehicle traffic.
Drawbacks: Do not work well on arterials, highways, other main roadways and transit routes.
Costs: $15,000 - $45,000, depending on the type of diverter and the need to accommodate drainage

This landscaped median along Haven Avenue in Ocean City, NJ allows right turns only for motor vehicles. Image: The RBA Group

Turn Restrictions

Description: This treatment uses signage to restrict certain turns at intersections to influence travel patterns. For example, a "No Left Turn" sign at an intersection is intended to prevent left turns. This measure is applicable on streets where cut-through traffic exists. This method can be tailored to be applicable during the most problematic times by defining a time period for the restriction.
Benefits: Low cost.
Drawbacks: This treatment does not work well for high-volume intersections with many turning movements, because it is difficult to enforce.
Costs: Low

Turning right on red is restricted during school hours at this intersection. Image: The RBA Group

Temporary Circulation Changes (Street Closures and One-Way Streets)

Description: Temporary street closures during student arrival and departure times can improve the efficiency and safety of the drop off and pick up of students at school. Temporary closures eliminate motor vehicles in areas congested with pedestrians, bicyclists, and perhaps buses. Another similar technique is to designate a street as one-way during arrival and departure time. Signs are essential for this method.
Benefits: Work well at densely developed neighborhood schools.
Drawbacks: This treatment may create traffic problems on other streets.
Costs: Low

Temporary roadway closure in front of the Bullock School in Montclair, NJ. Image: The RBA Group

Summary Matrix: Traffic Calming Measures for School Zones

This summary matrix lists the traffic calming measures described in this chapter and provides a brief description of each measure, the issue it is intended to address, what it is best used for and not intended to be used for, an idea of cost (where available), and other considerations regarding the measure.

Measure	Description	Issue	Best For	Not Used For	Costs	Considerations
Gateway	A signing and/or landscaping treatment to alert motorists they are entering a special area. Gateways are typically supplemented with other traffic calming measures.	Speed Reduction	Entrances to school zones, neighborhoods, commercial areas, town centers, or busy places of activity.	Isolated higher-volume arterials and highways	Varies	Generally expensive and can require routine maintenance.
Stationary Radar Sign / Speed Display Board / Speed Feedback Sign	Radar signs are interactive signs that draw motorists' attention to their speed and the road's legal speed limit. They work by informing motorists when they're exceeding the speed limit. They can be used in residential areas, school zones, construction zones, or other safety zones. Radar signs can be permanently mounted on signposts or temporary installations using self-contained trailers.	Speed Reduction	High volume and high speed arterials and highways; Residential areas, school zones, construction zones, or other safety zones	Streets where speeding is not a concern	$5,000 - $15,000 each	Radar signs do not slow traffic as much as physical measures. Motorists' compliance is voluntary. Enforcement is still necessary.
Pavement Marking/ Stencil	Painted lines and symbols need to be selected and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Some examples include: The word "SLOW" can be painted on a travel lane to encourage motorists to drive slowly and painted white edgelines can be used to visually narrow streets. Crosswalks can be used to alert motorists of pedestrian activity.	Speed Reduction	Roadways with wide rights-of-way that would benefit from slower speeds and improved pedestrian safety	Isolated higher-volume arterials and highways	Low	Pavement markings are typically used in conjunction with signs and other measures. Require regular maintenance and may not be consider visually aesthetic. Not visible with snow-covered roads.
Textured and Colored Pavement	Paving materials such as brick, cobbles, or concrete pavers can be used to identify a traffic-calmed area. The variety of color and texture signal to drivers that they are traveling in a pedestrian-centric zone. Bricks or blocks are sometimes also used to provide the same traffic calming benefits as rumble strips, delineating crosswalks and pedestrian zones.	Speed Reduction	Residential and neighborhood shopping areas	Isolated higher-volume arterials and highways	Moderate to High. Costs vary depending on materials used and size of paving area.	Some materials, particularly cobblestones, present a hazardous riding surface to bicyclists. Loose or uneven installations of paving stones pose a tripping hazard to pedestrians and should be regularly inspected, increasing maintenance costs over ordinary asphalt or concrete pavement.

Measure	Description	Issue	Best For	Not Used For	Costs	Considerations
Landscaping	Landscaping defines pedestrian and vehicle areas, reduces the visual width of the roadway, and provides a more pleasant street environment for all. Landscaping can include trees, bushes and/or planters which can be planted in the buffer area between the sidewalk and the street. Landscaping is often used in conjunction with other traffic calming measures.	Pedestrian Safety Speed Reduction	Residential and neighborhood shopping areas	Isolated higher-volume arterials and highways	Moderate to high - varies depending on scale and materials/ plantings	Depending on the design, the installation and maintenance costs can be high. Right-of-way impacts may be significant as well.
Rumble Strip	Rumble strips are raised buttons or grooves closely spaced on roadway surface to create noise and vibration. They are typically installed to alert drivers of an upcoming curve or speed change. They are also commonly placed in shoulders of freeway to alert drivers who veer off the road.	Speed Reduction	Isolated higher-volume arterials and highways; Areas with high pedestrian activity and safety concerns	Residential areas; Bicycle paths / lanes	$7 - $10/ foot	Rumble strips are effective only through the noise and vibration they create. This same noise and vibration are their biggest detraction, particularly in residential areas. Drivers can more easily ignore rumble strips than other calming methods that vertically or horizontally deflect vehicles. Without adequate signage, rumble strips could startle motorists, potentially creating a hazardous condition. They also require increased maintenance; particularly during roadway re-paving.
Signage	Traffic signs can be used to alert or inform motorists of a condition or a potential situation. Signs need to be selected and placed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). Speed limit signs, pedestrian/bicycle/school crossing signs, and in-street pedestrian crossing signs have been used by municipalities to warn motorists of high pedestrian activity, and can help to reduce speeds.	Speed Reduction	All types of roadways (in moderation)	–	Varies, depending on type and amount of signage	Signs are also used in conjunction with other measures such as pavement markings. Can be considered to clutter the roadway especially on a residential street. In-street signs may get hit or may need to be removed at night and placed back during the day. Overall effectiveness can vary.
Narrowed Lane	Studies have shown that wider travel lanes allow for faster vehicular travel speeds. Conversely, drivers naturally go more slowly when navigating narrow travel lanes, providing a more subtle calming effect than other physical calming methods.	Speed Reduction	All types of roadways	–	Varies depending on method of narrowing the roadway. Low if striping only.	Excess right-of-way can be shifted to providing wider sidewalks, bicycle lanes, or on-street parking. Simple roadway restriping to achieve roadway narrowing is inexpensive.

Measure	Description	Issue	Best For	Not Used For	Costs	Considerations
Speed Hump	Speed humps are rounded raised areas across the roadway that causes vehicles to reduce speeds.	Speed Reduction	Neighborhood streets	Arterials, highways, other main roadways	$1,000 - $12,000 each	Can interfere with transit, snow plow, and emergency vehicle operations. Speed humps increase roadway noise and wear on vehicle suspensions. Highly visible warning signage required.
Raised Crosswalk	Raised crosswalks are elongated speed humps that feature a marked crosswalk at the same elevation as the adjacent sidewalks. Crosswalk markings or contrasting crosswalk materials (pictured) show this element is also a crosswalk.	Pedestrian Safety; Speed Reduction	Areas where pedestrian traffic takes priority over vehicular traffic	Arterials, highways, other main roadways	$2,000 - $15,000 each	As both a marked crosswalk and a traffic calming element, raised crosswalks provide a superior safety advantage to pedestrians.
Raised Intersection	Similar to raised crosswalks, except the entire intersection is at sidewalk grade	Pedestrian Safety; Speed Reduction	Areas with heavy pedestrian traffic, such as shopping areas and college campuses.	Arterials, highways, other main roadways	$50,000 - $200,000 each	Raised intersections provide a barrier-free crossing for pedestrians and slow all vehicles, including emergency vehicles and transit buses.
Mini Roundabout	Motorists must reduce speed to maneuver around the circle, which helps reduce speeds and the frequency of crashes.	Speed Reduction	Neighborhood streets that have a history of high speeds and high crash rates at intersections	Intersections with dis-proportionate volume on approaches	$6,000 - $12,000 each	Can provide a gateway or neighborhood identity.
Chicane	Sets of two or more alternating curb bulb outs or extensions that narrow and realign the roadway	Speed Reduction and Cut-Through Traffic	Neighborhood streets that experience high speeds or heavy cut-through traffic volume	Arterials, highways, other main roadways	$10,000 - $30,000	Concrete chicanes complicate street maintenance and drainage and may require additional right-of-way to construct. Chicanes created through pavement striping are cost-effective and easy to implement. On-street parking can be alternated from side-to-side along the street.
Bulb Out/Curb Extension	Briefly narrow the roadway by extending the curb at intersections or mid-block locations	Pedestrian Safety; Speed Reduction	Areas with pedestrian traffic and wider roadway cross sections; Village environments	Arterials; Narrow streets	$2,000 - $20,000 each, depending upon size and material	May require eliminating some on-street parking and may hinder street plowing and sweeping operations.

Measure	Description	Issue	Best For	Not Used For	Costs	Considerations
Pedestrian Refuge Island	Concrete or landscaped islands and medians slow travel speeds by narrowing lanes and also improve pedestrian accommodation by providing a pedestrian refuge at crossings.	Pedestrian Safety; Speed Reduction	Roadways with wide rights-of-way that would benefit from slower speeds and improved pedestrian safety	Already narrow roads, or roadways with frequent driveways	Varies depending on length, materials, and right-of-way availability	Islands and medians can provide a visual enhancement or gateway to promote neighborhood identity. They may reduce parking and driveway access and may increase motor vehicle conflicts with bicycles.
Roadway Closure	The most extreme form of traffic diversion, roadway closures interrupt the traffic grid pattern by creating dead-end or cul-de-sac street segments.	Cut-Through Traffic	Neighborhood streets where all other calming attempts have failed	Arterials, highways, other main roadways, transit routes, and anywhere street continuity is desired	Low, varies depending on materials, and land-scaping	Street closures divert all through traffic onto other nearby roadways in the network.
Diverter	Several types of diverters, such as semi-diverters and diagonal diverters, may be used to restrict traffic flow and discourage cut-through traffic.	Cut-Through Traffic	Neighborhood streets that experience high cut-through traffic volume	Arterials, highways, other main roadways and transit routes	$15,000 - $45,000	Diverters reduce through traffic without preventing pedestrian access. They can also be designed to allow bicycle traffic.
Turn Restriction	Restricting certain turns at intersections to influence travel patterns.	Cut-Through Traffic	Low-volume turning movement	High-volume intersections and turning movements	Low	Can be difficult to enforce.
Temporary Circulation Changes	Temporary street closures during student arrival and departure times can improve the efficiency and safety of the drop off and pick up of students at school. Temporary street closures eliminate motor vehicles in areas congested with pedestrians, bicyclists, and perhaps buses.	Cut-Through Traffic; Congestion during school arrival/ dismissal	Low volume neighborhoods with comprehensive grid network; High cut-through neighborhoods	Isolated higher-volume arterials; Transit routes or major emergency response routes	Low	Circulation changes will have secondary impacts on adjacent roadways that must be considered.

Chapter 8: Students and Bicycling

Bicyclists have unique characteristics. They operate as vehicles yet are as vulnerable as pedestrians when involved in crashes. Student bicyclists have varied levels of ability, depending on age and skill level. Some will feel comfortable riding in the street, while others prefer riding on sidewalks or paths. Bicycling can help students who live too far from school to walk comfortably to participate in active transportation.

The *Safe Routes to School Guide* maintained by the National Center for Safe Routes to School at saferoutesinfo.org recommends that schools encourage more bicycling by teaching bicycle safety, offering bicycle repair classes, and providing adequate bicycle parking facilities that shield bikes from inclement weather and discourage theft. This chapter discusses some ways that bicycling to school can be encouraged and made safer including providing:

- bicycling accommodations to and from school,
- bicycle storage at school,
- bicycle safety education, and
- programs and special events to encourage biking to school.

Bicycle Accommodations

Children often have minimal riding skills, little experience and limited physical capabilities. Children also often have an inappropriately high level of confidence, or at least fearlessness, in their riding skill and lack judgment regarding safe bicycling practices. To support bicycle use rather than auto travel for short local trips by students and others, enhanced bicycle accommodations must be provided. On-street facilities, such as bicycle lanes, are more appropriate for upper elementary school and older children who have sufficient bike-handling skills and knowledge of bicycle and traffic safety rules. Off-street or separated facilities such as trails and cycle tracks are more appropriate for younger elementary school children.

The benefits, drawbacks and typical use of the following bicycle accommodations are discussed in this section:

- On-Street Facilities
- Cycle Tracks
- Off-Street Facilities
- Intersection Treatments
- Signing and Striping
- Bicycle Boulevards

Design Guidelines

The American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities,* the Manual on Uniform Traffic Control Devices (MUTCD), the NJDOT *Pedestrian and Bicycle Compatible Design Guidelines,* the Federal Highway Administration (FHWA) *Designing Sidewalks and Trails for Access, Best Practices Design Guide*, and the National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide* should be followed during planning, design, and construction projects to ensure that appropriate bicycle facilities are provided.

On-Street Bicycle Facilities

Conventional Bicycle Lane

Description: A portion of the roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists. Most common bicycle facility in use in the United States.

Benefits: Enables bicyclists to ride at their preferred speed without interference from motor vehicle traffic conditions; facilitates predictable behavior and movements between bicyclists and motorists; visually reminds motorists of bicyclists' right to the street.

Drawbacks: Not all users will be comfortable in a bike lane; when next to on-street parking there is a risk of bicyclists getting 'doored'; greater enforcement is required to prevent motorists from parking in the bike lane.

When to Use/Typical Application: Bike lanes are most helpful on streets with ≥ 3,000 motor vehicle average daily traffic, a posted speed ≥ 25 mph, or high transit vehicle volume; they should typically be provided on both sides of two-way streets to prevent wrong-way riding; the preferred width for young cyclists is 5 feet.

A bike lane along Route 45 in Woodbury, NJ.
Image: NJDOT

Buffered Bicycle Lane

Description: A buffered bicycle lane is a conventional bike lane paired with a designated buffer space separating the bike lane from the adjacent motor vehicle travel lane and/or parking lane.

Benefits: Provides greater shy distance between motor vehicles and bicyclists; provides space for bicyclists to pass another bicyclist without encroaching into the adjacent motor vehicle travel lane; encourages bicyclists to ride outside of the door zone when buffer is between parked cars and bike lane; appeals to a wider cross-section of bicycle users.

Drawbacks: Reduces the natural "sweeping" effect of passing motor vehicles, potentially requiring more maintenance.

When to Use/Typical Application: Buffered bike lanes should be considered on streets with high traffic volume, regular truck traffic, high parking turnover and a speed limit > 35 mph.

A buffered bike lane in Philadelphia, PA.
Image: The RBA Group

Contraflow Bicycle Lane

Description: A contraflow bicycle lane is a bike lane designed to allow bicyclists to ride in the opposite direction of motor vehicle traffic. It converts a one-way traffic street into a two-way street: one direction for motor vehicles and bikes and the other for bikes only. A contraflow lane is separated from opposing traffic with yellow center-line striping.

Benefits: Decreases trip distance, the number of intersections encountered, and travel times for bicyclists by eliminating out-of-direction travel; limits dangerous wrong-way riding by allowing cyclists to safely ride in the opposite direction of cars; reduces sidewalk riding.

Drawbacks: May introduce additional conflict points as motorists may not expect on-coming bicyclists.

When to Use/Typical Application: Where it would provide substantial savings in out-of-direction travel and/or direct access to high-use destinations; where there will be fewer conflicts when compared to a route on other streets; when there are few intersecting driveways, alleys, or streets on the side of the street with the contra-flow lane; where bicyclists can effectively and conveniently make transitions at the termini of the lane.

A contra-flow bicycle lane in Chicago, IL.
Image: NACTO

Advisory Bicycle Lane

Description: An advisory bike lane is similar to a conventional bike lane, but is used on low-volume streets that are narrow. An advisory bike lane is marked with a solid white line on the right (next to parked cars) and a dotted line to the left. These markings give bicyclists a space to ride, but are also available to motorists if space is needed to pass oncoming traffic. These are also known as "suggestion lanes."

Benefits: Provides bicyclists a designated place to ride while also allowing motorists to use the space to pass oncoming traffic; reminds people that the road is a shared space; directs bicyclists where and how to ride; reduces motorist encroaching on bicyclists.

Drawbacks: Unfamiliarity with the treatment can lead to confusion.

When to Use/Typical Application: Roads that are too narrow for conventional bike lanes; roadways with low traffic volume; only used on roads without marked centerlines; used in both rural and urban areas.

Advisory bicycle lanes in Minneapolis, MN. Image: BikeWalkTwinCities.org

Cycle Track

Description: A cycle track is a separated bicycle facility that runs alongside a roadway. Unlike bike lanes, cycle tracks are typically separated from automobile traffic by a physical barrier, such as parked cars, bollards, a landscaped buffer, or a curb. Raised cycle tracks are bicycle facilities that are vertically separated from motor vehicle traffic. Cycle tracks may be one-way running with traffic, one-way running against traffic, two-way on the same side of the road, or two-way on both sides of the road. Though much more prevalent in European countries, several US cities have recently incorporated cycle tracks as a component of their bicycle facilities. Cambridge, Massachusetts, New York City, Portland, Oregon, and Washington, DC, have all constructed cycle tracks.

Benefits: More attractive for bicyclists of all levels and ages; dedicates and protects space for bicyclists; eliminates risk and fear of collisions with over-taking vehicles; reduces risk of 'dooring' compared to a bike lane; prevents double parking; keeps motorists from easily entering the cycle track.

Drawbacks: Snow removal and street sweeping may require special equipment; requires considerations at crossings of driveways and intersections.

When to Use/Typical Application: Cycle tracks may be appropriate along roads that have high vehicle speeds and high traffic volume, but few intersections, driveways, and other junctions; along streets with high bicycle volumes; the desirable one-way cycle track width is 5 feet and a two-way cycle track width is 12 feet. Minimum width for a two-way cycle track in constrained locations is 8 feet.

Two-way cycle track buffered by on-street parking. Image: NYC.gov

A raised cycle track in Ocean City, NJ. Image: The RBA Group

Off-Street Bicycle Facilities

Shared Use Path or Multi-Use Path

Description: A shared use path is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or an independent right-of-way. Shared use path facilities accommodate a variety of non-motorized users, most often bicycle and pedestrian traffic. Shared use paths are an addition, and complementary, to the roadway network.
Benefits: Completely separated from motor vehicle traffic; can provide users with shortcuts; can provide an enjoyable recreational opportunity; have few intersections and as a result is safer for bicyclists than facilities located alongside or on roadways; appeals to users of all ages and abilities.
Drawbacks: Rarely the most direct means of transportation; shared use paths attract a variety of user groups who often have conflicting needs.
When to Use/Typical Application: 10 feet is the recommended minimum width for a two-way, shared use path on a separate right-of-way; 2 feet of graded area should be maintained adjacent to both sides of the path and 3 feet of clear distance should be maintained between the edge of the trail and lateral obstructions; shared use paths fall under the accessibility requirements of the Americans with Disabilities Act (ADA).

The Henry Hudson Trail in Monmouth County, NJ is an example of a shared use path. Image: The RBA Group

Sidepath

Description: A sidepath is a specific type of shared use path that runs adjacent to the roadway.
Benefits: Provides an element of separation from motor vehicles; appeals to a wide variety of users.
Drawbacks: A two-way sidepath on one side of the road may need additional road crossings; bicyclists using the roadway may be harassed by motorists who believe bicyclists should be on the sidepath; there are potential conflicts with motorists at driveways and intersections.
When to Use/Typical Application: Where right-of-way or other physical constraints prohibit path alignment in independent rights-of-way and there are no practical alternatives for improving the roadway or accommodating bicyclists on nearby parallel streets; when the sidepath can be built with few street and/or driveway crossings; when the adjacent roadway has relatively high-volume and high-speed traffic; the minimum recommended distance between a path and the roadway curb is 5 feet. When the separation is less than 5 feet, a physical barrier or railing should be provided; utilizing or providing a sidewalk as a shared use path is undesirable.

