

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1773 Session of
1977

INTRODUCED BY DOYLE, O'KEEFE, STAPLETON, GARZIA, FREIND AND
LYNCH, OCTOBER 18, 1977

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 18, 1977

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for the
6 certification of hazardous routes.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 1362 and 2541, act of March 10, 1949
10 (P.L.30, No.14), known as the "Public School Code of 1949,"
11 amended December 29, 1972 (P.L.1726, No.372) and subsection (d)
12 of section 2541, added June 26, 1974 (P.L.370, No.125), are
13 amended to read:

14 Section 1362. Kinds of Transportation; Liability
15 Insurance.--The free transportation of pupils, as required or
16 authorized by this act, or any other act, may be furnished by
17 using either school conveyances, private conveyances, or
18 electric railways, or other common carriers, when the total
19 distance which any pupil must travel by the public highway to or
20 from school, in addition to such transportation, does not exceed

1 one and one-half (1 1/2) miles, and when stations or other
2 proper shelters are provided for the use of such pupils where
3 needed, and when the highway, road, or traffic conditions are
4 not such that walking [on the shoulder of the road where there
5 are no sidewalks] constitutes a hazard to the safety of the
6 child, as so certified by the Bureau of Traffic Safety. The
7 Bureau of Traffic Safety shall take into account the presence of
8 sidewalks along the highway, but such presence or lack thereof
9 shall not be controlling and the bureau shall consider all
10 relevant safety factors in making its determination as to
11 whether or not walking constitutes a hazard to pupils. All
12 private motor vehicles employed in transporting pupils for hire
13 shall be adequately covered by public liability insurance in
14 such amount as the board of school directors shall require.

15 Section 2541. Payments on Account of Pupil Transportation.--

16 (a) School districts shall be paid by the Commonwealth for every
17 school year on account of pupil transportation which, and the
18 means and contracts providing for which, have been approved by
19 the Department of Education, in the cases hereinafter
20 enumerated, an amount to be determined by multiplying the cost
21 of approved reimbursable pupil transportation incurred by the
22 district by the district's aid ratio. In addition thereto, the
23 Commonwealth shall pay to each district qualifying a payment for
24 excessive cost of transportation, said amount to be determined
25 by subtracting from the cost of the approved reimbursable
26 transportation the sum of the Commonwealth transportation
27 payment immediately above, plus the product of one-half mill
28 (0.0005) times the latest market value of the district as
29 determined by the State Tax Equalization Board, provided such
30 amount is not negative. In addition thereto, the Commonwealth

1 shall pay to school districts which own their own vehicles, an
2 annual depreciation charge of ten per centum (10%), to be
3 calculated on the basis of the approved cost at which the
4 district acquired the vehicle for which depreciation is claimed.
5 With respect to vehicles purchased prior to January 1, 1956, the
6 number of depreciation payments shall be limited to ten such
7 payments. With respect to vehicles purchased on or after January
8 1, 1956, the annual depreciation charge shall not exceed seven
9 hundred dollars (\$700) for such vehicles. The number of annual
10 depreciation charges shall be limited, so that the total amount
11 of such payments shall not exceed the cost of the vehicle as
12 approved by the Department of Education at the time of the
13 purchase. In no case shall the Commonwealth pay, in depreciation
14 charges, more than ten thousand five hundred dollars (\$10,500)
15 for any one vehicle.

16 (b) Such payments for pupil transportation shall be made in
17 the following cases:

18 (1) To school districts of the fourth class and districts of
19 the third class which are located wholly within the boundary
20 lines of a township, or within the boundary lines of a borough
21 which has a population of less than five hundred (500)
22 inhabitants to the square mile, to districts of the third class
23 operating schools jointly with districts of the fourth class or
24 with other districts of the third class entitled to payment on
25 account of transportation to merged or union school districts in
26 which one or more of the component districts were heretofore
27 eligible for reimbursement on account of transportation to new
28 school districts composed of two or more former school districts
29 established as a result of reorganization of school districts
30 pursuant to Article II., subdivision (i) of this act and to