Example of a sidepath. Image: VTC

Intersection Treatments

Grade Separated Crossing

Description: A grade separated crossing provides continuity of a bicycle/ pedestrian facility over or under a barrier. There are two main types of grade-separated crossings: overpasses (bridges) and underpasses.
Benefits: A grade-separated crossing is a safe way for bicyclists and pedestrians to cross rivers, streets, and railroads.
Drawbacks: Many bicyclists and pedestrians will not use an overpass that is inconvenient. Instead, they may choose a time-saving, and sometimes more hazardous crossing. Fencing or other controls may be required to reinforce the safe crossing point.
When to Use/Typical Application: A grade separated crossing should be considered when a bicycle facility meets a barrier, such as an active railroad, stream, or freeway, and continuity of the route is desired. When a heavily utilized multi-use pathway intersects with a high volume multi-lane roadway, it is desirable to provide an overpass or an underpass to separate multi-use pathway users from conflicts with motor vehicle traffic.

A pedestrian bridge provides access from Immaculata High School in Somerville, NJ to the Bridgewater Commons Mall over Route 202/206. Images: Arterial

Crossbike

Description: A crossbike intersection treatment is a set of pavement markings adjacent to the crosswalk indicating space for bicycles to cross major intersections. They increase the visibility of bicycles at intersections and encourage motorists to yield right-of-way to bicyclists waiting to cross.
Benefits: Provides greater visibility for bicyclists at intersections; informs all roadway users of where bicyclists should cross; separates modes to reduce conflicts.
Drawbacks: Crossbike markings will have higher than normal wear based on the level of crossing auto traffic.
When to Use/Typical Application: Where main bicycle routes cross relatively minor collectors; where cross traffic has to yield right-of-way to crossing bicyclists; not appropriate where speeds exceed 30 mph unless signalized.

A crossbike in Berkeley, CA. Image: IBPI, Alta Planning

Shared Lane Marking or Sharrow

Description: A shared lane marking or "sharrow" is a road marking used to indicate a shared lane environment for bicycles and automobiles. It is not a facility type but is used to support a complete bicycle network. Shared lane markings are most appropriate for lower volume, lower speed streets.

Benefits: Reinforces the legitimacy of bicycle traffic on the street; assists bicyclists with lateral positioning away from the door zone and other hazards; may be configured to offer directional and wayfinding guidance; requires no additional street space; reduces the incidence of sidewalk riding and wrong-way riding.

Drawbacks: Does not dedicate exclusive use for bicyclists.

When to Use/Typical Application: When there is insufficient width to provide bike lanes; on a steep downgrade; shared lane markings are not a preferred treatment on streets with posted 35 mph speeds or faster and motor vehicle volumes higher than 3,000 AADT; sharrows shall not be used on shoulders or in designated bicycle lanes; they should be placed immediately after an intersection and spaced at intervals not greater than 250 feet thereafter.

Sharrows on a residential street in Maplewood, NJ. Image: Google Streetview

A student riding a bicycle over a sharrow in Maplewood, NJ. Image: The RBA Group

Wayfinding Signs and Markings

Description: A bicycle wayfinding system consists of comprehensive signing and/or pavement markings to: designate a system of routes; designate a continuous or preferred route; provide location specific guidance.

Benefits: Indicates to bicyclists and motorists that they are on a designated bikeway; identifies the best routes to destinations; pavement markings can be installed to help reinforce routes and directional signage and to provide bicyclist positioning and route branding benefits; under urban conditions, pavement markings may often be more visible than signs to users of the route.

Drawbacks: When used alone, bike route signs convey little meaning. They should include destinations and distances.

When to Use/Typical Application: Signs are typically placed at decision points along bike routes – typically at the intersection of two or more bikeways and at other key locations leading to and along bicycle routes; signs should be oriented so bicyclists have sufficient time to comprehend the sign and change their course, when needed.

Bike route signs in Philadelphia show distance to destination. Image: Bicycle Coalition of Greater Philadelphia

Bike Dots are pavement markings for signed bicycle routes. They are a tool to provide wayfinding. Image: TucsonVelo.com

BICYCLES MAY USE FULL LANE Sign (R4-11)

Description: The BICYCLES MAY USE FULL LANE sign may be used in locations where it is important to inform road users that bicyclists might occupy the travel lane.
Benefits: Reinforces the law to both motorists and bicyclists that bicyclists may occupy the travel lane.
Drawbacks: Fear that the sign could mislead inexperienced bicyclists into operating in situations that are beyond their ability.
When to Use/Typical Application: The BICYCLES MAY USE FULL LANE sign may be used on roadways where no bicycle lanes or adjacent shoulders usable by bicyclists are present and where travel lanes are too narrow for bicyclists and motor vehicles to operate side by side; the sign may be used in addition to or instead of the Shared Lane Marking.

R4-11

SHARE THE ROAD Sign (W11-1 & W16-1P)

Description: A SHARE THE ROAD sign assembly is intended to alert motorists that bicyclists may be encountered and that they should be mindful and respectful of bicyclists.
Benefits: Fast, inexpensive and effective way of educating bicyclists and motorists, leading ultimately to greater safety for all.
Drawbacks: The sign is not a substitute for design measures that can improve the quality of service for bicyclists; the sign says nothing about where on the road bicyclists are expected to ride.
When to Use/Typical Application: At the end of a bike lane, or where a shared use path ends; in work zones where bicyclists may need to share a narrower space than usual; the sign should not be used to address reported traffic operational issues, as the addition of this warning sign will not significantly improve bicycling conditions; the sign should not be used to indicate a bike route.


W11-1

W16-1P

WRONG WAY RIDING Sign (R5-1B)

Description: The bicycle WRONG WAY and RIDE WITH TRAFFIC signs are used to remind bicyclists that bicycles are vehicles and when operated on a roadway they should travel in the same direction as other roadway traffic.
Benefits: Reinforces the legal requirement of bicyclists to ride with traffic.
Drawbacks: Can contribute to sign clutter if not mounted back-to-back with other signs.
When to Use/Typical Application: For locations where wrong-way riding by bicyclists is frequently observed; this sign and plaque may be mounted back-to-back with other signs to minimize visibility to other traffic; The RIDE WITH TRAFFIC plaque should be used only in conjunction with the Bicycle WRONG WAY sign, and should be mounted directly below the Bicycle WRONG WAY sign.

R5-1b

R9-3cP

Bicycle Boulevard

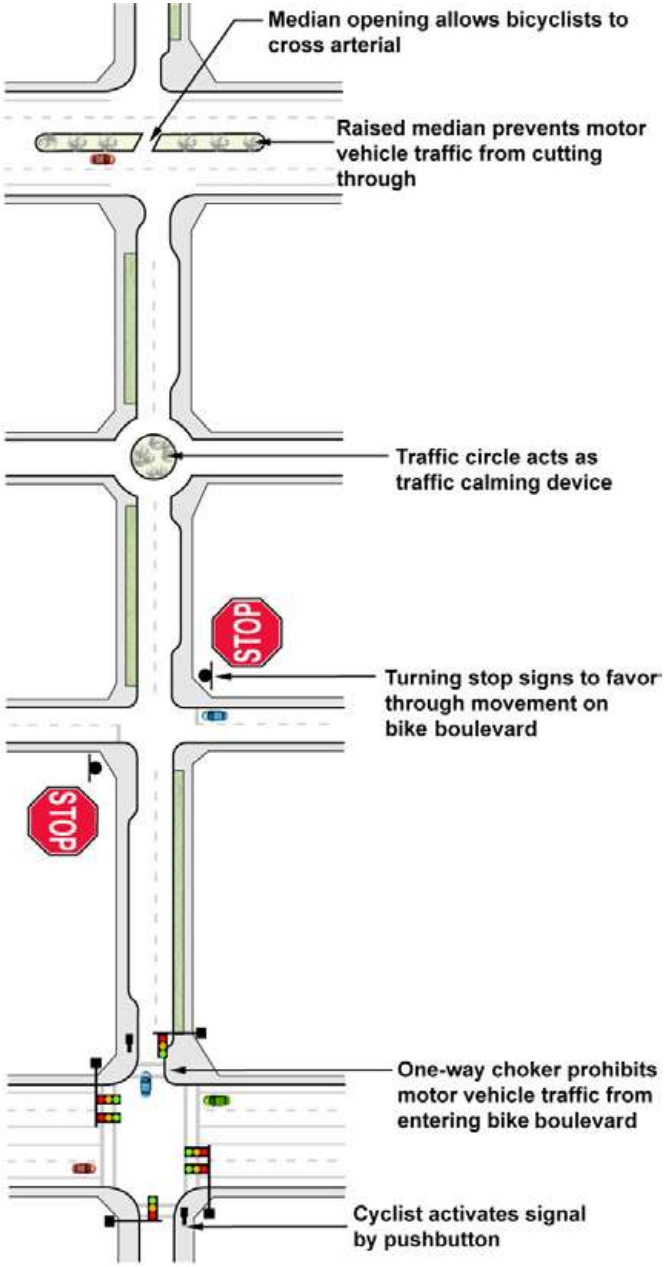
Description: A bicycle boulevard is a low-volume and low-speed street that has been optimized for bicycle travel through treatments such as traffic calming, signage and pavement markings, and intersection crossing treatments. These treatments allow through movements for cyclists while discouraging similar through trips by non-local motorized traffic. Motor vehicle access to properties along the route is maintained.

Benefits: Bicycle boulevards are effective at increasing cycling levels and perceptions of safety and can be accomplished with minor changes to street configuration; slower vehicle speeds accomplished with traffic-calming measures reduce risk of serious collisions; since they are shared facilities, no additional street width is needed; bicycle boulevards can be combined with neighborhood greening efforts to enhance street closures and traffic circles with trees and landscaping.

Drawbacks: Residents and officials often raise concerns related to traffic reduction and calming such as access to property, impact on traffic patterns, enforcement issues with motorcycles and mopeds, and emergency response.

When to Use/Typical Application: Bicycle boulevards are best suited for two-lane residential streets where vehicle traffic can be restricted to low volumes and slow speeds. Ideally they are parallel to major streets and provide an alternative without lengthy deviation.

Elements of a Bicycle Boulevard



Graphic: The RBA Group

Examples of Bicycle Boulevards

Example of a raised median along a bike boulevard. Image: NACTO

Mini traffic circles may be used to lower motor vehicle speeds near intersections with bike boulevards. Image: NACTO

The signal at this crossing is actuated from an in-pavement loop detector. Image: NACTO

Bicycle Storage at Schools

Students must have a secure place to park their bikes once they reach school. Not having a well-planned bicycle parking option can lead to several undesirable outcomes such as theft, damage, and locked bikes becoming an obstacle to critical safety infrastructure (like emergency exits, hand rails, and fire hydrants) or damaging fragile trees or landscaping. In terms of bike racks and bicycle storage, the *Safe Routes to School Guide* maintained by the National Center for Safe Routes to School at saferoutesinfo.org uses the *Bicycle Parking Guidelines* from the Association of Pedestrian and Bicycling Professionals (APBP):

- **The Rack Element** is the part of the bike rack that supports one bicycle. A good bike rack element holds the bike frame without bending the wheel and should have no moving parts. Rack elements are typically constructed of metal in an inverted u-shape, which allows for a variety of bicycle sizes and locks.
- **The Rack** is one or more rack elements joined on any common base or arranged in a regular array and fastened to a common mounting surface. It should be anchored so that it cannot be stolen with the bikes attached and so that it provides easy, independent bike access. Inverted u-shaped rack elements mounted in a row should be placed on 30-foot centers, allowing two bicycles to be secured to each rack element (one per side).
- **The Rack Area** is a bicycle parking lot where racks are separated by aisles. It may contain one or more racks. If possible, the rack area should be protected from the elements using any combination of structures, like a wall and awning. Avoid locating a bike rack area on grass or dirt as a rainy day can turn the bicycle parking lot into a mess. A preferred solution would be to locate the bike rack area on a concrete pad.
- **The Rack Area Site** is the relationship of the rack area to a building entrance and approach. Locate the bike rack area within visibility of the building entrance it serves and consider the route bicyclists' use to approach that entrance. Bike rack areas should be sited in a space that discourages vandalism and maximizes use, while avoiding conflicts with driveways, buses, and large numbers of pedestrians.

Ideally, rack areas should be sited as close, or closer, than the nearest car parking space and provided near all high traffic building entrances. It is preferable to choose multiple locations that are more convenient to users than one large rack area.

Bicycle parking at Somerville School in Ridgewood, NJ is located on a concrete pad which is visible from within the building. Image: The RBA Group

Covered bicycle parking at Egg Harbor's Spragg Elementary School. Image: NJDOT

The ribbon rack on the left is preferred because unlike the comb rack on the right, it allows both the frame and wheels of the bike to be locked. Image: The RBA Group

Bicycle Safety Education

A comprehensive, on-bike program can be an ideal method for teaching bicycle skills and safety, but finding time to conduct the program can be a challenge. With the busy schedules of today's families, holding classes after school and on the weekends may not lead to high levels of participation. To reach the greatest amount of children, bicycle education can be incorporated into the regular school day. Fitting bicycle education within the curriculum of physical education (PE) classes is a cost-efficient way to teach bike safety to a large cross section of area youth. The following are examples of on-going programs:

- At Seaview Elementary School in Linwood (Atlantic County), class time is devoted to bicycle education each year. During school hours, a teacher runs the annual 4th Grade Bicycle Rodeo. During the rodeo, children receive detailed instruction on how to ride their bikes properly and then take a bicycle safety test.
- Class time is also devoted to bicycle education in Medford Lakes (Burlington County) where pupils receive instruction as part of the school's physical education program.
- In Wharton (Morris County), bicycling to school is encouraged through annual bike rodeos. The rodeos offer bicycle inspections and helmet giveaways to children that do not have access to a proper bike helmet.
- A police-sponsored bike rodeo is also an important part of the bicycle program in Fair Haven (Monmouth County). School staff regularly remind children about bike safety during their lunch periods. In addition, Fair Haven police hand out "tickets for good behavior." Under this program, when an officer spots a child who is bicycling correctly, the rider is issued a prize.

Spotlight: NJ BIKESChOOL Program

NJBIKESChOOL is an on-bike, on-road bicycle safety program aimed at youth in grades 4-6 to create knowledgeable cyclists who confidently ride to school and elsewhere. In the summer of 2009, staff at the NJ SRTS Resource Center held NJ BIKESChOOL classes through the Camden Summer Recreation Program. The program was funded by FHWA through the NJDOT and the Division of Highway Traffic Safety. As part of the program, 25 youth bicycles were acquired and transported to summer camps for on-bike skills drills and a short ride through the neighborhoods. Through the help of partners such as the NJ Alliance for Health, Physical Education, Recreation, and Dance (NJAHPERD), the NJ BIKESChOOL program was also taught in Hanover and Pemberton and during PE classes in Ocean and Hudson Counties.

NJBIKESChOOL in Camden, NJ. Image: VTC

The program is currently being managed by Hudson TMA. This program can become part of a school's physical education program at no cost to the school district. Staff from the Hudson TMA will train physical education teachers and provide the curriculum. A fleet of bikes will also be loaned to the school for a period of three weeks for the children to use as part of their gym class. Many school districts in Hudson County have been participating in the NJ BIKESChOOL program and reports indicate that the children love it. To learn more about this program or request that it be presented at your school, contact Hudson TMA at (201) 792-2825 or info@hudsontma.org

Bike-to-School Programs and Special Events

There are several activities or events that could be held to focus attention on biking to school:

- Participate in National Bike to School Day in May in coordination with the League of American Bicyclists' National Bike Month.
- Make Earth Day a "Bike-to-School Day"; this could also be used to help encourage walking to school. After Earth Day, each Wednesday for the rest of the school year celebrate walk- or bike-to-school Wednesday. In Linwood, for example, school officials take part by meeting children at a local park one half hour before classes begin and walking with them to school.

The "zap" machine tracks participants as they arrive at Montclair's Edgemont School as part of the Boltage Program. Image: Joy Glenn Photography

- At Montclair's Edgemont Elementary School, the "Boltage at Edgemont" Program was introduced in 2011 to encourage more biking and walking to school. Each participant receives a Boltage radio frequency identification (RFID) tag to attach to her or her backpack, which parents register online at Boltage.org. Each time the student bikes or walks to school and passes by the solar-powered Boltage machine located near the entrance to the school, it flashes a green light and beeps signifying that the student tag has been "zapped" or recorded. Parents and students can then log into individual accounts to see how many trips have been logged and track progress. Students are able to track their number of trips, miles traveled, number of calories burned and pounds of CO2 saved by replacing a car or bus trip with walking or biking. Edgemont further publishes overall school progress in the PTA newsletter to parents and recognizes exceptional student achievement. While this is a not a mandatory program, all students have been encouraged to register – even if they typically take cars and buses to school. Each student who registers receives a wrist-band and as they clock more trips, they are eligible for further prizes.
- Another example of a special event is "Transition Day" in Fair Haven. On the last day of classes, school officials and graduating 3rd graders, take a ceremonial ride from Viola L. Sickles Elementary School to the Knollwood Middle School to mark the transition to 4th grade. Parents, police, and the school superintendent all take part in this annual event. Along the route, parents hold up signs to celebrate their child's completion of the 3rd grade and at Knollwood School 4th graders welcome the arriving group.

Students bicycling from elementary to middle school on "Transition Day" in Fair Haven, NJ. Image: NJDOT

Model Bicycling to School Policy

The NJ SRTS Resource Center at the Alan M. Voorhees Transportation Center (VTC) at Rutgers University - with NJDOT and the National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN) - developed a model bicycling to school policy that can be adopted by school districts around the state to encourage bicycle safety and bicycling to school. The model policy, along with a model walking to school policy, is available from the SRTS Toolbox on the NJ SRTS Resource Center website (http://policy.rutgers.edu/vtc/srts/toolbox/). The model bicycling policy includes the following safety guidelines:

For children in 3rd grade and below:

- Students should be accompanied by an adult when bicycling to or from school, as well as complying with the other conditions below.
- Parents are strongly cautioned to exercise great care and supervise carefully since children in 3rd grade and below are unlikely to have the developmental and judgment skills for unsupervised bicycling.

For children in 4th grade and above:

- The District should provide bicycle education to teach traffic skills and rules as well as improved judgment in individual and group bicycling. Every child should take this training or a similar bicycle safety course before riding in traffic.
- Students who ride bicycles to and from school should have written consent from a parent or legal guardian and agree to the conditions listed below.

Students should follow state law and safety guidelines for bicyclists:

1. According to N.J. state law, anyone under 17 that rides a bicycle or is a passenger on a bicycle must wear a helmet (N.J.S.A 39:4-10.1). Any student without a helmet will have their bicycle confiscated by the Building Administrator until a parent or guardian picks it up. Noncompliance with this rule will result in disciplinary action.
2. In New Jersey, bicycles are defined as vehicles under the state motor vehicle code contained in N.J.S.A 39:4-10, et.seq. Parents and students should be aware of these state bicycling laws and follow them at all times. Riders should follow the rules of the road including but not limited to:
   a. Obeying all traffic lights and signals (N.J.S.A. 39:4-14.1),
   b. Using hand signals before making turns,
   c. Only one rider per seat – never let a friend ride on the handlebars or wheel pegs (N.J.S.A. 39:4-12),

Model Bicycling to School Policy (cont'd)

d. Stopping and looking left, right, then left again before leaving driveways or entering any street,
e. Riding with traffic (N.J.S.A. 39:4-14.2) and not too close to parked cars – doors can open suddenly,
f. Riding where drivers can see you and not swerving between cars,
g. Equipping the bicycle with a bell or other audible device that can be heard at least 100 feet away, but not a siren or whistle (N.J.S.A. 39:4-11), and
h. Using headlights and tail lights visible at 500 feet – white in the front and red in back - if you must ride at dawn, dusk or after dark (N.J.S.A. 39:4-10).

3. Bicycles ridden to school should be roadworthy and regularly maintained. Students should test tires for air before riding. Additionally, the brakes must be functional (N.J.S.A. 39:4-11.1).

While at school, all students must comply with these rules:

- Bicycles may not be ridden on school grounds during arrival and dismissal; they must be walked.
- Bicycles must be parked in the racks provided. Students must bring and use bicycle locks.
- Helmets must be stored in locker, backpack, or attached to bicycle.
- Students are not to interfere with any bikes, helmets, or other equipment (steal, unlock quick releases, bounce helmets, etc.).

Resources

Design Guidance

- National Center for Safe Routes to School Guide, *On-street Bicycle Facilities,* guide.saferoutesinfo.org/engineering/on-street_bicycle_facilities.cfm
- MUTCD 2009 Edition Part 9. Traffic Control for Bicycle Facilities, mutcd.fhwa.dot.gov/htm/2009r1r2/part9/part9_toc.htm
- NACTO Urban Bikeway Design Guide, nacto.org/cities-for-cycling/design-guide/
- APBP Bicycle Parking Guidelines, www.apbp.org/resource/resmgr/publications/bicycle_parking_guidelines.pdf

Education

- NJ SRTS Resource Center has links to lesson plans and bike assembly program information, www.saferoutesnj.org/resources/education/

Encouragement

- Bike to School Day, www.walkbiketoschool.org/
- League of American Bicyclists, National Bike Month, bikeleague.org/bikemonth

Chapter 9: The School Site and School Grounds

There are two elements pertaining to school location – the school site and the school grounds. The school site refers to the location of the school within the community. The school grounds refer to the placement of buildings, facilities, and circulation on the school property. Both the location of the school within the community and the design of the school grounds should support the safe arrival and departure of all students, especially pedestrians and bicyclists. Everyone should remember that even children arriving by school bus, transit, or private automobile will be entering the school building on foot.

School Site

Schools often serve as a community center, providing neighborhood playgrounds and meeting space. Site selection is critical if these community functions are to be served. Ideally, schools should be centrally located in a community. Important elements of a school location identified by the American Association of State and Highway Transportation Officials (AASHTO) *Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition* include:

- The school site is centrally located in the community; most children live within one mile.
- Pedestrian and bicycle access is available from all directions.
- Sidewalks, bike lanes, and trails on adjacent streets or through neighborhoods connect to the school property.

The NJ School Development Authority (NJ SDA) Real Estate Practices Manual

Developed in 2009, the Real Estate Practices Manual represents a culmination of lessons learned in addressing many of the land acquisition and development challenges faced by New Jersey in its school construction program. The manual explains the typical site planning, site selection, preconstruction and land acquisition steps and processes that the NJ SDA follows before a project is funded for design and construction by the State. It describes the roles and responsibilities of the various stakeholders in school site selection and development, and the interdependent decisions required of them.

The manual is available for download at www.njsda.gov/Business/Doc_Form/PDFsForms/RE_Manual.pdf

U.S. EPA School Siting Guidelines

U.S. EPA's school siting guidelines can help local school districts and community members evaluate environmental factors to make the best possible school siting decisions. Their website, www.epa.gov/schools/guidelinestools/siting/, includes an overview for the guidelines, as well as links to resources and additional information.

Key Considerations in School Site Selection

There are no minimum acreage criteria for schools in New Jersey. In many of New Jersey's older cities, land parcels are small, and it usually requires the assemblage of numerous parcels to accumulate sufficient land to build a school. New Jersey law only requires that the land be of sufficient size to meet the educational needs of the student enrollment and the faculty.

According to the NJ SDA Manual, specific land requirements for building size, outdoor physical recreation space and parking need to accommodate the school's educational model and unique circumstances. This is best managed through a partnership between the school district, design professionals and the local community that the school serves. Some of the site-specific factors that are considered by the SDA in site selection and that also effect safe pedestrian and bicyclist accessibility are listed to the right.

The entrance to the Nishuane School in Montclair, NJ.
Image: The RBA Group

Selection Criteria Evaluated by NJ SDA for Proposed School Sites

Location Considerations

- Sustainability is considered in site selection
- Site encourages safe pedestrian access for the community
- Centrally located to balance transportation options
- Compatible with current and probable future zoning regulations
- Close to libraries, parks, and other community services
- Favorable orientation to wind and natural light
- Sensitive to open space needs of the community

Accessibility Considerations

- Access and dispersal roads
- Natural obstacles, such as creeks and rivers
- Access for emergency response vehicles, sanitation vehicles
- Road widening and traffic improvements are minimized

Safety Considerations

- Highway proximity, in particular highway ramps (see page 112)
- Railroad proximity
- Airport proximity
- High-voltage power line proximity
- High-pressure utility lines
- Proximity to dumps, junkyards, landfills, chemical plants, refineries, fuel storage tanks, nuclear plants
- Proximity to gasoline stations, automobile repair shops, dry cleaners, nail salons
- Proximity to metal manufacturers, hazardous air pollution emitters, incinerators, prisons
- Social hazards in the neighborhood, such as bars, high crime incidence

Evaluating Adaptive Reuse Options

Older school buildings located in established neighborhoods often offer easy accessibility for students walking or biking to school and can serve to sustain established neighborhoods by providing a center for community activity. Because of these health and community benefits, the NJ SDA Manual recommends careful consideration of refurbishing existing school properties before deciding to demolish and build a new school elsewhere.

Since 1928, neighborhood children have walked to Cochran Elementary School in Williamsport, PA, which was renovated and expanded in 2001. It is generally less expensive to renovate an existing school than build a new one, especially considering the cost of land acquisition and development. Image: *Renovate or Replace?* by the Pennsylvania Dept. of Education

Surrounding Land Use

Studies have shown that land use conditions surrounding a school can affect the learning environment within the school in either a beneficial or detrimental way. Sometimes adjoining land uses can pose hazards to students walking or bicycling to school. An example of such an incompatible use is an industrial area which generates a high level of truck traffic during the hours students commute to and from school. In undeveloped areas, the potential for future development of residential communities close to the school should be ascertained, along with the connections to other school related sites such as athletic fields and after-school program sites.

Air pollution around schools is linked to poorer student health and academic performance. The location of children's schools can increase their exposure. Image: Kresge Foundation

American Planning Association (APA)

The APA identifies Smart Growth as that which supports choice and opportunity by promoting efficient and sustainable land development, incorporates redevelopment patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles.

Smart Growth

The NJ SDA Manual recommends the integration of Smart Growth principles into educational facility planning. Smart Growth is defined the United States Environmental Protection Agency (U.S. EPA) as a development that serves the economy, the community and the environment. The USEPA recognizes a number of key attributes of Smart Growth, including:

- mixed land uses,
- compact building designs,
- walkable neighborhoods,
- development of communities with a strong sense of place,
- integration of open space,
- use of infill development strategies, and
- consideration of balanced transportation options.

School Grounds

The following information has been adapted from the *Safe Routes to School Briefing Sheet 6 – School On-Site Design* by the Institute of Transportation Engineers (ITE). The briefing sheet is available at www.saferoutesinfo.org/program-tools/srts-ite-briefing-sheets.

A well-designed school site should support the safe arrival and departure of all students, including pedestrians and bicyclists. According to ITE, some of the key elements that should be considered to promote the safety of bicyclists and pedestrians are:

1. separation of pedestrians, bicycles, parent cars, and buses
2. bicycle access and storage
3. location of school entrances
4. design and operation of drop-off/pick-up zones
5. design and operation of bus zones
6. driveways and internal roadway networks
7. parking
8. traffic control devices.

1. *Separation of Pedestrians, Bicyclists, Parent Cars, and Buses*

Separating or eliminating conflicts between students arriving on foot or bicycle from those arriving by buses and motor vehicles is necessary to reduce a student's exposure to traffic. Adequate physical space should be provided for each mode by which students arrive at school.

2. *Bicycle Access and Storage*

Secure and effective bike parking is a crucial factor in encouraging children to bike to and from school. Bike racks should be designed to enable both wheels to be secured with a U-lock or padlock and cable. Racks should be covered by shelters when possible to protect bikes from the elements. All bike parking areas should be easily accessible and conveniently located in well-lit areas near school building entrances. It is advantageous to provide secure bike parking at more than one location, especially if there are multiple entrances or exits, so that bicyclists do not have to cross campus to access a bike rack.

Bike parking at the Orchard School in Ridgewood, NJ is easily accessible but low security and unprotected from the weather. Image: The RBA Group

NJ Definition of School Grounds

The definition of "school grounds" as described in N.J.A.C. 6A:16-1.3 includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, such as playgrounds, and recreational areas owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

3. *Location of School Entrances*

Building entrances should be located with consideration for pedestrian desire lines. This entails determining the directions and points from which pedestrians are likely to approach the building and then identifying whether the design has inadvertently placed any unacceptable traffic conflicts or obstacles in the pedestrians' routes. For safety, the location of the front door to the school should face a traffic-calmed street. However, this is not always possible. An example of such an undesirable conflict is a school entrance that funnels pedestrians toward an uncontrolled midblock location, a road with sidewalk gaps, a roadway with nearby ramps or jughandles, or across a busy driveway. The location of school entrances should be adjusted to direct pedestrians towards preferred street crossings and avoid unnecessary driveway crossings.

Fencing funnels pedestrians to the signed and well-marked mid-block crosswalk in front of the Watchung School in Montclair, NJ.
Image: The RBA Group

4. *Design and Operation of Drop-off/Pick-up Zones*

Students arriving and departing in private motor vehicles should exit and enter cars in designated zones to minimize pedestrian/vehicle conflicts. Well-designed drop-off and pick-up zones can minimize illegal standing or parking near schools and help prevent problems such as blocking bus driveways and traffic flow on adjacent roadways. Drop-off/pick-up zones should be one-way in a counter-clockwise direction so that students are loaded and unloaded directly to the curb/sidewalk.

Motor Vehicle Drop-off Zone at the Orchard School in Ridgewood, NJ.
Image: The RBA Group

5. *Design and Operation of Bus Zones*

School bus operations function best when they are separated from all other transportation activities. Signs, pavement markings, gates, and/or orange cones may be used to provide this separation, but some education and enforcement will also be needed. Enforcement of drop-off and pick-up policies and procedures can be performed by a variety of people. Schools around the country have had success utilizing law enforcement officers, school personnel or parent volunteers.

When new drop-off and pick-up plans are implemented, assistance may be requested from law enforcement officers to make sure traffic flows smoothly during the first few days. Implementing a new plan may also require more volunteers or monitors to regulate parent activity in the first few days. Drivers who are not following proper procedure can receive warnings from school personnel, parents or law enforcement officers.

A sign is used to separate the bus zone at the Somerville School in Ridgewood, NJ.
Image: The RBA Group

6. *Driveways and Internal Roadway Networks*

School driveways should conform to local design and access management guidelines for number, spacing, location, and layout. According to the ITE School On-site Design Guidelines, directives specific to schools include the following:

- Separate driveways should be used for bus traffic and other motor vehicle traffic.
- The predominant direction of traffic and student origins should be considered when selecting the location of driveways so that most drivers will turn right when exiting the school grounds.
- Students should not be required to cross busy driveways to access the school building.
- The roads within the school site should have a maximum grade of five percent to avoid configurations that could impair a motorist's vision.
- Buildings, landscaping, fences, block walls, and school signs should always permit adequate sight distances for drivers and pedestrians.
- Driveways should be located so as to avoid interlocking left turns with other streets or bus driveways.

Bus traffic should have separate driveways from other motor vehicle traffic. Image: The RBA Group

7. *Parking*

General parking guidance for schools is to separate parking areas (student, staff, visitors, and buses) from student loading/unloading areas and delivery loading zones, and to separate student pedestrians and bicyclists from both.

The NJ SDA Real Estate Practices Manual considers adequate parking for teachers, staff, and visitors as part of the site selection, but generally parking is regarded as subordinate to the need for adequate outdoor educational space where constraints in available land do not allow for the optimal creation of both play space and parking. When this situation arises, the Manual recommends creative parking alternatives such as cooperative agreements with the municipality for on-street parking, off-site parking, or the use of underground parking options.

8. *Traffic Control Devices*

In addition to physical layout, schools can use traffic cones and other channelizing devices to control on-site traffic patterns. Examples of practices include the following:

Cones are used to create a single-lane queue in the car drop-off/pick-up zone at Kilmer School in Trenton, NJ. Image: The RBA Group

- Placing traffic cones for traffic control or access restriction. Cones can be used to create a single-lane queue in the drop-off/pick-up zone. This practice is desirable because it minimizes the potential for pedestrian/vehicle conflicts; however, it can be used only if there is enough capacity to process the queue efficiently using only one through lane.
- Placing cones or a traffic gate to restrict vehicles, typically parent vehicles, from accessing a zone designated for other uses (for example, parking, bus loading, pedestrian/bicycle zone).
- Replacing faded or discolored traffic cones with new orange cones.

Other Safety Considerations on School Grounds

Student Safety Patrols

Student safety patrols enhance enforcement of drop-off and pick-up procedures at school by increasing safety for students and traffic flow efficiency for parents. Such efforts allow students to participate in promoting traffic safety where they learn skills they can use in their everyday lives. Having a student safety patrol program at a school requires approval by the school and a committed teacher or parent volunteer to coordinate the student trainings and patrols. Before beginning a program, school officials should be contacted for approval of the program and to determine how liability issues will be addressed. Safety patrol members are typically selected by teachers and principals and are usually students in the fourth, fifth and sixth grades.

AAA Mid-Atlantic and the Mid-Atlantic Foundation for Safety & Education support the program by providing safety patrol materials and equipment worn by all AAA School Safety Patrols. In addition, the Mid-Atlantic Foundation for Safety and Education sponsors five AAA School Safety Patrol Officers' Training Camps in conjunction with local police departments each summer.

Each year, AAA School Safety Patrols are recognized with an Outstanding AAA School Safety Patrol Awards Luncheon throughout the AAA Mid-Atlantic territory. Selection criteria for choosing an Outstanding AAA School Safety Patrol include leadership, sound academics, promptness, neatness and industriousness. Recent New Jersey honorees have included students from Lafayette Township School, Ogdensburg School, Wenonah Elementary School, and McFarland Intermediate School (Bordentown).

A student safety patrol member assists during morning drop-off. Source: heraldonline.com

Student safety patrol members provide crossing assistance at a signalized intersection in Cleveland Heights, OH. Image: NJDOT

No Idling Zones

Diesel emissions include fine particles commonly called soot. These pollutants are known to cause asthma, bronchitis, lung cancer, heart disease, and premature death. Diesel exhaust ranks among the air pollutants that pose the greatest risk to public health. Research has shown that fine particles are harmful because they bypass the body's natural defense mechanisms and penetrate deep into the lungs.

The "Stop the Soot" campaign (www.stopthesoot.org) was started by the New Jersey Department of Environmental Protection's (NJ DEP) Bureau of Mobile Sources to bring attention to the problem of poor air quality caused by the idling of motor vehicles (i.e., automobiles, trucks, buses, school buses, construction vehicles and equipment, etc.). New Jersey regulation (N.J.A.C. 7:27-14) prohibits engines, including those in cars, vans and school buses, from idling for more than three minutes in most instances; however, NJ DEP is urging school districts and school bus drivers to go beyond the minimum and implement best practices to reduce harmful diesel emissions. These best practices include turning off engines when waiting to load and unload students, replacing old buses in the fleet first as they often release the most emissions, and using new buses for long routes.

New Jersey has pledged to reduce harmful soot by 20 percent during the next decade. One way to help achieve this goal is by eliminating all engine idling. NJ DEP's anti-idling awareness campaign encourages school districts, school bus companies, and parents to sign a no-idling pledge and to eliminate idling within designated school and no idling zones. To date, more than 100 individual schools, charter schools, and school districts throughout the state have signed the "No Idling Pledge" as a way of demonstrating that reducing idling is important to the health of their students, drivers, and school employees.

Signs can remind drivers to turn off their engines during pick-up and drop-off. Image: The RBA Group

Image: myparkingsign.com

Why is it bad to idle vehicles?

Idling vehicles contribute to air pollution and emit air toxins, which are pollutants known or suspected to cause cancer or other serious health effects. Monitoring at schools has shown elevated levels of benzene, formaldehyde, acetaldehyde and other air toxics during the afternoon hour coinciding with parents picking up their children. Children's lungs are still developing, and when they are exposed to elevated levels of these pollutants, children have an increased risk of developing asthma, respiratory problems and other adverse health effects. Limiting a vehicle's idling time can dramatically reduce these pollutants and children's exposure to them.

For more information visit www2.epa.gov/region8/idle-free-schools

Spotlight: JFK Elementary School in Jamesburg, NJ

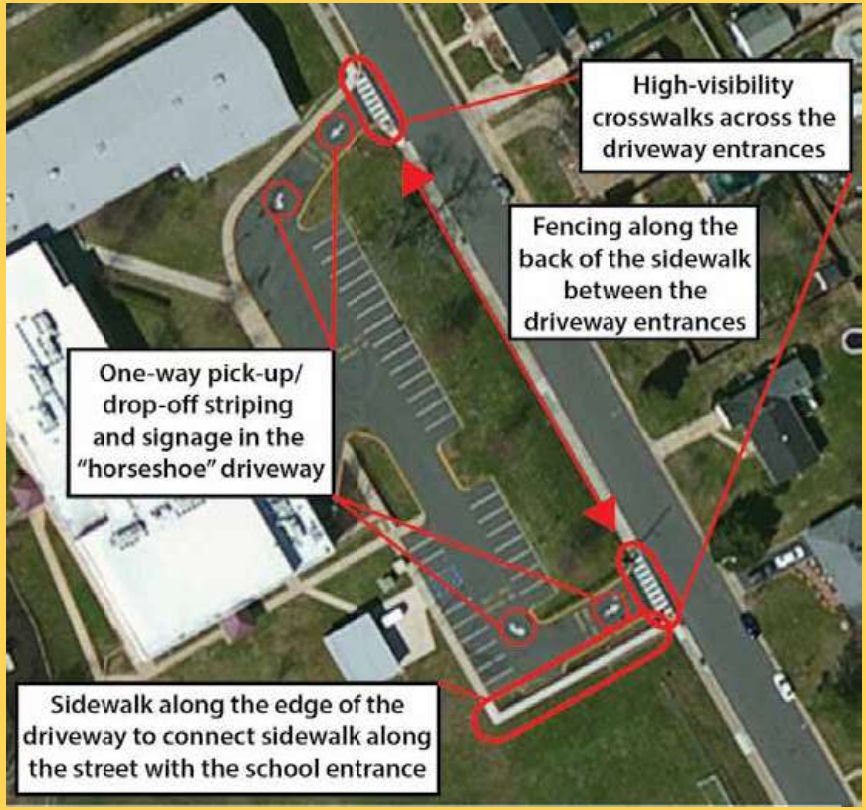
In 2005, the JFK School and the Borough developed an Action Plan with support from NJDOT, Keep Middlesex Moving TMA, and a consultant team. During the development of the plan, congestion and motorist-pedestrian conflicts at JFK School's Davison Avenue horseshoe entrance during arrival and departure times were identified as issues that led to unsafe conditions for pedestrians and cyclists. The Plan recommended implementing the following design elements in and around the horseshoe driveway:

- one-way pick-up/drop-off pattern striping,
- high-visibility crosswalks across the driveway entrances, and
- fence along the back of the sidewalk between the entrances to deter children from crossing Davison Avenue mid-block or at the middle of the horseshoe.

Before

In 2007, Jamesburg was awarded a SRTS grant to make improvements to the school zone around JFK School including the redesign of the horseshoe driveway drop-off and pick-up area. One-way pick-up and drop-off arrows were striped, high-visibility crosswalks across the driveway entrances were installed and the curb ramps were made ADA compliant. Fencing was also installed between the entrances to funnel pedestrians towards the safest routes.

After

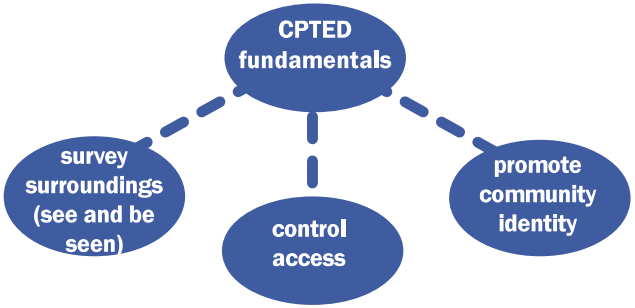


Chapter 10: Crime Prevention Through Environmental Design

Careful design and manipulation of the physical environment around and at the school site have the potential to reduce crime concerns, both real and perceived. Such manipulation is referred to as Crime Prevention Through Environmental Design (CPTED).

Introduction

With roots in city planning, architecture, criminology, and sociology, CPTED emphasizes design of outdoor school spaces based on the application of three fundamental concepts believed to reduce the occurrence and fear of crime: (1) the ability to survey surroundings (to see and be seen), (2) the ability to control access, and (3) the creation of a sense of ownership and school community identity. Through the utilization of these concepts, CPTED has the potential to reduce both the real and perceived dangers associated with walking and biking to school, while bolstering community identity and creating a safe and welcoming environment.