1 school districts which were eligible heretofore for
2 reimbursement on account of transportation, for the
3 transportation of elementary school pupils residing within any
4 part of the district last served by any elementary school closed
5 since the first Monday of July, one thousand nine hundred seven,
6 or within a district all of whose schools have been closed, or
7 who are assigned to a training school of a State college, and in
8 each case who reside one and one-half (1 1/2) miles or more from
9 the school to which they are assigned or who reside in areas
10 where [there are no sidewalks and] the road or traffic
11 conditions are such that walking [on the shoulder of the road]
12 constitutes a hazard to the safety of the child when so
13 certified by the Bureau of Traffic Safety in the Department of
14 Transportation. The Bureau of Traffic Safety shall take into
15 account the presence of sidewalks along the highway, but such
16 presence or lack thereof shall not be controlling and the bureau
17 shall consider all relevant safety factors in making its
18 determination as to whether or not walking constitutes a hazard
19 to pupils.

20 (2) To school districts of the fourth class and districts of
21 the third class which are located wholly within the boundary
22 lines of a township, or within the boundary lines of a borough
23 which has a population of less than five hundred (500)
24 inhabitants to the square mile, to merged or union school
25 districts in which one or more of the component districts were
26 heretofore eligible for reimbursement on account of
27 transportation to new school districts composed of two or more
28 former school districts established as a result of
29 reorganization of school districts pursuant to Article II.,
30 subdivision (i) of this act and to school districts which were

1 eligible heretofore for reimbursement on account of
2 transportation, for the transportation of any child living more
3 than two (2) miles by the nearest public highway from the
4 nearest school in session, or any child who resides in an area
5 where [there are no sidewalks and] the road or traffic
6 conditions are such that walking [on the shoulder of the road]
7 constitutes a hazard to the safety of the child when so
8 certified by the Bureau of Traffic Safety, and to districts of
9 the third class operating schools jointly with districts of the
10 fourth class or with other districts of the third class entitled
11 to payment on account of transportation for the transportation
12 of any child living more than two (2) miles by the nearest
13 public highway from the nearest jointly operated school in
14 session offering the proper grades including pupils who are
15 attending area technical schools or any child who resides in an
16 area where [there are no sidewalks and] the road or traffic
17 conditions are such that walking [on the shoulder of the road]
18 constitutes a hazard to the safety of the child when so
19 certified by the Bureau of Traffic Safety. The Bureau of Traffic
20 Safety shall take into account the presence of sidewalks along
21 the highway, but such presence or lack thereof shall not be
22 controlling and the bureau shall consider all relevant safety
23 factors in making its determination as to whether or not walking
24 constitutes a hazard to pupils.

25 (3) To all school districts, for the transportation of
26 physically or mentally handicapped children regularly enrolled
27 in special classes approved by the Department of Education or
28 enrolled in a regular class in which approved educational
29 provisions are made for them.

30 (4) To all third and fourth class school districts, for

1 pupils transported to and from approved consolidated schools or
2 approved joint consolidated schools living one and one-half
3 miles or more from the school of attendance or residing in areas
4 where [there are no sidewalks and] the road or traffic
5 conditions are such that walking [on the shoulder of the road]
6 constitutes a hazard to the safety of the child when so
7 certified by the Bureau of Traffic Safety. The Bureau of Traffic
8 Safety shall take into account the presence of sidewalks along
9 the highway, but such presence or lack thereof shall not be
10 controlling and the bureau shall consider all relevant safety
11 factors in making its determination as to whether or not walking
12 constitutes a hazard to pupils.

13 Consolidated schools or joint consolidated schools shall so
14 long as they are approved by the Secretary of Education as to
15 organization, control, location, equipment, courses of study,
16 qualifications of teachers, methods of instruction, condition of
17 admission, expenditures of money, methods and means of
18 transportation and the contracts providing therefor, constitute
19 approved consolidated schools or approved joint consolidated
20 schools.

21 (5) To all school districts, for pupils transported to and
22 from schools used for the purpose of better gradation.

23 (6) To all school districts for pupils transported to and
24 from area technical schools.