The Ability to Survey Your Surroundings

How important is it to see and be seen? As we move through the environment, we are constantly surveying our surroundings. Whether deliberate or unconscious, our ability to observe the environment around us contributes to our personal perceptions of safety and danger. For schools, the pursuit of safety is paramount. In order to maintain a safe outdoor environment, school administrators, teachers, parents, students and security cameras, if installed, should have the ability to clearly survey their surroundings at all times. This includes opportunities to see from adjacent properties or the site perimeter onto the site, and opportunities to see parking, walkways and other areas of the site. Examples of design elements that support our ability to survey our surroundings include:

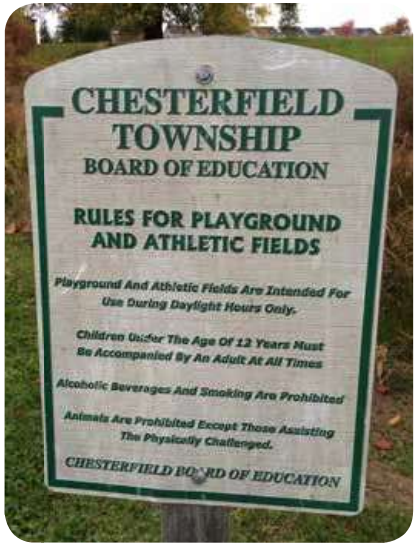
- lighting that improves the ability to observe activity and identify individuals,
- building location and orientation that creates views, and
- judicious selection and location of trees, shrubs and other plant species, combined with regular maintenance, which can minimize the conflict between lighting and landscaping and ensure that views on, off and around the site are preserved.

Common Environmental Elements of Schools

- Pedestrian and Bicycle Access
- Vehicular Access
- Trees and Shrubbery
- Topography
- Fencing
- Lighting
- Maintenance
- Signage
- Gathering Space
- Activity Space

The Need to Control Access

Access to the school begins in the landscape well before anyone has reached the front door. It includes the sidewalks, paths and driveways as well as the fences, trees, hedges, and signs around the school. Parents and teachers, and possibly crossing guards and students, can also serve as access control by paying attention to the people and activities around them. By offering cues about who belongs in a place, when they are supposed to be there, where they are allowed to be while they are there, what they should be doing, and how long they should stay, CPTED measures can be employed to control access to school grounds by authorized users on foot, bicycle, or in cars. It can also create opportunities to deny access to unauthorized users. In essence, by controlling access to the school environment, not just the school building, school safety can be increased while the opportunities for unwanted activities and behaviors are diminished.



Creating a Sense of Ownership and Identity

This wall mural at Hawthorne Elementary School school in Newark creates a unique visual identity for the school community. Image: The RBA Group

Schools have an identity created by the students, faculty, staff and surrounding community. CPTED practices encourage this community identity to be physically expressed and present in the landscape through clear signage, clear boundaries and other indicators of territorial ownership. In other words, CPTED recognizes the potential to augment safety and discourage crime by clearly marking the school community's territory. The consistent use of colors or materials, in buildings, paved surfaces, light fixtures, and landscaping,can be used to create an identity. This sends the message that the school is a place with an identity, an active community, and a purpose, reducing the likelihood of vandalism and incivility within the school environment.

Broken Windows Theory: A Link between Environmental Quality and Crime

Crime Prevention Through Environmental Design is not the only body of knowledge to link factors of environmental quality with the occurrence of crime. The Broken Windows Theory, as proposed by social scientists James Q. Wilson and George L. Kelling, suggests that as the physical environment deteriorates, through lack of maintenance, wear and tear, or the accumulation of trash, debris, and graffiti, residents become more concerned with personal safety and spend more time indoors avoiding outdoor and public spaces. As fewer residents engage in outdoor activities, outdoor spaces become less supervised and offer a better opportunity for crimes to occur. The positive correlation between environmental degradation and occurrence of crime is a trend which can be reversed through the application of Crime Prevention Through Environmental Design fundamentals.

Application of CPTED to Common Environmental Elements

In broad terms, most of our school environments are composed of a number of similar elements: a school building; a series of pedestrian access elements (including sidewalks, pathways, stairways, and ramps); a series of vehicular access elements (including driving lanes, parking lots, emergency lanes, and delivery access); a schoolyard (consisting of recreational facilities and gathering spaces defined by topography, trees, shrubbery, benches, fences, and retaining walls); and signage that tells users and visitors the accepted ways to move through and use this combination of elements. These physical elements are at work creating the overall school environment at day and night, on weekdays and weekends, in summer and during the school year. The following list considers such elements from the perspective of CPTED, in which the design and configuration of these elements can be employed to reduce the likelihood of crime while enhancing safety and school identity.

Pedestrian and Bicycle Access

Walking and bicycling should be a viable means of transportation for students in a range of settings: urban, suburban or rural. This means that schools must understand the pedestrian and bicycle networks that lead to their doors in a manner consistent with CPTED principles. In urban settings, students using these means of travel will likely access their school building from the street or sidewalk. Bike lanes and sidewalks should maintain high levels of visibility and clear sight lines and should be well-signed, well-lit, and well-maintained (free from cracks, debris, trash, puddles, and other obstacles). In more rural and suburban settings, the schoolyard may cover several acres and adjoin many other parcels of land, from which potential pedestrian and bicycle paths may have access. To encourage pedestrian and bicycle travel to and from the school, it is important to maintain these access points. The schoolyard, however, should not become a through-way for pedestrian and bicycle travelers not affiliated with or approved by the school. Pedestrian and bicycle access points should be clearly marked as part of the school territory.

Poor example: The slope in front of this school does little to control or enhance pedestrian access. As a result, it becomes both a safety concern (for the potential to slip and fall) as well as a maintenance concern (for the potential to track mud into the school). Image: The RBA Group

Good example: The system of retaining walls, stairs, and ramps creates clearly defined access for pedestrians, allowing them to move safely, efficiently, and cleanly. Image: The RBA Group

Vehicular Access

Cars, trucks, and buses that enter the school environment should be visible to school administrative personnel when school is in session and the building is accessible. This means that vehicular access is likely to be limited and placed within the view of the school office. The number and size of driveways should be limited and sidewalks should continue across driveway aprons.

Trees and Shrubbery

Trees and shrubs are an important part of the school site, contributing to environmental quality in a number of ways such as reducing air and noise pollution, providing protection from the rain and sun, and encouraging wildlife and plant diversity. Trees also create safer walking environments by forming and framing visual walls and by providing distinct edges to sidewalks and streets. In consideration of CPTED, trees and shrubbery should be employed to create spatial boundaries for the school site without inadvertently creating hiding spaces or limiting sight lines. For instance, a line of trees or a low hedge can create a spatial boundary at the edge of school property. However, shade trees should be "limbed up" and shrubs should be removed when they have been planted in a way that creates hiding places in the landscape. Weeping-branched trees should be avoided for their natural tendency to create a hiding space.

Poor example: The shrubbery adjacent to this sidewalk is overgrown and blocks this student's view into the school yard. Image: The RBA Group

Good example: The trees along the left-hand side of this sidewalk create a visual boundary between the sidewalk and the road. The tree canopy is maintained high enough that eye-level views are not impeded. Image: The RBA Group

Topography

Topography, or the act of grading the land to a desired configuration, is a part of most construction processes that relate to building schools, recreational, and transportation facilities. Therefore, the manipulation of topography in consideration of CPTED would prioritize the creation of clear site lines and perimeter boundaries, while eliminating the potential for hiding spaces.

Poor example: The site lines of these two students from the sidewalk to the school yard are blocked by the height of the grassy slope. Image: The RBA Group

Good example: This configuration creates a clear site line from the sidewalk to the school entrance. Image: The RBA Group

Fencing

Fencing can be used to define the spatial boundary of the school site, to control access, and to guide school users to a desired point of entry. However, fencing school property in such a way that prohibits the public from accessing outdoor school facilities like ball fields, walking tracks or playgrounds may be detrimental to the health of local residents. Fencing is available in a wide variety of materials and colors and should maintain a high level of visibility, clearly delineate school boundaries, and physically express the presence of the school community. Solid stockade or wall-style fencing should be avoided in favor of more pervious styles like wrought iron or chain link. Long stretches of fencing should be addressed from an aesthetic perspective to avoid creating the impression of the school building as a prison-like facility or as a fortress intended to keep community members out.

Poor example: Although this chain link fencing is visually permeable, the unfortunate side effect of its height, configuration, and barbed wire holders is an impression of the school as a prison-like facility. Image: The RBA Group

Good example: This painted aluminum fencing mounted on brick piers is both visually permeable and visually appealing. Its integration with the school's sign helps to underscore the importance of the school as an institution and a community. Image: The RBA Group

Shared Use Agreements

The SRTS National Partnership encourages schools districts and local government entities to utilize shared use agreements (SUA) to set forth the terms and conditions for the shared use of school property after regular hours. With SUA schools can continue to provide students and the local community with the facilities needed to maintain active and healthy lifestyles, while minimizing concerns about costs, vandalism, security, maintenance, and liability. For more on SUA, visit www.saferoutespartnership.org/state/bestpractices/shareduse

Lighting

Lighting is widely perceived to create a safe environment out of a dangerous one. Lighting improves the ability to observe activity and identify individuals as well as the ability to survey one's surroundings. However, the provision of lighting in a school environment when school activities are not in session may attract unauthorized users. Therefore, it may be wise to employ motion-sensitive technology in lighting the school grounds. Motion-sensitive lighting around the school environment would achieve the following: the dark environment would discourage unauthorized nighttime usage; authorized users would be provided with sufficient light as a result of their movement; and unauthorized users would be highly detectable as a result of their movement.

Maintenance

Proper maintenance is a sign of guardianship and territoriality which reinforces community identity. By properly maintaining the school environment through mowing and edging; removal of dead trees, trash, and debris; and upkeep of fences, benches, and painted, paved, and mulched surfaces, the school will be less likely to incur vandalism and other unwanted activities. Graffiti should always be removed in a timely manner to discourage further incidents. Well-maintained trees and landscape will create a pleasant environment, including the environmental benefits of cooling shade, progressive storm-water management and inviting outdoor spaces. Well-maintained sidewalks and bicycle routes will also encourage walking and bicycling.

Poor example: This poorly maintained sidewalk is a hazardous impediment for pedestrians and is likely impassable for a wheelchair. It sends the message that this space is not cared for. Image: The RBA Group

Good example: This well maintained sidewalk, which shows a recent repair, is safe for passage on foot or in a wheelchair. It sends the message that this space is highly cared for. Image: The RBA Group

Signs

Signs are an excellent tool for communication. From signs, we learn how to move spatially ("SLOW DOWN") and how to behave culturally ("NO TALKING IN THE LIBRARY"). We learn where things are located, who is in charge of them and what type of environment we are in. Signs around schools, therefore, represent a major opportunity not only to control access and direct arrivals, but to communicate territoriality and community values. Signs around the school should be clear and coherent: they are a profound visual cue that can be used to encourage a safe environment.

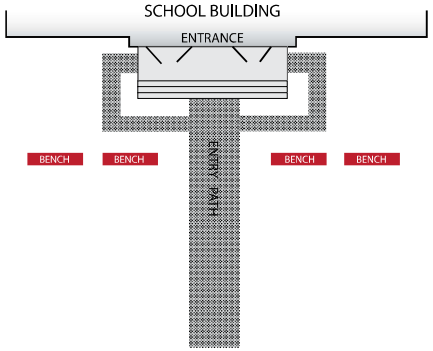
These signs clearly identify Ivy Hill Elementary School in Newark. Image: The RBA Group

The signs placed on this school building in Montclair communicate a set of values associated with the school building. Image: The RBA Group

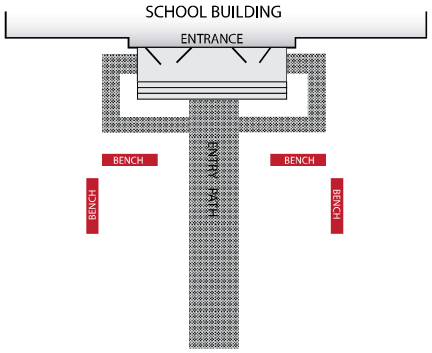
This 'Safe Corridor' sign in Camden expresses the importance of keeping children safe as they make their way to and from school. Image: The RBA Group

Gathering Space

The more eyes there are on the environment, the more likely people will feel safe walking and bicycling. By creating outside gathering spaces that encourage interaction, people are more likely to be engaged in the outdoor environment, reducing the threat of crime. A simple consideration of this point is the way that benches can be arranged in outdoor spaces. A linear bench arrangement encourages solitude rather than interaction. In contrast, a pair of benches opposed to ninety degrees creates a space for interaction.



Poor example: The benches in this diagram are placed in a parallel configuration. This does not encourage interaction and it is likely that the benches will see little use. Image: The RBA Group



Good Example: The benches in this diagram are opposed in a perpendicular relationship. This configuration forms a space which encourages interaction. These benches are likely to be used by students, energizing the space and the school yard, and increasing safety through "eyes on the street." Image: The RBA Group

Activity Space

One of the most effective ways to prevent crime is to encourage, support and engage in positive activity. At its best, the school is a place for safe and positive activity, including organized and pick-up sports, school gardening programs, arts and crafts programs, and music and theater performances. By creating an environment in which such activities take place, the likelihood of crime is likely to decrease.

Poor example: This space adjacent to a school building shows signs of wear and offers little in the way of positive activity. Image: The RBA Group

Good example: This space adjacent to a school building shows signs of care and creates the opportunity for positive activity. Image: The RBA Group

Resources

For more information on CPTED, please review the following sources:

- National Crime Prevention Council: www.ncpc.org/training/training-topics/crime-prevention-through-environmental-design-cpted-
- National Clearinghouse for Educational Facilities: www.ncef.org/rl/cpted.cfm
- National Institute of Justice Research Report, Physical Environment and Crime, by Ralph B. Taylor and Adele V. Harrell, www.ncjrs.gov/pdffiles/physenv.pdf
- Centers for Disease Control and Prevention: www.cdc.gov/violenceprevention/youthviolence/cpted.html

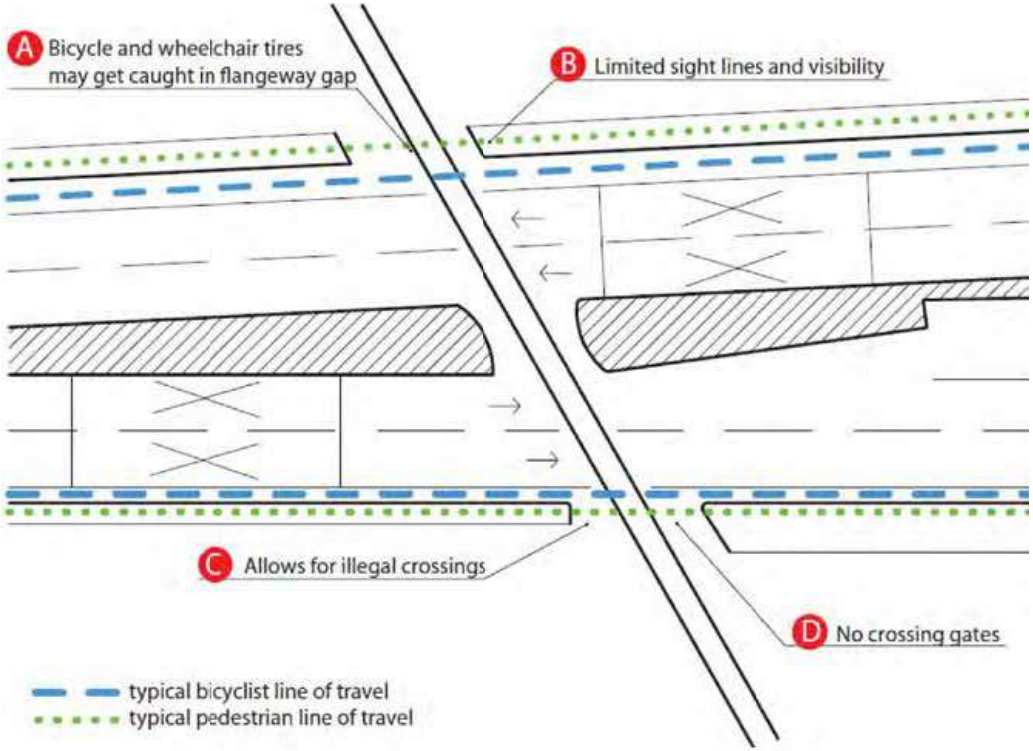
Chapter 11: Schools near Railroad Crossings

There are over 1,000 miles of light and commuter railroad tracks and 2,400 miles of freight railroad tracks crisscrossing New Jersey. These tracks run throughout the state, in major cities, small towns, residential and commercial areas and near parks and schools. Almost 44% of the 3,765 schools in New Jersey are located within a half mile of either active freight or passenger rail. Many students attending the 1,644 schools located within a half mile of an active rail line must cross rail tracks while walking or bicycling to and from school.

Common Issues at Railroad Crossings

Common issues at railroad-highway grade crossings include:[1]

A. Bicyclists and pedestrians in wheelchairs may catch a wheel in the flange way gap if the crossing is not perpendicular to the roadway.
B. Limited sight lines and visibility may not allow pedestrians and bicyclists to see approaching trains.
C. Some pedestrians cross tracks illegally.
D. Crossing gates for pedestrians or bicyclists may not be provided.



Graphic: Caltrans, *Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians*

[1]California Department of Transportation (Caltrans), *Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians* (2010). www.dot.ca.gov/hq/traffops/engineering/investigations/docs/intersection-guide-bicycles-pedestrians.pdf

Safety at Highway-Grade Pedestrian Crossings

A wide variety of passive and active devices may be used to supplement highway-related active control devices to improve pedestrian and bicyclist safety at highway-rail crossings. All pedestrian and bicyclist facilities should be designed to minimize crossing time, and devices should be designed to avoid trapping pedestrians and bicyclists between sets of tracks. The following devices should be considered at crossings within school zones as well as areas with high pedestrian traffic volumes, high train speeds, frequent rail service, extremely wide crossings, complex highway-rail grade crossing geometry, inadequate sight distance, and/or multiple tracks.

Passive Traffic Control Devices

Passive traffic control devices do not indicate the approach or presence of a train. Rather, their purpose is to identify and direct attention to the location of a crossing and provide static messages of warning or guidance to permit drivers and pedestrians to take appropriate action. Passive traffic control devices consist of regulatory signs, warning signs, guide signs, and supplemental pavement markings.

Passive devices include:

- **Sidewalks** should lead pedestrians to designated railroad crossings. Lack of sidewalks at rail crossings can be hazardous to pedestrians. This often results in pedestrians either walking over the rails outside the paved crossing, which could result in tripping, or walking in the roadway which presents the risk of collision with roadway traffic.
- **Fencing** and other barrier materials, such as landscaping, are recommended by the Federal Railroad Administration (FRA) to funnel pedestrian traffic to the desired crossing point where grade crossing warning devices are located.

Fencing at NJ TRANSIT's Aberdeen-Matawan Station. Image: The RBA Group

Example of a clear, concise warning message communicated by this pavement marking. Image: FRA, *Guidance on Pedestrian Safety at or Near Passenger Stations*

- **Pavement markings** can be used effectively to remind pedestrians of the need to be aware of trains approaching on any track and in either direction. When pavement marking messages are used, FRA recommends that the pavement marking should extend the full width of the pathway or sidewalk, so as to maximize the conspicuity and applicability of the warning message.

- **Swing gates** (sometimes used in conjunction with flashing lights and bells) alert pedestrians to the tracks they will cross and force them to pause. Swing gates deter people from continuing unimpeded across the tracks without unduly restricting their ability to exit from the railroad right-of-way. The swing gate requires pedestrians to pull the gate to enter the crossing and push the gate to exit the protected track area; therefore, a pedestrian cannot physically cross the track area without pulling and opening the gate. It is recommended that the gates be designed to return to the closed position after the pedestrian has passed. Swing gates should be supplemented with proper signage mounted on or near the gates.

Example of a swing gate. Image: California Public Utilities Commission, *Pedestrian-Rail Crossings In California*

An emergency exit swing gate is used in conjunction with an automatic pedestrian gate. It is designated for use only as an escape route for a pedestrian that remains between the track and a lowered automatic pedestrian gate. Image: FHWA

- **Detectable warnings** consisting of raised, truncated domes that comply with ADA Accessibility Guidelines (ADAAG) should be installed at pedestrian crossings on either side of the tracks to indicate to a pedestrian when they have entered and exited the track area. A detectable surface in advance of the crossing provides warning to visually impaired individuals of the presence of a crossing. The detectable warning should extend 24 inches in the direction of travel covering the full width of the designated pedestrian pathway.

Example of visually contrasting surface materials at a pedestrian crossing. Image: FRA, *Guidance on Pedestrian Safety at or Near Passenger Stations*

- **Standard Signs** notify pedestrians and bicyclists of regulations and provide warning and needed guidance at crossings. According to the MUTCD, the minimum mounting height for post-mounted signs on pathways is four feet (Section 8D.03).At light rail crossings used by school children, NJDOT has installed lowered warning signs (at three and a half feet) along with signs at the regular height.[2]

Examples of MUTCD Standard Signs

R15-1

The Grade Crossing (R15-1) sign, commonly identified as the Crossbuck sign, requires road users to yield the right-of-way to rail traffic at a grade crossing. At a minimum, one Crossbuck sign shall be used on each approach to every highway-rail grade crossing, alone or in combination with other traffic control devices.

R15-2P

If automatic gates are not present and if there are two or more tracks at a grade crossing, the number of tracks shall be indicated on a supplemental Number of Tracks (R15-2P) plaque.

R15-8

At grade crossings, the LOOK (R15-8) sign may be mounted as a supplemental plaque on the Crossbuck support, or on a separate post in the immediate vicinity of the grade crossing on the railroad or light rail track (LRT) right-of-way.

- **Nonstandard Signs**– There is a wide variety of nonstandard signage in use near stations and along the railroad right-of-way. These nonstandard signs are intended to discourage pedestrians from trespassing on the railroad right-of-way, encourage pedestrians to utilize designated crossing points, and warn pedestrians of the possibility that trains may be approaching.

Example of a nonstandard sign in Garfield, NJ. Photo also shows how the sidewalk leads pedestrians up to the designated, desired crossing point. Image: The RBA Group

Younger Pedestrians

Studies have found that younger pedestrians are more likely to pay attention to active signs (flashing lights and gates that activate or change upon the approach or presence of a train)[3] while older pedestrians notice passive signs more frequently (signs, pavement markings and other devices that do not indicate the approach or presence of a train). Another study examining violations at gated highway-rail grade crossings found that children younger than eight years old were more likely to violate gated highway-rail grade crossings and cross in the absence of older children and adults. However, the presence of more people increased the likelihood of a violation for individuals older than eight years old.[4]

[2] Metaxatos, P., & Sriraj, P. S. (2013).*Pedestrian/bicyclist warning devices and signs at highway-rail and pathway-rail grade crossings*. Informally published manuscript, University of Illinois, Chicago, IL, Retrieved from www.utc.uic.edu/research/projects/GradeCrossingSafety.html

[3] Metaxatos, P., & Sriraj, P. S. (2013).*Pedestrian/bicyclist warning devices and signs at highway-rail and pathway-rail grade crossings*. Informally published manuscript, University of Illinois, Chicago, IL, Retrieved from www.utc.uic.edu/research/projects/GradeCrossingSafety.html

[4] Khattak A., and Z. Luo (2010). Pedestrian and Bicyclist Violations at Highway-Rail Grade Crossings. Transportation Research Board Annual Meeting, Paper 11-1443. http://trb.metapress.com/content/vph5x824407160x8/

Active Traffic Control Devices

Active traffic control devices inform pedestrians, bicyclists and motorists of the approach or presence of a train. Audible and visual warnings should be used at or near passenger stations, where appropriate, to guide pedestrians to proper crossing points and also to indicate when it is appropriate to cross the tracks in order to get to the correct station platform to board the desired train.

Active devices include:

- A **flashing light signal assembly** can be used in conjunction with entry/exit swing gates or alone. An **audible warning device** (mechanical or electronic bell) is required with a flashing light signal assembly warning device. The audible warning device is sounded while the warning device (flashing light signals) is activated to provide notice to pathway users and bicyclists. Flashing-light signals shall operate for at least 20 seconds before the arrival of any rail traffic (MUTCD Section 8C.08).

Figure 8C-4. Example of Flashing-Light Signal Assembly for Pedestrian Crossings

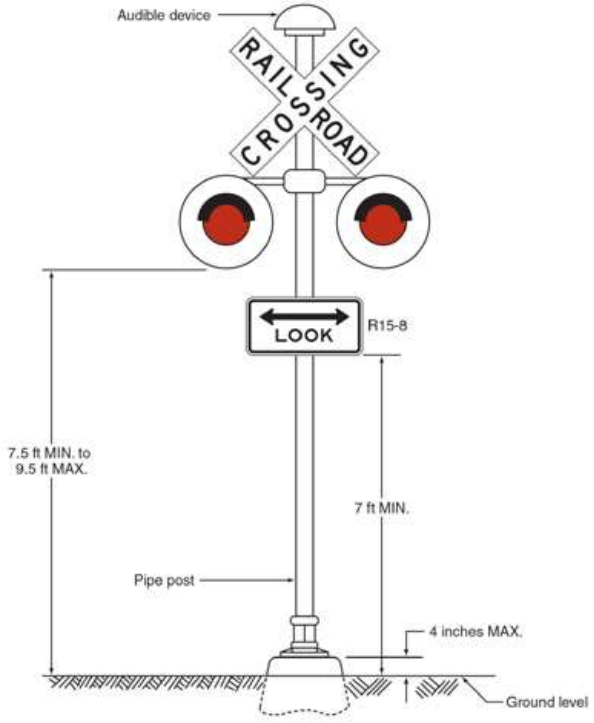


Image: MUTCD

Railroad – Highway Engineering Standards and Guidelines

FHWA's *Railroad-Highway Grade Crossing Handbook* (2007) provides guidance on pedestrian crossings. Additional guidance is provided by the MUTCD (USDOT/FHWA 2009b, Part 8), and Code of Federal Regulations 49. Crosswalks at intersections where pedestrians cross light rail tracks in mixed-use alignments are covered by the provisions of MUTCD Section 3B.18 rather than by the provisions of Chapter 8. New Jersey follows the MUTCD and FHWA's *Railroad-Highway Grade Crossing Handbook* for engineering standards and guidelines.

- A **pedestrian gate** is an automatic gate that offers an active, positive barrier to discourage pedestrians from entering the rail right-of-way during train movements. When used at pedestrian-rail at-grade crossings, each automatic gate should be approximately three feet above the pathway when in the horizontal position. NJ TRANSIT is currently evaluating the effectiveness of "gate skirts," which create an additional barrier below an activated grade-crossing gate to deter pedestrians from "ducking" under. Gate arms should be fully retro-reflectorized on both sides and should have vertical stripes alternately red and white at 16-inch intervals measured horizontally.

  In the normal sequence of operation, unless constant warning time detection or other advanced system requires otherwise, the flashing-light signals and the lights on the gate arm (in its normal upright position) shall be activated immediately upon detection of approaching rail traffic. The gate arm shall start its downward motion not less than 3 seconds after the flashing-light signals start to operate, shall reach its horizontal position at least 5 seconds before the arrival of the rail traffic, and shall remain in the down position as long as the rail traffic occupies the grade crossing. When the rail traffic clears the grade crossing, and if no other rail traffic is detected, the gate arm shall ascend to its upright position, at which point the flashing-light signals and the lights on the gate arm shall cease operation (MUTCD Section 8C.04).

Students waiting behind a pedestrian gate to cross the tracks in Garfield, NJ. Image: The RBA Group

Pedestrian gate with "gate skirt" being tested at the Aberdeen-Matawan Train Station. Image: The RBA Group

Spotlight: "Another Train Coming" Warning System at Plauderville Rail Station in Garfield, NJ

In September 2012, NJDOT and NJ TRANSIT installed the "Another Train Coming" warning system at the Outwater Lane grade crossing adjacent to the Plauderville Rail Station as part of a pilot safety program.

The warning system consists of active signs in all four quadrants of the rail crossing, with an LED text message that reads, "DANGER, Another Train Coming," as well as an audio component that repeatedly sounds the same message. The "Another Train Coming" warning system is activated whenever two trains are in the immediate vicinity of the crossing. For example, if one train is already in the station, and another is approaching on the other track (out of view), the system will provide a warning to pedestrians who might consider crossing the tracks illegally with the gates in the down position. The system reinforces the fact that just because one train is leaving the station does not mean it is "safe" to walk around the downed crossing gates. The system is designed to provide an additional warning to pedestrians to remain behind the crossing gates even after the one train they may be aware of has left the station.

NJDOT and NJ TRANSIT are conducting the "Another Train Coming" pilot program at Plauderville Station to test the effectiveness of the signs and determine whether this type of system should be used on other grade crossings in the NJ TRANSIT rail system.

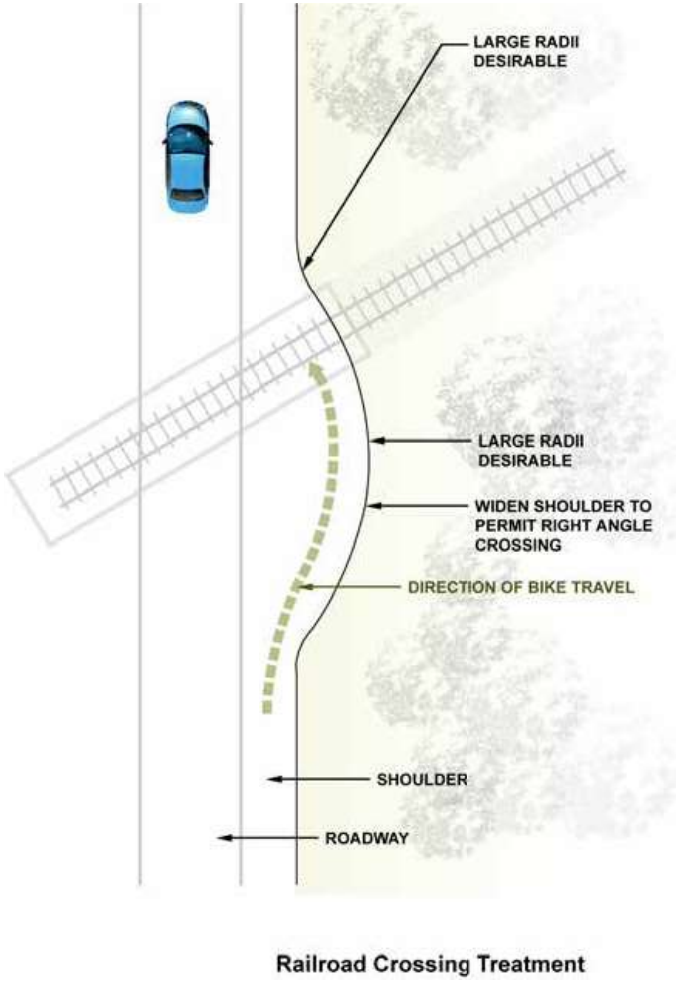
In addition to the "Another Train Coming" signs, NJDOT and NJ TRANSIT have made several other enhancements to the Outwater Lane grade crossing at Plauderville Station, including an additional pedestrian gate, a delineated sidewalk and 300 feet of additional fencing along the railroad right of way.

The pilot program is a result of the *New Jersey Safety Along Railroads: Short-Term Action Plan* created in February 2012.

"Another Train Coming" system installed at Plauderville Station. Image: Marco DeSilva, Volpe Center

Modifying the Intersection

Crossing rail tracks on a bike or in a wheelchair can often be tricky, especially with narrow wheels that can get caught between the rails. Bicyclists and pedestrians in wheelchairs can be accommodated at an at-grade railroad crossing by modifying the intersection to provide for a close to 90-degree crossing. This will help keep a front wheel from getting caught in the tracks.



Railroad Crossing Treatment

Image: The RBA Group

Green pavement markings in Tuscon, AZ indicate where cyclists may cross streetcar tracks at as close to perpendicular as possible. Image: bicycletuscon.com

Kansas City has installed signs warning of track hazards. Image: BikeWalkKC.org

Bicycle tires can get stuck on the grooves between tracks. The safest way to cross rail tracks is as close as possible to a 90 degree angle. Image: BicycleGermany.com

National Center for SRTS Position on Railroad Crossings

In keeping with NHTSA and other federal guidelines, the National Center for Safe Routes to School does not advise students to avoid crossing railroad tracks, but recommends that if the need for crossing the tracks does arise, that to the greatest extent possible, the following conditions be met:

1. appropriate at-grade crossings are implemented in accordance with relevant federal, state, and local guidelines;
2. appropriate supplemental safety devices (e.g., pedestrian signals, pavement markings) be incorporated into the project; and
3. that children be accompanied by a responsible adult and use extreme caution when traveling over such areas.

How are recommendations for pedestrian and bicyclist safety improvements made?

The appropriate traffic control system to be used at a pedestrian-rail at-grade crossing should be determined by an engineering study performed by a diagnostic team. The diagnostic team should include representatives from the railroad companies, the roadway authority, and the regulatory authority (state and/or federal). In general, the railroad is responsible for the crossbucks, flashing light signals, and gate mechanisms and the roadway authority is responsible for all advance warning signals and markings, and other supplemental signs.

Diagnostic teams are typically convened when:

- there has been a federal or state grant allocated,
- there are proposed or imminent changes to the physical or operating characteristics of the railroad or roadway,
- there have been complaints/requests for safety evaluations (railroad, local agencies, school districts, citizens), or
- it has been recommended by routine inspections.

Criteria used to Select Warning Devices

There is no commonly accepted method to quantify the risk to a pedestrian of being struck by a train at a highway-rail crossing with pedestrian access. However, the Federal Railroad Administration promotes utilizing a risk-based analysis approach.[5] This means looking for potential hazards or undesired events that may involve pedestrians walking in or near passenger rail stations. Hazard identification is a "What if?" activity that looks for potential causes and results of incidents.

The hazard management team "brainstorms" to come up with as many credible hazards as possible for use in a risk-based hazard analysis. The multidisciplinary team should consider the physical characteristics of the station area and associated walking paths in or near the station when identifying these hazards. This includes pedestrian attractors. Destinations include schools, train stations, bus stops, retail/commercial centers, and residential communities. Planned development and zoning should be considered as indicators of future pedestrian activity with special consideration to accessibility needs for individuals with disabilities.

Criteria for selecting warning devices are usually determined on a case-by-case basis. In New Jersey, the diagnostic review process examines several criteria to determine the need for safety upgrades including:[6]

- train speed;
- number of trains;
- railroad traffic patterns;
- surface conditions;
- pedestrian volumes;
- proximity to schools;
- sight distance for pedestrians approaching the crossing;
- pedestrian collision experience at the crossing;
- skew angle of the crossing relative to the railroad tracks; and
- surrounding land use.

[5] USDOT FRA (2012).Guidance on Pedestrian Crossing Safety at or Near Passenger Stations.
[6] Metaxatos, P., & Sriraj, P. S. (2013).*Pedestrian/bicyclist warning devices and signs at highway-rail and pathway-rail grade crossings*. Informally published manuscript, University of Illinois, Chicago, IL, Retrieved from www.utc.uic.edu/research/projects/GradeCrossingSafety.html

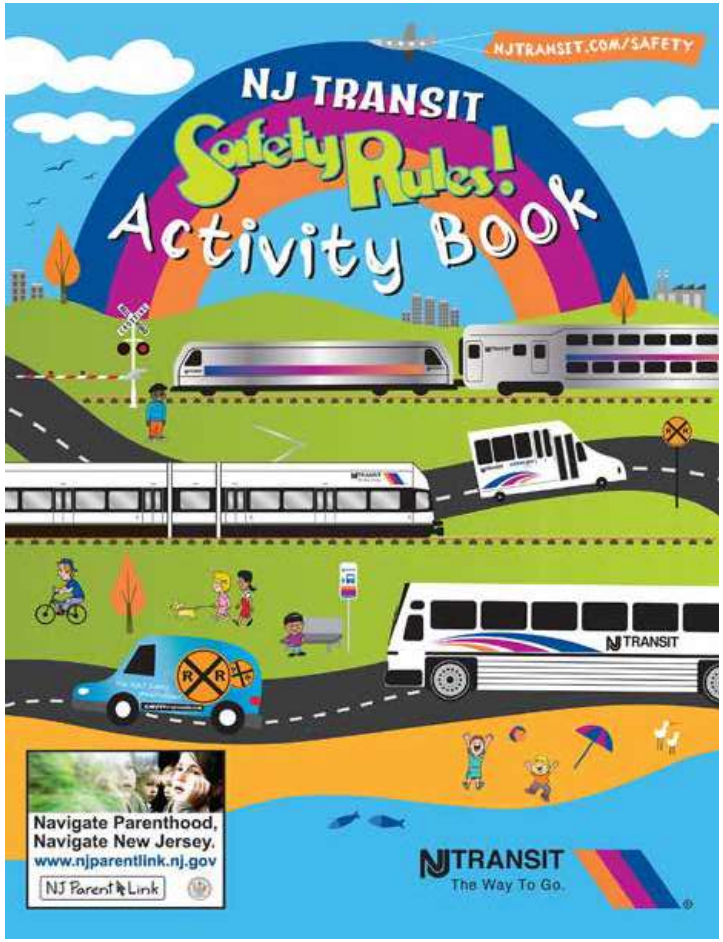
Resources: Rail Safety Education Programs

Operation Lifesaver

Operation Lifesaver is a non-profit, international, public education program. Educational brochures and videos, coloring books for children and other materials are available on the Operation Lifesaver Web site. In addition, every state has an Operation Lifesaver coordinator who can provide information about highway-rail grade crossing safety and trespass prevention activities, including scheduling a free safety presentation at your school. If you are interested in arranging a presentation, please visit Operation Lifesaver's Web site at oli.org/state_coordinators/

NJ TRANSIT's School Safety Program

Schools and community groups can take advantage of NJ TRANSIT's free statewide safety education presentations for all age groups. High school driver education teachers can request a free program package for the classroom developed to help teen motorists safely share the road with trains, buses and light rail. Contact the NJ TRANSIT Safety Education Program to learn more about the program. E mail safety@njtransit.com or visit www.njtransit.com/rg/rg_servlet.srv?hdnPageAction=SafetyTo



Chapter 12: Schools near Highway Ramps

Highway ramps are locations where motor vehicles enter or exit a limited-access roadway from a secondary roadway. Ramps are often designed to encourage high-speed, free-flow turning movements and can be a major barrier to providing safe pedestrian and bicycle access along the secondary or local roadway. Other types of roadway approaches which present challenges to pedestrians and bicyclists similar to those posed by ramps include traffic circles, right-turn slip lanes or "pork-chops," and "jughandles." The design treatments presented in this chapter can be utilized to address safety hazards associated with ramps as well as other types of roadway links which carry traffic, often at higher speeds, between intersecting roadways.

Common Issues at Highway Ramps

Ramps are in effect intersections and pose threats to pedestrians and cyclists similar to 'at-grade' intersections. They can be dangerous places for pedestrians and bicyclists to travel, especially in places where the motorized traffic travels at high speeds or when the crossing is wide and unprotected. Even highly skilled pedestrians and bicyclists can find that negotiating high-speed, free-flow jughandle locations and ramps is challenging. Less experienced pedestrians and bicyclists, such as children, may face particular difficulty. More than 10% of New Jersey schools are located within 1,000 feet of a highway entrance or exit ramp.[1]

The crosswalks are unmarked and curb ramps absent at this ramp, located one block from an elementary school in Camden. Image: Cambridge Systematics

Terrell James' Law

A 856, signed into law on January 13, 2008 as P.L. 2007, Chapter 308, prohibits construction of a highway entry or exit ramp within 1,000 feet of a school, grades kindergarten through 12, or construction of a school within 1,000 feet of a highway ramp, unless there is no "feasible or prudent alternative." The bill is named "Terrell James' Law," in memory of an 8-year-old who was hit and killed by a motor vehicle in 1997 in front of his elementary school which was located near a playground and two highway ramps in Newark, NJ.