25 (7) To all school districts, for the transportation of
26 nonresident children who are placed in the home of a resident,
27 or who are inmates of an orphan asylum or home or a children's
28 home or other institution for the care and training of orphans
29 or other children, and who attend the public schools, and who
30 live two miles or more from the nearest school with the proper

1 grades or residing in areas where [there are no sidewalks and]
2 the road or traffic conditions are such that walking [on the
3 shoulder of the road] constitutes a hazard to the safety of the
4 child when so certified by the Bureau of Traffic Safety. The
5 Bureau of Traffic Safety shall take into account the presence of
6 sidewalks along the highway, but such presence or lack thereof
7 shall not be controlling and the bureau shall consider all
8 relevant safety factors in making its determination as to
9 whether or not walking constitutes a hazard to pupils.

10 (c) Payments for pupil transportation on account of the
11 school year [1972-1973] 1977-1978 and every school year
12 thereafter shall be made only in the following cases:

13 (1) To all school districts for the transportation to and
14 from school of elementary school pupils, including kindergarten
15 pupils, residing one and one-half (1 1/2) miles or more by the
16 nearest public highway from the school in which the pupils are
17 enrolled and to which transportation is authorized under section
18 1361 of this act or residing in areas where [there are no
19 sidewalks and] the road or traffic conditions are such that
20 walking [on the shoulder of the road] constitutes a hazard to
21 the safety of the child when so certified by the Bureau of
22 Traffic Safety. The Bureau of Traffic Safety shall take into
23 account the presence of sidewalks along the highway, but such
24 presence or lack thereof shall not be controlling and the bureau
25 shall consider all relevant safety factors in making its
26 determination as to whether or not walking constitutes a hazard
27 to pupils. Such elementary school pupils shall include
28 nonresident children who are placed in the home of a resident,
29 or who are residents of an orphanage, or home or children's home
30 or other institution for the care and training of orphans or

1 other children.

2 (2) To all school districts for the transportation to and
3 from school of secondary school pupils residing two (2) miles or
4 more by the nearest public highway from the school in which the
5 pupils are enrolled and to which transportation is authorized
6 under section 1361 of this act or residing in areas where [there
7 are no sidewalks and] the road or traffic conditions are such
8 that walking [on the shoulder of the road] constitutes a hazard
9 to the safety of the child when so certified by the Bureau of
10 Traffic Safety. The Bureau of Traffic Safety shall take into
11 account the presence of sidewalks along the highway, but such
12 presence or lack thereof shall not be controlling and the bureau
13 shall consider all relevant safety factors in making its
14 determination as to whether or not walking constitutes a hazard
15 to pupils. Such secondary school pupils shall include
16 nonresident children who are placed in the home of a resident,
17 or who are inmates of an orphan asylum or home or children's
18 home or other institution for the care and training of orphans
19 or other children.

20 (3) To all school districts for pupils transported to and
21 from approved consolidated schools or approved joint
22 consolidated schools living one and one-half (1 1/2) miles or
23 more from the school of attendance or residing in areas where
24 [there are no sidewalks and] the road or traffic conditions are
25 such that walking [on the shoulder of the road] constitutes a
26 hazard to the safety of the child when so certified by the
27 Bureau of Traffic Safety. The Bureau of Traffic Safety shall
28 take into account the presence of sidewalks along the highway,
29 but such presence or lack thereof shall not be controlling and
30 the bureau shall consider all relevant safety factors in making

1 its determination as to whether or not walking constitutes a
2 hazard to pupils.

3 Consolidated schools or joint consolidated schools shall so
4 long as they are approved as to organization, control, location,
5 equipment, courses of study, qualifications of teachers, methods
6 of instruction, condition of admission, expenditures of money,
7 methods and means of transportation and the contracts providing
8 therefor, constitute approved consolidated schools or approved
9 joint consolidated schools.

10 (4) To all school districts for the transportation of
11 exceptional children regularly enrolled in special classes
12 approved by the Department of Education or enrolled in a regular
13 class in which approved educational provisions are made for
14 them.

15 (5) To all school districts for pupils transported to and
16 from area technical schools.

17 (d) The Commonwealth shall reimburse the school districts
18 for the school year 1973-1974 and for each year thereafter for
19 the approved reimbursable costs incurred in providing
20 transportation under section 1361 for nonpublic school pupils
21 and under section 1362 for hazardous conditions: Provided,
22 however, That no district shall receive less than fifty percent
23 (50%) of such approved reimbursable costs.

24 Section 2. This act shall take effect immediately and shall
25 be applicable to the 1977-1978 school year and each year
26 thereafter.