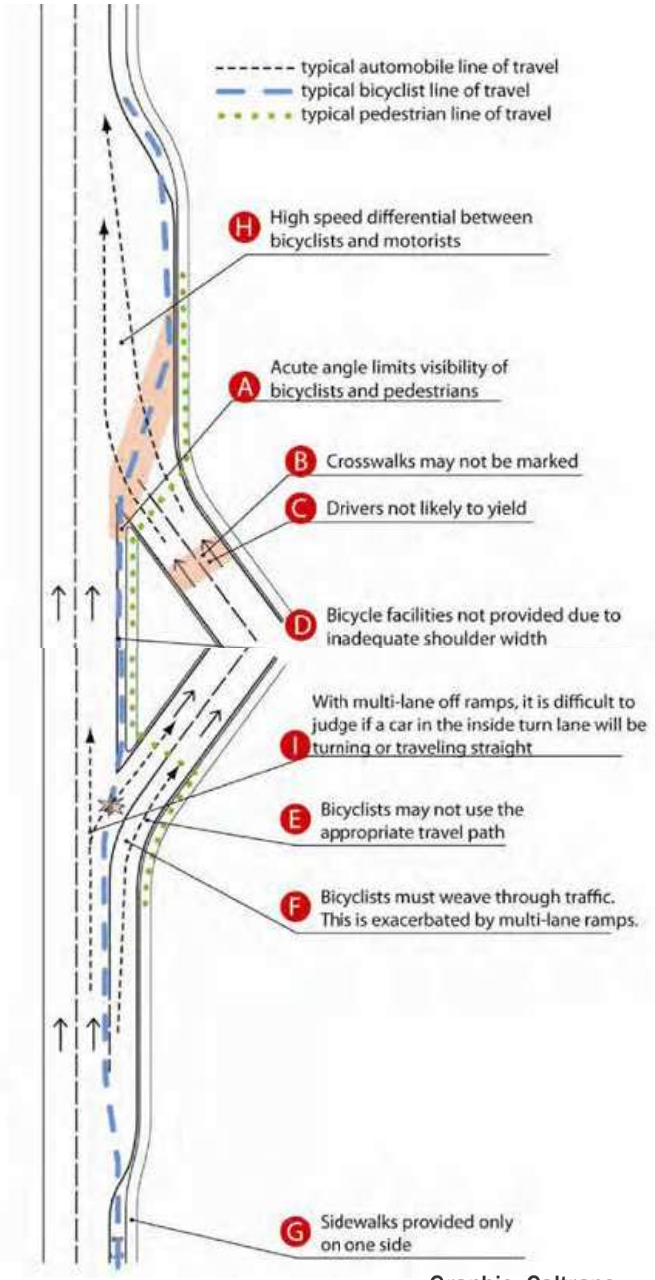
[1] Cambridge Systematics for NJDOT (2009). *Developing a Toolbox to Address Pedestrian and Bicyclist Safety Near Highway Ramps and Schools*.

Common issues at highway on- and off-ramps include:[2]

A. Poor sight distance often exists due to an acute intersecting angle that leads drivers to focus primarily on other motor vehicle traffic, as well as other factors such as the placement of guardrails, poles and signal boxes and overgrown vegetation.
B. Crosswalks are not usually marked across ramps.
C. Ramp traffic is not controlled, and motorists traveling at high speed are not likely to yield to bicyclists or pedestrians.
D. If the outside lane or shoulder is not wide enough, bicycle facilities are often not provided through an interchange area.
E. Bicyclists may not use the best travel path when navigating through the intersection.
F. Bicyclists must weave through free-flow turning traffic traveling at a much higher speed. This interaction is exacerbated with multi-lane ramps.
G. Sidewalks are sometimes not provided or only provided on one side of a crossroad.

Common issues associated with multi-lane free-flow on-and off-ramps:

H. Motor vehicles travel at high speeds, resulting in a large speed differential with pedestrians and bicyclists.
I. With multi-lane ramps and lanes with dual destinations, pedestrians and bicyclists have difficulty judging when a vehicle in the inside lane will be turning or traveling straight.



Graphic: Caltrans

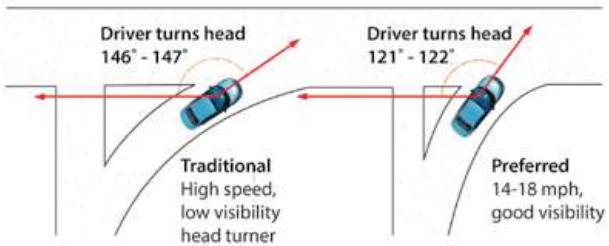
[2] ***Common issues based on Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians***, 2010 by Caltrans. www.dot.ca.gov/hq/traffops/engineering/investigations/docs/intersection-guide-bicycles-pedestrians.pdf

Design Features that Improve Safety at Highway Ramps

Many of the safety issues in the vicinity of highway ramps and schools in New Jersey can be resolved or lessened by implementing design features that **reduce vehicular travel speeds, improve visibility and reduce pedestrian exposure to vehicular traffic**.

Methods to **reduce vehicular travel speeds** include:

- reconfiguring the ramp intersection (eliminating free-flow ramps or modifying the ramps to intersect the crossroad at or close to a 90-degree angle);
- designing the exits for 20 mph at the ramp-street intersection in urban situations;
- adding traffic calming configurations, such as reduced curb radii and adding landscaping features; and
- adding rumble strips on the off-ramp remind drivers through sound and physical vibration how fast they are traveling and the need to slow down.



Designing right turn slip lanes with tighter angles reduces vehicular travel speeds and improves visibility. Image: The RBA Group

Design features that **improve visibility include**:

- striping high visibility crosswalks where ramps intersect with local roads;
- utilizing reflective or illuminated pavement markings;
- installing pedestrian scale lighting, warning signs and pedestrian-actuated beacons;
- placing a crossing guard at the location during school hours; and
- adjusting signal phases to include Right Turn on Red (RTOR) restrictions or a lead signal phase for pedestrians and bicycles.

Providing bicycle facilities leading to and through the ramp improves visibility. Image: Cleanairpartnership.wordpress.org

Methods to **reduce pedestrian and bicyclist exposure** to vehicles improve safety by lessening the time that these travelers are in the likely path of a motor vehicle. This includes:

- constructing physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails; and
- reducing the width of the traveled way (narrow lanes, use only single right-turn lanes).

Seattle DOT installed a refuge median and curb extension at this right turn lane which narrows the travel way and forces motorists to slow down. Image: SeattleBikeBlog.com

Spotlight: Speedway Elementary School in Newark, NJ

Opened in 2010, the new Speedway Elementary School (named after its former home on Speedway Avenue) was built at the intersection of two busy roads, South Orange Avenue and Oraton Parkway, near ramps for the Garden State Parkway. Initial plans for the school included a pedestrian bridge across South Orange Avenue to help students safely cross to Vailsburg Park for recess, but the cost of the bridge, as well as Green Acres regulations, prevented the bridge from being built.

In the long run, more active traffic calming measures may be the ideal solution. In the short term, parents and members of the Safe Streets, Safe Kids coalition worked with: Speedway administrators to develop a safety plan; with the city to ensure that crossing guards will be present; and with county freeholders on basic infrastructure improvements, such as additional signage and high visibility crosswalks.

The aerial shows the location of the Speedway School in relation to South Orange Avenue, Oraton Parkway and the Garden State Parkway. Image: Google

A crossing guard has been stationed at the intersection of South Orange Avenue and Oraton Parkway. Image: The RBA Group

High visibility crosswalks have been installed in the area. In addition, there is no tight turn on red (RTOR) allowed from South Orange Avenue to Oraton Parkway. Image: Google Streetview

New signs have been installed along South Orange Avenue. Image: The RBA Group

Best Practice: Right Angle Intersections

Unless unusual circumstances exist, in urban and suburban environments, and other areas where significant numbers of pedestrians are expected or desired, free flow turning movements should be avoided. Instead, right angled intersections should be constructed where the exit or entrance ramp meets the cross street. The intersection should also be controlled by a stop sign or signal.

These characteristics cause motorists to at least slow down before turning, increasing the likelihood that they will see and stop for pedestrians and bicyclists. If an impact occurs, severity is lessened because of slower vehicular speeds.

This high-speed ramp has been replaced with a 90-degree intersection. Image: California Department of Transportation

NJDOT Roadway Design Manual

The *NJDOT Roadway Design Manual* sets the standard for state roadway design, and is frequently adopted as the de facto standard by county and local governments. Section 7 of the Manual addresses interchanges. The guidelines for interchange ramps (Sec. 7.04.5) include recommendations that consider the needs of pedestrians.

In the Ramps subsection titled "Location of Ramp Intersection on Cross Road," the Manual recommends avoiding sharp curves where an off ramp terminal intersects the local street and recommends that it **"is often better to provide a near 90 degree intersection with stop sign control."**

This recommendation agrees with the best practice to use stop signs or signals at ramp terminals and for ramp terminals to intersect local roads at right angles.

The NJDOT Roadway Design Manual is available at www.state.nj.us/transportation/eng/documents/RDM/

Resources

AASHTO's 2012, *Guide for the Development of Bicycle Facilities, 4th Edition,* and 2004, *Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition*

FHWA, 2009, *Manual on Uniform Traffic Control Devices for Streets and Highways 2009 Edition*. http://mutcd.fhwa.dot.gov/htm/2009r1r2/html_index.htm

FHWA, 2006, *Federal Highway Administration University Course on Bicycle and Pedestrian Transportation*. http://www.fhwa.dot.gov/publications/research/safety/pedbike/05085/

TCRP, 2006, *Improving Pedestrian Safety at Unsignalized Crossings*, TCRP Report 112/ National Cooperative Highway Research Program (NCHRP) Report 562, http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_562.pdf

California Dept. of Transportation, 2010, *Common issues based on Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians.* www.dot.ca.gov/hq/traffops/engineering/investigations/docs/intersection-guide-bicycles-pedestrians.pdf

Chapter 13: Maintenance and Other Improvements

Proper maintenance is essential to promote user safety, to ensure ease of access, and to encourage the use of a designated route, especially in school zones.

Why is maintenance important?

All facilities require regular maintenance to reduce the damage caused over time by the effects of weather and use. However, many maintenance issues can be reduced if properly addressed in the planning and design phases before construction even begins. It is recommended that an overall plan/schedule for the continued maintenance, repair and replacement of pedestrian and bicyclist safety related infrastructure along school walking routes and within school zones be developed, adopted and implemented. The plan should include criteria and guidelines for the maintenance of pedestrian- and bicyclist-related facilities, such as sidewalks, crosswalks, bike lanes, shoulders, signs, signals, lighting, storm drains and multi-use paths. The extent and frequency of maintenance schedules will vary greatly depending on the location, amount of use, and resources available.

The plan should clearly specify the frequency of maintenance activities and how reported maintenance concerns will be addressed. The development of the plan should be coordinated between the Departments of Public Works, Engineering and Planning, the School District, and the agencies that have jurisdiction over the rights-of-way included within the school zone.

Installing high visibility crosswalks in Hoboken, NJ. Image: The RBA Group

Americans with Disabilities (ADA) Act

Accessible designs are useless if maintenance is neglected and sidewalks and paths are allowed to degrade to a condition where they cannot be used or must be avoided during travel. State and local government facilities should follow requirements of the 2010 ADA Standards for Accessible Design. This manual addresses sidewalks, walkways, and other pedestrian transportation routes that are located within a public right-of-way. The 2010 ADA Standards for Accessible Design require, to the maximum extent possible, that newly designed and constructed or altered State and local government facilities must:

- Provide a continuous, unobstructed path of travel that is accessible to and usable by individuals with disabilities.
- Maintain accessible routes from the public street, sidewalk and public transportation stops to the accessible building or facility entrance they serve.
- Keep walking surfaces cleared (of snow and any obstructions) to a minimum width of 36 inches.

Roadway Maintenance

In general, the school district is responsible for providing ongoing maintenance of pedestrian and bicycle facilities and traffic control elements on the school site; public and private property owners are typically responsible for repairs and reconstruction of the sidewalk within the street right-of-way adjacent to their property; local jurisdictions are responsible for maintaining facilities and traffic control elements at intersections and mid-block crossings; and the governmental entity with authority over the roadway is responsible for maintaining the roadway.

Elements that affect pedestrian and bicyclist travel to school should be inspected annually. Assessments should also be completed after a catastrophic event, such as a flood or storm.

This includes making sure:

- Signs are legible and information is current. Signs should be removed or replaced when messages are no longer needed, the content of the information has changed, or schools' walking routes or traffic patterns have changed. For example, all in-street crosswalk signs at mid-block crosswalks should reflect the State's Stop for Pedestrians law. Any remaining signs informing motorists to Yield to Pedestrians should be replaced.
- Traffic control devices, signals and lighting fixtures are functioning and meet current standards and guidelines.
- Pavement markings and crosswalks are clearly visible. Installing stencils with thermoplastic may cost more initially, but these materials will last longer than paint and reduce long-term maintenance costs. In addition, thermoplastic is less slippery than paint when wet.
- Sidewalks are smooth and in good repair. Concrete is more expensive than asphalt to install but it lasts longer and requires less maintenance, which may make it a better value in the long run.
- Landscaping and vegetation is not impeding pedestrian use and/or obstructing a pedestrian's or a driver's view.
- Roadway shoulders are clear of debris and potholes.
- Storm grates are removing storm water run-off from streets, in good working order, flush with the pavement, and are bicycle safe, with openings small enough to prevent a bicycle wheel from falling into the slots of the grate.

Image: The RBA Group

Image: BikePGH.org

Image: The RBA Group

Image: The RBA Group

Image: The RBA Group

How should roadway and sidewalk conditions be assessed?

Each municipality should have a current inventory and condition assessment of its roadways and sidewalks including information on the location of various deficiencies. Development of an inventory requires coordination with the County and State Departments of Transportation. This inventory can be used to set priorities for repair and replacement along with associated costs for budgeting and funding purposes.

In order to maintain accessible conditions, current and potential problems must be identified through an objective assessment process. There are many methods available for identifying maintenance needs on existing sidewalks. For example:

- larger municipalities may devote a branch of their public works department to sidewalk evaluation and roadway maintenance;
- a municipality may establish an improvement program that identifies sites requiring improvements, access or maintenance; and
- residents and visitors may identify and report maintenance problems.

Collaborative Approaches to Reporting Neighborhood Issues

For a maintenance program to be effective, it must identify all conditions that can impede pedestrian access or diminish safety and quickly respond with repairs. Residents living in an area can often identify issues more rapidly than a centralized agency. The following techniques have been used successfully by a variety of municipalities to obtain maintenance input from users:

- ***SeeClickFix.com*** - SeeClickFix allows anyone to file a public report online or via a mobile phone. The issue is then available for public view, comment and resolution. This enables citizens, community groups, media organizations and governments to take care of and improve their neighborhoods. Government entities responsible for the public space become more accountable to the public by acknowledging problems and providing effective communication about solutions.
- ***311 Non-Emergency System Call Centers*** - Operated by the municipality (public works, independent service agency, etc.) to field "city service" calls such as potholes, graffiti removal, fallen trees, broken street lights or disabled traffic signals, etc., 311 systems are in place in Chicago, New York, Houston and Dallas. There are also mobile applications being developed that allow residents to report issues as they see them.
- ***Online Forms*** – Many jurisdictions throughout the state have forms on their websites that allow residents to report roadway maintenance issues. For example, potholes and other maintenance concerns on a state highway can be reported to NJDOT through the Department's website, www.state.nj.us/transportation/commuter/potholeform.shtm
- Hotlines – All 21 counties in New Jersey have a number that residents can call to report issues on county routes. The phone numbers are available at www.state.nj.us/transportation/commuter/potholecounty.shtm

Who is responsible for sidewalk construction and maintenance in New Jersey?

The following information on sidewalk construction and maintenance comes from a 2006 report, *Constructing, Maintaining and Financing Sidewalks in New Jersey*, prepared by the Voorhees Transportation Center for the New Jersey Department of Transportation.

Sidewalk Management

Sidewalks provide an essential environment for safe, independent mobility, especially for children. However, sidewalks are a complicated issue due to multiple jurisdictions (local, county, and state), ambiguous responsibility for construction, reconstruction and maintenance, and contested liability. For sidewalks to be effectively maintained and properly repaired, responsibility for sidewalk management activities needs to be defined. Conversely, most of the problems involving sidewalk management result from ambiguity over responsibility or the lack of a responsible party. This combination of factors has led to a fragmented sidewalk network in New Jersey.

Sidewalk Maintenance

Municipalities play the most important role in assuring that sidewalks are constructed, inspected, properly maintained and repaired or reconstructed when needed.

Chapter 65 of Title 40 provides the broad structure for sidewalk law in New Jersey; N.J.S.A. 40:65-1 gives municipalities the authority to adopt ordinances providing for sidewalk improvements and repairs such as construction, paving, and curbing. This statute states that this work may be funded and performed by:

- the municipality;
- the adjacent property owner; or
- the municipality and the adjacent property owner.

Sidewalk closed for repairs. Image: VTC

Example of a discontinuous sidewalk. Image: VTC

The statute also authorizes municipalities to adopt standards for sidewalk construction and to inspect sidewalks. The law is worded to allow municipalities to construct, repair and improve sidewalks along all highways, whether the highway is a municipal street or a county or state highway. The statute requires municipalities to secure the approval of the county prior to constructing a sidewalk along a county highway; there is no similar requirement in this statute to require a municipality to first secure approval from the state before constructing a sidewalk on a state highway. As written, the statute appears to consider a sidewalk to be an appropriate element of a street that may be constructed at municipal expense or by the abutting property owner.

When homeowners and businesses are responsible for sidewalk maintenance, they might decide to hire a contractor, perform repairs on their own or have the city do the repair. Homeowner associations in some neighborhoods address right-of-way maintenance as a group to minimize the cost to individual members. In some areas, the city will subsidize sidewalk repairs for property owners. Local laws may also dictate whether or not a homeowner must hire a professional contractor to undertake sidewalk repair. Regardless of the approach for sidewalk maintenance, municipal inspectors should review and approve all repairs to guarantee that the improved sidewalk meets pedestrian access needs and the requirements of the ADA.

Sidewalk ready to be poured. Image: VTC

Sidewalk Construction

In New Jersey, the cost of constructing and reconstructing sidewalks is typically born by the landowner when it is required as part of a development, and by the State, county or local agency when constructed as part of road construction or reconstruction. Municipalities may assign all, a portion of, or none of the costs of constructing sidewalks to the abutting property owners. NJDOT Local Aid funding has also been used for municipal sidewalk-only projects. Sidewalks might not be constructed during development or road construction if the developer seeks an exception from the Residential Site Improvement Standards (N.J.A.C. 5:21-1.1, et.seq.) or local site plan requirements, or if the State or county has not identified a need in the project scoping process. As more municipalities and counties in New Jersey adopt Complete Streets Policies, sidewalks are more frequently recognized as essential elements of the public right-of-way and are being incorporated into the initial design of a project. For more on Complete Streets Policies visit NJDOT's Complete Streets web-page, www.state.nj.us/transportation/eng/completestreets/.

Development Review: Residential Site Improvement Standards (RSIS) and Municipal Master Plans

According to the RSIS, sidewalks shall be provided on both sides of the street when the minimum lot size in the development is smaller than two acres and the development is located within two miles of a school, regardless of road classification (N.J.C.A. 5:21-4.5). Since there is no comparable set of statewide standards establishing requirements for nonresidential developments, the circulation element to the municipal master plan can provide further guidance regarding where and when sidewalks and walkways should be constructed and how they should be designed. A municipality should identify locations for proposed sidewalks on the Circulation Plan Map within the municipality's adopted Master Plan.

New sidewalk. Image: VTC

Best Practices for Maximizing the Life Expectancy of Sidewalks

Sidewalks, like other transportation infrastructure, are a major public investment. It is less costly to maintain sidewalks than to undertake major repair and reconstruction. Also, regular preventive maintenance of a sidewalk can extend the lifetime of the facility and delay the need for more extensive repairs. The average service life of a sidewalk depends on a variety of factors including environmental conditions, materials, design standards, construction quality and maintenance standards. If best practices are undertaken throughout the life cycle of the sidewalk, the expected service life is 80 years for concrete and 40 years for asphalt. Best practices for maximizing the life expectancy of sidewalks include:

- Providing adjacent trees with adequate room for root growth. This includes selecting the appropriate tree species for the proposed planting space to avoid conflicts later with sidewalks and other infrastructure.
- Providing good drainage across the sidewalk.
- Care should be taken to keep a sidewalk, walkway, or trail ice-free once snow has been shoveled. Using rock salt to melt ice should be avoided. Rock salt can damage concrete sidewalks, especially when they may not have been installed correctly or sufficiently cured. Instead, municipalities should advise property owners to use an environmentally friendly ice-melt pellet or de-icer.

Winter Maintenance Practices (snow removal, sanding)

Winter maintenance of pedestrian facilities is both a safety and an accessibility issue. Icy or snow-covered sidewalks are dangerous, especially when pedestrians are forced to walk in the street.
In New Jersey, the responsibility of routine maintenance and snow and ice removal is typically assigned to the abutting property owner by local ordinance. Some cities and boroughs do operate programs to remove snow from downtown streets and similar areas that have inadequate space to store snow.

Winter Maintenance Management Plans

Local governments should adopt and routinely update winter maintenance–management plans or amend municipal emergency-operations plans to address and delineate responsibilities for snow/ice removal—including pedestrian and bicycle facilities. Having a plan for snow and ice removal can also help prevent and minimize exposure to liability.

While snow and ice removal is typically the responsibility of the abutting property owner in New Jersey, municipalities should consider taking on snow removal responsibility along identified routes to school. Municipalities should also inform residents of any designated school routes and give priority to helping those who need assistance with snow removal or other sidewalk repairs, such as elderly or disabled residents.

Snow blocks the child's path. Image: VTC

Spotlight: Township of Bernards School Routes and Snow Removal Policy

In August 2012, the Bernards Township Committee adopted a resolution delineating and formalizing the Township's Policy on Walking Routes to School, as well as setting primary and secondary priority status to the various routes to be cleared of snow and ice by the Township's Department of Public Works (Resolution #2012-0355). The Department of Public Works is responsible for snow and ice clearing of approximately 25 miles of primary sidewalks and approximately 8 miles of secondary sidewalks throughout the Township. The policy also dictates that the routes will be periodically re-evaluated and recommendations will be made if needed. The primary and secondary locations to be cleared are shown on the "Bernards Township School Routes and Snow Removal Map" dated June 20, 2012. A PDF of the full map is available at www.bernards.org/resolutions/2012/2012-0355Map.pdf

Example from Bernards Township School Routes and Snow Removal Map

Snow Removal Ordinances

Many local governments require property owners to remove snow/ice from an abutting sidewalk after a winter storm. The laws regarding snow and ice rules and regulations vary across the state. Municipalities may have different time limits on how long sidewalks can remain covered and where the snow can and cannot be shoveled. Often these ordinances and/or maintenance plans do not fully address the need to clear snow from other adjacent pedestrian facilities, such as curb ramps, crosswalks, pedestrian islands/ medians, transit stops/shelters, walkways on bridges, and year-round trail systems. In addition, higher mounds of snow frequently develop at street intersections, blocking crosswalks and reducing intersection sight distance.

A pedestrian is stranded in the street by snow blocking the midblock crosswalk. Image: The RBA Group

Curb ramps are rarely shoveled out, severely restricting mobility for disabled persons and making street crossings hazardous for all pedestrians. Abutting property owners often fail to remove snow from this area, and usually ordinances requiring property owners to shovel snow do not address the crosswalk area. Local ordinances should be revised and updated to address all pedestrian facilities and not just the sidewalk.

Liability

New Jersey sets different standards of liability depending upon whether the abutting property is owned by a private individual or a public entity and, if private, whether the use of the abutting property is commercial or residential. While commercial property owners have a duty to inspect for and remove snow and ice on the adjacent sidewalk, in general, a residential property owner or occupant is not liable for damages resulting from a failure to clear ice or snow from the sidewalk in front of the property. However, if the hazardous condition was aggravated by the action of the owner or occupant when clearing the sidewalk of snow or ice, the owner (or occupant) may be held liable.[1]

Nevertheless, it is recommended that residents clear the snow and ice from the sidewalks and paths along their property. If being a good neighbor is not incentive enough,

It is important to clear all bicycle and pedestrian related facilities of snow. Image: The RBA Group

many local municipalities have ordinances that require property owners to remove snow and ice, and failure to comply with these ordinances can lead to a fine. It does not lead, however, to an imposition of liability for injuries sustained by pedestrians unless the property owner or occupant had done a poor job at clearing the sidewalk of snow or ice.

Enforcement of ordinances requiring private-property owners to clear adjacent sidewalks within a certain time period is often lax or non-existent. Local governments that fail to maintain accessible pedestrian facilities or enforce local ordinances may be at greater risk for liability or non-compliance with the ADA. To minimize risk and control this exposure, it is critical to ensure that if a jurisdiction has a sidewalk snow-removal ordinance, the ordinance is consistently enforced.

[1] VTC and Charles Carmalt, PP, AICP, **Constructing, Maintaining and Financing Sidewalks in New Jersey (2006), 63.** http://njbikeped.org/portfolio/constructing-maintaining-and-financing-sidewalks-in-new-jersey/

Examples of Winter Maintenance Management Plans

Bloomington, Minnesota

The City of Bloomington has a comprehensive Snow Response Program. As part of the program, city ordinances are referenced that address responsibilities for clearing snow from pedestrian facilities. While the city ordinance requires property owners to clear snow and ice from sidewalks, over 250 miles of sidewalks in the city are cleared by the city's Park Maintenance Department. The city code specifies a priority system that requires Park Maintenance to clear pedestrian facilities as follows (City of Bloomington, n.d.):

- **First priority:** School walking areas, heavily used wheelchair-accessible areas, and high use areas along main roads
- **Second priority:** Walks expanding out from a school and along major roads
- **Third priority:** Residential and industrial areas

It is clearly communicated that extreme weather events and long-term snowfall may cause the city to return to high priority areas before getting to the lower priority areas. Also, Bloomington's plan notifies citizens to keep obstructions—such as trash cans—off sidewalks so crews can complete their job more efficiently and quickly (City of Bloomington, n.d.).

www.ci.bloomington.mn.us/cityhall/dept/pubworks/mainten/strmain/snow.htm#notjust

Longmont, Colorado

The City of Longmont's Snow- and Ice-Control Plan provides guidelines for snow operations deployment, deployment levels, personnel responsibility, snow-plowing priorities, safety and training considerations, use of equipment, and environmental protection. The plan emphasizes the need to ensure motorist safety, cost effectiveness, environmental benefits, and operational logistics.

Deployment levels are based on factors such as expected accumulation, air and ground temperature, potential for back-to-back storms. Deployment levels consider the need for pedestrian accessibility in downtown areas and school zones. A snow team leader is assigned to each anticipated snow event and is responsible for deploying snow teams based on the category for four deployment levels as follows (City of Longmont, 2010):

- **Level 1** – Little or no accumulation is predicted; no back-to-back storm events predicted—limited deployment of on-call staff is on an as-needed basis.
- **Level 2** – 0- to 6-inch accumulation predicted; possible back-to-back storms—Entire maintenance staff required for 12-hour on and 12-hour off shifts. Fleet mechanics are placed on-call, and one sanitation truck is ready for deployment. Limited and/or targeted snow removal operations are possible along the Downtown area and school zones based on conditions.
- **Level 3** – 6- to 15-inch accumulation predicted; regardless of multiple storm events—Entire snow team is called on for duty. Other city staff assistance and private contractors may be required. School zones are cleared curb-to-curb; walk-to-school routes may be cleared by staff/contractors.
- **Level 4** – 15-inch or greater accumulation; additional accumulation expected—Entire snow team is called on for duty; additional city staff and private contractors are called for duty; school zones cleared curb-to-curb by staff/contractors and walk-to-school routes cleared by staff/contractors. A level 4 deployment is triggered by:
    - Declaration of snow emergency by city manager
    - Activation of city's emergency operations center where "incidence commander" takes charge of operations

http://longmontcolorado.gov/departments/departments-n-z/transportation/street-maintenance/snow-removal

Chapter 14: How to Start Improving Your School Zone

The safety, health and well-being of children are the concern and the responsibility of the entire community. Parents, school districts, city and county officials (including engineers, planners, public works and law enforcement) all play a role in student pedestrian and bicycle safety.

Community members must work together to develop and maintain walk and bike to school plans. This partnership approach to student pedestrian and bicycle safety benefits the entire community. Improving walk and bike to school routes with added sidewalks, widened shoulders, bike lanes or other improvements creates a safer environment for everyone —24 hours a day. Working collaboratively with community partners ensures that pedestrian and bicycle safety concerns can be addressed by a variety of solutions including engineering improvements, law enforcement efforts, and education. This section provides an overview of the steps involved in the creation of a comprehensive student pedestrian and bicycle travel plan.

Find a Champion

Start by taking the reins or finding an individual or group to take up the challenge to improve your school's travel environment.

Seek Out Your Regional SRTS Coordinator

Safe Routes to School Regional Coordinators from eight Transportation Management Associations (TMAs) throughout New Jersey are ready, willing and able to offer advice and assistance in kicking off Safe Routes to School programs in communities from all 21 counties. Find your SRTS Regional Coordinator at www.saferoutesnj.org/about/regional-coordinator-tmas/

Prepare a School Travel Plan

A key question to be answered before moving forward is: Does your school have a Safe Routes to School (SRTS) Travel Plan? If yes, collect as much information as you can based on previous SRTS efforts and build on those resources. You should also look to see what issues and solutions have been previously discussed and determine their status before moving forward. If you do not have a School Travel Plan, enlist your Regional Coordinator to help you create one.

Image: VTC

Host a Kickoff Meeting

Once your champions have been identified and taken on the commitment to making changes, host a kickoff meeting for the project. Invite others who feel the same to form a task force. Be proactive about including people or organizations that can positively contribute to the process of implementing your vision such as your local department of public works. Together, craft your vision, establish next steps and assign responsibility.

Kickoff Meeting for the JFK School Travel Plan in Jamesburg, NJ. Image: The RBA Group

Define your Goal

Creating a vision at the onset will lead to the setting of goals and determining strategies for implementing them. Use your vision statement as an expression of what you want to see in the long-term as a result of the task force's work. Your goals and strategies for implementation should be geared towards achieving that outcome.

Map the Issues

The first order of business for the task force should be to inventory the areas in the vicinity of the school, especially the primary access routes used by students. Task force members should walk the school neighborhood, identity the major issues and document all findings through photos or maps. There are many tools available to evaluate the walkability and bikeability of the school zone. Before completing any walking or bicycling assessment, you will need to obtain two maps: A School Neighborhood Map and a School Site Map. These maps can be easily generated online at www.saferoutesnj.org/resources/stp/maps/ .

Once your mapping exercise has been completed, identify high priority problem locations on a map and ask others in the community to contribute their thoughts on the issues.

Sample Vision Statement

The Anytown Safe Routes to School Task Force will strive to bring awareness of the Safe Routes to School Program to the schools, identify infrastructure improvements necessary to make walking and bicycling to school safer, encourage more students to walk or bike to school through activities and events, enforce traffic laws, and incorporate walking and bicycling education into the school curriculum.

Image: The RBA Group

Consult with Others to Generate Solutions

There are numerous ways to approach solutions to school zone design. Create one central list that starts with the high priority locations and works its way down to lower priority locations. Work with local experts, law enforcement or municipal, county and state engineers to identify strategies. Separate your strategies into short-term, low-cost solutions, and long-term, high-cost solutions.

After creating your prioritized list of improvements and locations, and discussing it with members of your community, you may find that some issues can be easily solved with either short-term or temporary fixes. For instance, if speeding is identified as an issue you may want to install a speed radar feedback sign in the school zone as one of your solutions. However, there are some solutions that will require going through a more in-depth process. If changing the speed limit within the school zone is proposed as a solution, speeding must be verified through a speed study initiated by the police department. The results of that study will determine, for example, if a change in the speed limit is warranted or if the introduction of traffic calming is necessary to support a lowering of the speed limit. If missing sidewalk is an issue, the municipal engineer will need to be contacted and included in the conversation (if they are not already on your task force). In general, anything that requires construction will require additional study and can take time to secure funding, create the design, and obtain the proper permitting necessary for construction.

Example of an Action Plan Matrix

Montclair Safe Routes to School Program

Safe Routes to School Travel Plan – Bradford Elementary School

Action Plan Matrix – Bradford School Neighborhood Specific

Timeframe Definition	Cost Definition
Short-term = less than 3 months	**Low** = Less than $2,000
Mid-term = between 3 to 6 months	**Medium** = between $2,000 and $10,000
Long-term = longer than 6 months	**High** = more than $10,000

No.	Action	Partners	Timeframe	Cost
Lead Entity: Principal				
1	Create a school pavement "quilt" to define the drop-off zone along College Avenue	Township/Board of Education/PTA	Mid-term	Low
2	Order and install "No Idling Zone" signs around the school	Township/NJDEP/ Board of Education	Short-term	Low
3	Install "Pull up" signage in the red zone to reinforce use of the entire curb length	Township/Board of Education	Short-term	Low
4	Invite NJ TRANSIT to give their SAFETY RULES! Assembly presentation every year	Board of Education	Short-term/ ongoing	Low
5	Utilize the school website to advance Safe Routes to School safety campaign/messages	Board of Education	Short-term/ ongoing	Low

Decide What, When and How to Collect and Measure

You will not be able to measure change in the school environment if you do not know what to look for and where to look for it. Set up mechanisms to establish your baseline so that you will be able to measure impacts before, during, and after changes have been made to the school zone. Information on traffic volumes, speeds, crashes, yielding percentage at crosswalks, and number of students walking or biking to school can all be relevant to measuring impact resulting from infrastructure improvements.

Pneumatic tubes can record speeds and volumes. Image: The RBA Group

Use the Results of Initial Efforts to Inform Next Steps

Take the results you have identified and interpret the findings to inform the next steps. For example: Since the implementation of the use of temporary in-roadway "Stop for Pedestrian" crossing signs, has there been an increase in the percentage of motorists who stop for pedestrians in that particular crosswalk? If your results show a dramatic increase, it may show that a permanent installation is warranted. If there is no change in the percentage of motorists stopping for pedestrians, then you may want to consider other solutions for this site.

Be an Original

Transportation and safety issues are unique to each school zone. It is important to recognize that while your school zone and its physical attributes (crosswalks, traffic control signs, etc.) may resemble that of many other neighborhood streets, they are not the same. Your school zone is distinctive and should be designed to be the place where the safety of student travel takes precedence over a roadway's functional classification. The solutions proposed and implemented should be customized to fit your school neighborhood, population and priorities.

Start Small

Creating any type of program that is volunteer-based or minimally funded is difficult. Instead of jumping in headfirst, take your time and start when and where you feel most comfortable. To build momentum, start with the little wins or the low-hanging fruit that you know can easily be attained in a short amount of time.

Bring in Reinforcements

Utilize available resources to build your program such as the TMAs and SRTS Resource Center. They currently offer assistance in hosting bicycle and pedestrian events such as a walk/bike to school day, organizing educational events such as bike safety lessons, and developing planning and policy documents such as a walkability assessment.

Keep Your Eyes on the Prize

All your planning efforts are intended to lead to one ultimate goal: improving the overall access and safety conditions for families walking and biking to school. If implemented in conjunction with other programmatic strategies, these physical improvements will elevate walking and/or biking as safe, healthy and convenient options to getting to school.

Spotlight: Montclair SRTS Engineering Improvements at the Renaissance at Rand School

In 2011, Montclair showcased new changes to the school environment around the Renaissance at Rand School just in time for the new school year. The improvements made to the intersection and school zone were the result of a federal grant received for the school (previously named Rand) neighborhood in 2007. The Rand School was one of the three schools to participate in the NJDOT Safe Routes to School (SRTS) Pilot Program (www.nj.gov/transportation/community/srts/demonstration.shtm) when it debuted in 2005. As a result of the program, the school developed a travel plan highlighting recommendations for a variety of engineering improvements and programmatic activities. Schools that have completed a school travel plan are eligible for extra points in the application for NJ SRTS infrastructure grant funding.

These infrastructure improvements included new sidewalk, concrete driveway aprons, corner handicap ramps, high-visibility crosswalk striping, in-pavement "Stop for Pedestrians" crossing signs, solar powered pedestrian-scale lighting and radar speed monitor signs, and installation of new fences.

This construction was the final phase of a three-part SRTS program grant at Rand School which included educational and encouragement programs for the students, increased police enforcement in the school zone during school hours, and enhancements to pedestrian safety along and across the streets within the school zone. In 2009, Montclair applied and received federal funding to make similar improvements to school zones throughout Montclair.

Newly installed solar powered lighting along North Fullerton Avenue. Image: Arterial

Newly painted high visibility, continental crosswalk and in-pavement "Stop for Pedestrian"crossing sign. Image: Arterial

Newly installed concrete pad and bike rack at the front entrance of the school. Image: Arterial

Where to Find Funding

There are several places to seek funding for SRTS infrastructure improvements including:

Federal Programs

There are several federal programs under which funding for infrastructure improvements would be eligible.

The Transportation Alternatives Program (TA or TAP) is the largest federal source for trail and greenway funding under MAP-21, the most recent federal transportation funding law. Transportation Alternatives is a combination of two core active transportation programs from SAFETEA-LU—Transportation Enhancements and Safe Routes to Schools (SRTS). While Transportation Alternatives projects are federally funded, the funds are administered by the New Jersey Department of Transportation and the state's three Metropolitan Planning Organizations (MPOs). Funding categories include: bicycle and pedestrian facilities; safe routes for non-drivers; abandoned railroad corridors for trails; environmental mitigation activity including storm-water mitigation; and community improvement activities including vegetation management, historic preservation, archaeological activities related to transportation projects, and boulevard construction.

To the right is a table listing possible infrastructure improvements and corresponding federal programs under which they would be eligible for funding. Note: All federal funding comes with specific procedures and requirements so be sure to check eligibility prior to completing the application.

Regulatory Process

In New Jersey, the creation of school-related traffic regulations pertaining to mid-block crosswalks, school speed limits, bike lanes, etc. must follow a regulatory process. This regulatory process is set forth in N.J.A.C. 16:27-4.1 through N.J.A.C. 16:27-5.1.

Desired Improvement	Program Eligible for funding under MAP-21
Crosswalk, new or retrofit	TAP, CMAQ, STP, HSIP, NHPP, UZA, 5310
Sidewalks, new or retrofit	TAP, CMAQ, STP, HSIP, NHPP, UZA, 5310
Traffic calming	TAP, STP, HSIP
Police patrol	TAP, UZA
Trail/highway intersection	TAP, CMAQ, STP, HSIP, RTP, NHPP
Bicycle parking facilities	TAP, CMAQ, STP, UZA, SGR, 5311, BBF
Spot improvement program	TAP, CMAQ, STP, HSIP
Bicycle lanes on roadway	TAP, CMAQ, STP, HSIP, NHPP, UZA,
Trail/highway intersection	TAP, CMAQ, STP, HSIP, RTP, NHPP
Signal improvements	TAP, CMAQ, STP, HSIP, NHPP
Curb cuts and ramps	TAP, CMAQ, STP, HSIP, NHPP, UZA, 5310
Paved Shoulders	TAP, CMAQ, STP, HSIP, NHPP, UZA
Safety brochure/book	CMAQ, STP, RTP, UZA, 402

Abbreviation	Program
402	State and Community Highway Safety Grant Program
5310	Enhanced Mobility of Seniors and Individuals with Disabilities
5311	Formula Grantsfor Rural Areas, Rural Transit Assistance Program, and Public Transportation on Indian Reservations
BBF	Bus and Bus Facilities
CMAQ	Congestion Mitigation and Air Quality Improvement
HSIP	Highway Safety Improvement Program
NHPP	National Highway Performance Program
RTP	Recreational Trails Program
SGR	State of Good Repair Grant Program
STP	SurfaceTransportation Program
TAP	Transportation Alternatives Program
UZA	Urbanized Area Formula Program

NJ SRTS Program

Federal funding is periodically made available for infrastructure projects through the NJ Department of Transportation. Infrastructure projects may include the planning, design and construction or installation of sidewalks, crosswalks, signals, traffic-calming and bicycle facilities. Visit the NJDOT website for more information, www.state.nj.us/transportation/community/srts/funding.shtm

County and Municipal Funding

Many low-cost engineering solutions such as new signs or fresh paint on crosswalks can easily be incorporated into the work plan for a local or County public works department. Do research to identify existing funds that are currently targeted to transportation, safety or health issues - like Capital Improvement Projects and operating budgets.

Health and Physical Activity Funds

Mini-grants from the health, transportation and environmental fields can also be a good potential source of funding. Given the sporadic nature of the solicitation cycle for these types of funds, subscribing to listservs such as the NJ Safe Routes to School e-mail discussion list may help to keep up with these types of opportunities. Sign up for the listserv at www.saferoutesnj.org/whats-happening/listservs/

Additional Funding Resources

- *Funding Pedestrian and Bicycle Planning, Programs and Projects* is a compilation of funding sources by the NJ Bicycle and Pedestrian Resource Center; bikeped.rutgers.edu/ImageFolio43_files/gallery/Funding/Documents/VTC_2009_Funding_Bicycle_Pedestrian_Projects_NJ.pdf
- The National Center for Safe Routes to School Funding Portal provides links to potential local, private, and federal funding information and a search-able database of federally funded SRTS programs; www.saferoutesinfo.org/funding-portal

Complementing Infrastructure Changes with Programmatic Efforts

International Walk-to-School Day in West Orange. Image: The RBA Group

Too often SRTS programs are limited to infrastructure improvements. Engineering solutions should be the result of a comprehensive planning process, such as a SRTS Travel Plan that follows the 5E approach (Engineering, Enforcement, Education, Encouragement and Evaluation). Any physical improvements to the school zone should be accompanied by programmatic improvements.

- Participate in International Walk to School Day and National Bike to School Day.
- Introduce bike, pedestrian and traffic safety into the curriculum.
- Utilize the school website to relay important information about changes to the school zone.
- Use the school handbook to include clear information about expected, safe behavior within the school zone for motorists, walkers, bikers, and bus riders. Ask that both the parent/guardian and the student sign-off that they have read the information.
- Create and hang banners near school entrances that include the rules of the school zone.
- Create a school-wide pledge that asks parents and students to walk, bike, drive, take the transit or the school bus safely.
- Ask the school board to pass a policy that supports walking and bicycling to school.
- Address walking and bicycling to school as a way to meet daily physical activity goals as part of your school wellness policy.
- Conduct school traffic counts.
- Host safety forums/presentations.

Complete Streets and Safe Routes to School - Perfect Together!

Complete streets are designed and operated to enable safe access for all users – pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Instituting a Complete Streets policy ensures that agencies routinely design and operate the entire right of way to enable safe access for all users.

A community with a Complete Streets policy considers the needs of children every time a transportation investment decision is made. Roads near schools and in residential neighborhoods are designed and altered to allow children, the most vulnerable users of our streets, to travel safely. Complete Streets and Safe Routes to School have numerous synergies, so it is only natural for them to work together to advocate for and to strengthen the practice of safely walking and bicycling to and from schools and throughout our communities.

Ocean Avenue through Deal, NJ is an example of a Complete Street in a suburban setting with wide sidewalks and street lighting appropriate to the context. Image: Parsons Brinckerhoff

Main Street in Califon, NJ is an example of a Complete Street in a more rural setting. Image: Parsons Brinckerhoff

There are several organizations and resources in New Jersey that can help with developing and implementing local Complete Streets policies, including:

- The New Jersey Bicycle and Pedestrian Resource Center collects all adopted Complete Streets policies around New Jersey.
- A short video, The Complete Streets Movement in NJ, highlights municipalities that have embraced Complete Streets.
- The Making Complete Streets a Reality Guidebook includes information on developing Complete Streets policies, updating local policies and procedures and more.
- The New Jersey Department of Transportation Complete Streets website includes information on success stories, workshops, etc.

Programs for Schools

Bike Safety Presentation
Bike to School
Crossing Guard Appreciation Day
Driver's Ed Presentation
Golden Sneaker Contest
Hudson Bike School
Poster Contest
Safety City
Safety Jeopardy
Safety Story Time
SRTS Recognition Program
Stride and Ride Bike Rodeo

SRTS Recognition Program

The State of New Jersey, through the New Jersey Department of Transportation, and the Hudson TMA recognize the efforts and successes of the schools and municipalities who assist the TMA in providing Safe Routes to School programs. Such programs may be Walk/Bike to School, Golden Sneaker Contest, Safety Jeopardy, Safety Pedestrian Poster Contest, Bike Safety Presentation, Walking School Bus, Crossing Guard Appreciation Day and Walking Wednesdays. Schools and municipalities are acknowledged at the TMA's Annual Recognition event. Certificates will be awarded at Platinum, Gold, Silver and Bronze levels. For more information, call the Hudson TMA at 201-324-6222 or email.

Walk to School

Walking School Bus

Walking Wednesdays

Select Language

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Contact us for assistance with this or any Hudson TMA program.
Call 201.324.6222 or contact us via e-mail.

HUDSON TMA

830 Bergen Avenue, 9th Floor Jersey City, NJ 07306 ph: 201.324.6222 fx: 201.324.6201

This site was prepared with funding from the North Jersey Transportation Planning Authority (NJTPA), the Federal Highway Administration (FHWA), and New Jersey Transit (NJT).

ALTERNATIVE PROPERTIES REVIEWED IN NORTH BERGEN. For Potential Use as replacement site for a New Pre-K Site Based on NJDOE Criteria.

Links & References:
1. Reference Facilities Efficiency Standars
2. Reference N.J.A.C. 6A:26, Educational Facilities
3. Costs-per-square-foot.
4. NJ Flood Mapper

Target:

22 Classrooms w/ 15 students is:	330 Students
Bldg. total gross sq.ft. based on a number of classrooms:	40,425 SF
110 Students - (1/3) of student body outdoor space	11,000 SF
30% of bldg. gross sq.ft. for parking and drop/off:	12,128 SF
Minimum lot size: ±1.47 Acre	**63.883 SF**
At $450/SF ballpark estimated bldg. construction:	*$18,191,250*

Schedule Color Legend:

Lots Under Consideration:	8701 Boulevard East
Current School District:	PS #2 Robert Fulton School & Annex
Adjacent School District:	PS #9 Horace Mann School
Eliminated Sites:	See Summary for reasons
Located in Industrial Zone:	I *(educational adequacy)*
Lot sizes greater than:	1.47 Acres
Current Elem. School Site:	8701 Boulevard East

Zones Legend:

R-1 - Low Density Residential	C-1 - General Business
R-2 - Intermediate Density Residential	C-2 - Highway Business
R-3 - Modetate Density Residential	C1-C - General Business Mixed Use
R-4 - Paterson Plank Rd Residential	H - NJ MC Zoning
ET - East Side Tonnelle Ave Zone	P-1 - Riverside
K-O Kennedy Overlay Zone	P-2 - Edgecliff
I - Industrial	P-3 - River Road West

RSC architects

NB Elementary School District	Property Typ.	Site Status as of 4/2023	Description	Address	Block	Lot(s)	Lot Area (±Acres)	Zone	Estimated Value	NJDOE Critera Ruling*	NJDOE Critera Reasons**	SUMMARY	ADD'L. COMMENTS
PS #7 John F. Kennedy School	Township Property	Already a school bldg.	**PS #7 John F. Kennedy School**	1210 11th St.	22	13	1.26	R-1	$ 13,126,200	YES		Already a school bldg. Site is outside of the school district Proposed site is too small	Facility is at capacity and can not accommodate additional students.
PS #7 John F. Kennedy School	Private Property	Lot was recently developed	Hudson Mews	1305, 1407, & 1717 Paterson Plank Rd.	27	1, 2, 16.01, 21, 22, 23.01	±10.76	R-4	$ 4,592,900	NO	B	Lot was recently developed Site is outside of the school district	
PS #7 John F. Kennedy School	Private Property	Warehouse / Storage Lot	**Scaffolding Today**	1400 Tonnelle Ave	27	16.02	0.98	C-2	$ 2,693,500	NO	B	Warehouse / Storage Lot Site is outside of the school district Proposed site is too small	
PS #7 John F. Kennedy School	Replacement Property	Lot is developed	Water splash park	1811 Paterson Plank Road	27	27	1.57	R-4	$ 3,874,000	NO	B	Lot is developed Site is outside of the school district	
PS #7 John F. Kennedy School	Township Property	Playground / Park	10th Street Splash Park	1024 Columbia Ave.	27	9	1.13	C-2	$ 3,784,000	NO	A/C	Playground / Park Site is outside of the school district Proposed site is too small	
PS #7 John F. Kennedy School	Private Property	Lot is developed	Kennedy Commons	1445 Kennedy Boulevard	40	1	4.59	R-3	$ 23,133,800	NO	B	Lot is developed Site is outside of the school district	
PS #7 John F. Kennedy School	Private Property	Lot is not available	Mid-rise Apartment Bldg.	1703-1721 Kennedy Boulevard	40	3.02	3.66	R-3	$ 28,848,300	NO	B	Lot is not available Site is outside of the school district	
PS #7 John F. Kennedy School	Private Land Alt. in Pre-App.	Lot was recently developed	Mid-rise Apartment Bldg.	1706 Paterson Plank Road	40	*3.03, 3.031*	1.53	R-3	$ 3,732,200	NO	B	Lot was recently developed Site is outside of the school district	
PS #7 John F. Kennedy School	Private Property	Lot is developed	Residence	2020 Paterson Plank Road	40	15.01	0.20	R-3	$ 335,300	NO	B	Lot is developed Site is outside of the school district Proposed site is too small	
PS #10 McKinley School	Private Property	Lot is developed	Shopping Strip & Parking Lot	2819 Kennedy Boulevard	60	1.01	4.82	C-2	$ 19,072,600	NO	B	Lot is developed Site is outside of the school district	
PS #10 McKinley School	Township Property	Already a school bldg.	PS #10 McKinley School	3110 Liberty Ave.	63	33	1.53	C-2	$ 10,338,600	YES		Already a school bldg. Site is outside of the school district	Facility is at capacity and can not accommodate additional students.
PS #3 Franklin School & Annex	Private Property	Lot is developed	Warehouse & Parking Lot	3801 Liberty Avenue	88	25	1.19	C-2	$ 2,689,400	NO	B	Lot is developed Site is outside of the school district Proposed site is too small	
PS #3 Franklin School & Annex	Private Property	Lot is developed	Warehouse & Parking Lot	3901 Liberty Avenue	88	26	1.86	C-2	$ 10,125,200	NO	B	Lot is developed Site is outside of the school district	
PS #3 Franklin School & Annex		Lot is not available	NB EMT South Bldg.	1814 43rd St.	103	127	0.14	R-2	$ 3,316,600	NO	B	Lot is not available Site is outside of the school district Proposed site is too small	
PS #3 Franklin School & Annex	Private Property	Avaialble lot but developed	Pope John Paul II Social Center	4201 Kennedy Blvd	134	10	0.48	R-2	$ 2,823,900	NO	B	Avaialble lot but developed Site is outside of the school district Proposed site is too small	
PS #3 Franklin School & Annex	Private Property	Lot is developed	1600-1606 53rd Street Condos	1600 53rd Street	183	20.02	0.79	R-2	$ 2,587,000	NO	B	Lot is developed Site is outside of the school district Proposed site is too small	
PS #5 Lincoln School & Annex	Private Property	Lot was recently developed	Mid-rise Apartment Bldg.	5665 Kennedy Blvd.	195	61	2.14	K-O	$ 33,088,400	NO	B	Lot was recently developed Site is outside of the school district	
PS #5 Lincoln School & Annex	Private Property	Lot was recently developed	Mid-rise Apartment Bldg.	5711 Kennedy Boulevard	195	68	2.26	C1-C	$ 7,979,700	NO	B	Lot was recently developed Site is outside of the school district	
PS #5 Lincoln School & Annex	Replacement Property	Playground / Park / Rec. Site	NB Recreation Baseball Field	1401 64th Street and 6300 Meadowview A	205	22, 30	±4.81	R-1	$7,320,600 $6,292,700	NO	A/C	Playground / Park / Rec. Site Site is outside of the school district	
PS #5 Lincoln School & Annex	Private Property	Available vacant lot		6217 Meadowview Avenue	205	81	0.58	R-1	$ 874,900	NO	C	Available vacant lot Site is outside of the school district Proposed site is too small	
PS #5 Lincoln School & Annex	Township Property	Lot is not available	NB Public Works	6004 Tonnelle Ave.	208	2	2.00	ET	$ 8,552,300	NO	A	Lot is not available Site is outside of the school district	
PS #5 Lincoln School & Annex	Township Property	Lot is not available	NB Public Works	6016 Tonnelle Ave	208	5.01	1.27	ET	$ 4,619,900	NO	A	Lot is not available Site is outside of the school district Proposed site is too small	
PS #5 Lincoln School & Annex	Township Property	Already a school bldg.	Lincoln School Childhood Annex	1206 63rd St.	215	1	1.74	R-1	$ 11,023,600	YES		Already a school bldg. Site is outside of the school district	Facility is at capacity and can not accommodate additional students.
PS #5 Lincoln School & Annex	Township Property	Playground / Park / Rec. Site	Victor Kilken Field	1308 64th St.	221	10	4.67	R-1	$ 1,365,500	NO	A	Playground / Park / Rec. Site Site is outside of the school district	
PS #9 Horace Mann School	Property Type	Lot is not for sale	Warehouse & Parking Lot	1601 75th St.	254	130	2.02	R-1	$ 4,029,300	NO	A/C	Lot is not for sale Site is outside of the school district	
PS #9 Horace Mann School	Private Property	Lot is not for sale	Office & Parking Lot	1453 75th St.	254	117	1.17	R-1	$ 5,184,400	NO	A/C	Lot is not for sale Site is outside of the school district Proposed site is too small	
PS #9 Horace Mann School	Township Property	Already a school bldg.	North Bergen High School	7417 Kennedy Blvd.	263	2	9.63	R-1	$ 41,213,500	YES		Already a school bldg. Site is outside of the school district	Facility is at capacity and can not accommodate additional students.
PS #2 Robert Fulton School & Annex	Township Property	Already a school bldg.	Fulton School Annex Bldg.	7111 Polk St.	271	45, 38	0.64	R-1	$ 6,361,400	YES		Already a school bldg. Proposed site is too small	
PS #2 Robert Fulton School & Annex	Private Property	Lot is developed	Hudson Vineyard Church	300 75th Street	287	1	1.26	R-1	$ 3,389,900	NO	B	Lot is developed Proposed site is too small	
PS #2 Robert Fulton School & Annex	Township Property	Already a school bldg.	Robert Fulton School	7415 Hudson Ave.	288	1	1.26	R-1	$ 14,602,400	YES		Already a school bldg. Proposed site is too small	
PS #2 Robert Fulton School & Annex	Township Property	Inadequate for school construction	Vacant green space	7306 Park Ave. 79th St.	315	8	0.20	R-1	$ 678,700	NO	A/C	Inadequate for school construction Proposed site is too small	
PS #2 Robert Fulton School & Annex	County Property	Site is inadequate for construction	Palisade Cliff	7800 Blvd. East	316	7.02	2.37	P-3	$ 2,370,000	NO	A/C	Site is inadequate for construction	
PS #2 Robert Fulton School & Annex	Township Property	Lot is not for sale	Woodcliff Treatment Plant	7109 River Rd.	316	8	1.33	P-3	$ 14,145,500	NO	A	Lot is not for sale Proposed site is too small	
PS #2 Robert Fulton School & Annex	County Property	Inadequate for school construction	Vacant green space	7809 & 7801 River Rd.	316	23, 24	0.74	P-3	$ 740,000	NO	A/C	Inadequate for school construction Proposed site is too small	
PS #9 Horace Mann School	Township Property	Playground / Park / Rec. Site	Robert Allen Baseball Field	1212 76th St.	324	13	1.47	R-1	$ 12,028,200	NO	A	Playground / Park / Rec. Site Site is outside of the school district	
PS #9 Horace Mann School	Private Property	Already a school bldg.	Horace Mann Elementary School	1215 83rd St.	354	11	1.03	R-1	$ 18,644,100	YES		Already a school bldg. Site is outside of the school district Proposed site is too small	
PS #2 Robert Fulton School & Annex	Private Property	Lot is not for sale	Sacred Heart Catholic Church	9034 Barr Place	423	30	0.77	R-1	$ 3,737,400	NO	A/C	Lot is not for sale Proposed site is too small	
PS #2 Robert Fulton School & Annex	Replacement Property	Available vacant lot	Bottom of Palisade Cliff	7903-7909 River Road	437	2.01, 2.02	0.69	P-2	$ 683,000	NO	C	Available vacant lot Proposed site is too small	
PS #2 Robert Fulton School & Annex	County Property	Playground / Park / Rec. Site	Current NB Pre-K Tot Lot	8701 Boulevard East	437.02	1	±1.34	R-1	$ 260,333,100	NO	A/C	Playground / Park / Rec. Site Proposed site is too small	
PS #2 Robert Fulton School & Annex	Private Property	Lot is not available	Hudson River waterfront	8200 River Road	438	17	36.45	P-1	$ 9,105,000	NO		Lot is not available	
Not in a School District	Private Property	Lot is developed	Warehouse & Parking Lot	2700 Secaucus Road	449	3.03	3.15	H	$ 3,169,200	NO	A	Lot is developed Site is outside of the school district	
Not in a School District	Private Land Alt. in Pre-App.	Lot is developed	Warehouse & Parking Lot	1 Daffy's Way/ 2701 Route 3 East	451.05	14.011	19.53	H	$ 8,413,200	NO	A	Lot is developed Site is outside of the school district	
Not in a School District	Private Property	Lot is developed	Warehouse & Parking Lot	4300 West Side Ave.	452.04	6.05	1.63	H	$ 11,288,000	NO	B	Lot is developed Site is outside of the school district	
Not in a School District	Private Property	Available vacant lot		6000 W. Side Ave.	453.01	5.012	3.24	H	$ 3,340,000	NO	A	Available vacant lot Site is outside of the school district	
Not in a School District	Private Property	Lot is developed		6800 W. Side Ave.	453.01	11	9.45	H	$ 1,521,000	NO	B	Lot is developed Site is outside of the school district	
Not in a School District	Private Property	Inadequate for school construction	Warehouse & Parking Lot	2551 71st St.	453.05	3	5.88	H	$ 5,880,000	NO	A	Inadequate for school construction Site is outside of the school district	
Not in a School District	Township Property	Available vacant lot	Warehouse & Parking Lot	Meadowland 71 St.	453.05	16.012	15.85	H	$ 1,585,000	NO	A	Available vacant lot Site is outside of the school district	
Not in a School District	Private Property	Available vacant lot		800 West Side Ave	453.08	3.012	3.63	H	$ 3,630,000	NO	A	Available vacant lot Site is outside of the school district	
PS #9 Horace Mann School	Private Property	Lot is developed	Warehouse & Parking Lot	2102 83rd Street	458	8	2.10	I	$ 9,389,400	NO	B	Lot is developed Site is outside of the school district Located in an Industrial Zone	
Not in a School District	Township Property	Warehouse / Storage	Warehouse & Parking Lot	2136 85th St.	458	15	2.07	I	$ 8,863,000	NO	B/D	Warehouse / Storage Site is outside of the school district Located in an Industrial Zone	
Not in a School District	Private Property	Inadequate for school construction	Warehouse & Parking Lot	8511 Tonnelle Ave	458.01	1	4.26	I	$ 12,074,800	NO	A/D	Inadequate for school construction Site is outside of the school district Located in an Industrial Zone	
Not in a School District	Township/County Property	Inadequate for school construction	Hudson County Schools of Technology	2100 85th St.	458.01	6.01	3.07	I	$ 9,779,300	NO	A/D	Inadequate for school construction Site is outside of the school district Located in an Industrial Zone	
PS #2 Robert Fulton School & Annex	Private Property	Inadequate for school construction	Parking Lot	9519 Railroad Ave.	461	1	1.05	I	$ 2,340,800	NO	A/C/D	Inadequate for school construction Located in an Industrial Zone Proposed site is too small	
Not in a School District	Township Property	Inadequate for school construction	North Bergen Pool	2111 91 St.	468	1	14.46	H	$ 14,625,400	NO	A/C	Inadequate for school construction Site is outside of the school district	
PS #2 Robert Fulton School & Annex	Private Property	Inadequate for school construction	Liberty Contracting Corp.	2531 94th St.	480	6	10.78	I	$ 9,620,000	NO	A/C/D	Inadequate for school construction Located in an Industrial Zone	
PS #2 Robert Fulton School & Annex	Private Property	Inadequate for school construction	material recycling facilities	9505-9519 Fairview Ave	480	4	3.39	I	$ 2,350,000	NO	A/C/D	Inadequate for school construction Located in an Industrial Zone	