

ASSEMBLY, No. 5233

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 23, 2023

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Co-Sponsored by:

Assemblyman Danielsen and Assemblywoman Reynolds-Jackson

SYNOPSIS

Requires establishment of grant programs to provide workforce shuttles and cover transportation costs; appropriates \$10 million in federal funds.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/25/2023)

1 AN ACT concerning transportation grants, supplementing Title 27 of
2 the Revised Statutes, and making an appropriation.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Department” means the New Jersey Department of
10 Transportation.

11 “Grant program” means the “Workforce Shuttle Grant Program”
12 established pursuant to section 2 of P.L. , c. (C.) (pending
13 before the Legislature as this bill).

14 “Local government unit” means a municipality, county, or an
15 agency, authority, or other entity thereof.

16 “Nonprofit organization” means a nonprofit organization which
17 provides services throughout the State and is tax exempt under
18 section 501(c)(3) of the federal Internal Revenue Code (26 U.S.C.
19 s.501(c)(3)), and is not a private foundation as defined in section
20 509(a) of the federal Internal Revenue Code (26 U.S.C. s.509(a)).

21 “Program” means the temporary program to provide grants to
22 small businesses, nonprofit organizations, and temporary help
23 service firms pursuant to section 4 of P.L. , c. (pending before
24 the Legislature as this bill).

25 “Small business” means a business that has its principal place of
26 business in this State and employs fewer than 50 full-time
27 employees as of the date that the business submits an application to
28 the department pursuant to subsection c. of section 4 of P.L. , c.
29 (pending before the Legislature as this bill).

30 “Temporary help service firm” means any person or entity who
31 operates a business which consists of employing individuals
32 directly or indirectly for the purpose of assigning the employed
33 individuals to assist the firm's customers in the handling of the
34 customers' temporary, excess or special workloads, and who, in
35 addition to the payment of wages or salaries to the employed
36 individuals, pays federal social security taxes and State and federal
37 unemployment insurance; carries workers' compensation insurance
38 as required by State law; and sustains responsibility for the actions
39 of the employed individuals while they render services to the firm's
40 customers. A temporary help service firm is required to comply
41 with the provisions of P.L.1960, c. 39 (C.56:8-1 et seq.).

42 “Transportation costs” means all expenses incurred by a small
43 business, nonprofit organization, or temporary help service firm
44 related to the provision of transportation services to any employees
45 of the small business, nonprofit organization, or temporary help
46 service firm which expenses may include, but shall not be limited
47 to, any costs associated with the transportation of full-time, part-

1 time, or temporary employees to and from work sites.
2 “Transportation costs” shall not include any capital purchases.

3 “Workforce shuttle” means a motor vehicle with a seating
4 capacity of at least six adults, excluding the operator of the vehicle,
5 which is used for the primary purpose of transporting employees
6 between their places of residence or other designated pick-up
7 locations and their places of employment.

8
9 2. a. The Department of Transportation shall establish and
10 administer the “Workforce Shuttle Grant Program” for the purpose
11 of awarding grants to local government units and non-profit
12 organizations that provide workforce shuttle services in areas of
13 rapid population and housing growth. The purpose of the grant
14 program is to support the purchase of workforce shuttles and the
15 operation of workforce shuttle services in order to reduce traffic
16 congestion in areas experiencing rapid growth.

17 b To qualify for the grant program, a local government unit or
18 non-profit organization shall demonstrate to the department that the
19 local government unit or non-profit organization:

20 (1) intends to use the grant to provide workforce shuttle
21 services, as permitted under subsection c. of this section;

22 (2) has entered into an agreement with one or more employers to
23 provide workforce shuttles in which the employer has committed to
24 contributing funding to support the provision of workforce shuttle
25 services; and

26 (3) meets any other eligibility requirements that the department
27 may deem appropriate.

28 c. The grants may be awarded to one or more local government
29 units or non-profit organizations in any amounts as may be
30 determined by the department. The grant funds shall be used to
31 support:

32 (1) the purchase or leasing of workforce shuttles;

33 (2) the operation of workforce shuttle services targeting high
34 traffic corridors;

35 (3) the effectuation of partnerships with local employers to
36 provide workforce shuttle services; or

37 (4) any other workforce shuttle related purposes as may be
38 determined by the department.

39 d. A local government unit or non-profit organization that
40 seeks assistance under the grant program shall submit an application
41 to the department in a form and manner prescribed by the
42 department. In addition to any other information that the
43 department may deem appropriate, the application shall require the
44 local government unit or non-profit organization to submit
45 information:

46 (1) demonstrating that the local government unit or non-profit
47 organization meets the eligibility requirements set forth in
48 subsection b. of this section;

1 (2) outlining the anticipated use of the grant, including the types
2 of workforce shuttle services to be provided and the anticipated
3 total costs of providing these services; and

4 (3) identifying the funding sources available to support the
5 workforce shuttle services, including evidence that sufficient
6 resources are available to cover operating expenses.

7 e. (1) The department may approve applications for the
8 grant program on a rolling basis, subject to the availability of funds.
9 The department shall prioritize applications submitted by local
10 government units or non-profit organizations that have: (a)
11 experienced a significant increase in population, housing
12 development, or traffic congestion; and (b) demonstrated the
13 greatest level of employer contribution towards operating expenses,
14 or the provision of funding agreements that create the least risk, as
15 determined by the department, that there will not be enough funding
16 to continue operating the shuttle for its useful life.

17 (2) Upon approval of an application, the department shall
18 provide a grant, in the amount determined by the department, to the
19 local government unit or non-profit organization for one or more
20 uses provided in subsection c. of this section and as outlined in the
21 local government unit or non-profit organization's application.

22 f. The department shall prepare and submit a report on the
23 "Workforce Shuttle Grant Program" to the Governor, and pursuant
24 to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature,
25 and make the report available on the department's Internet website.
26 The report shall include the number of local government units and
27 non-profit organizations that applied for the grant program, the
28 number and names of the local government units and non-profit
29 organizations approved for the grant program, the total number of
30 grants distributed, the amount received per local government unit
31 and non-profit organization, and any other information the
32 department determines necessary to evaluate the progress of the
33 grant program.

34 g. After the department has established the grant program, the
35 State shall annually appropriate \$10,000,000 to the department to
36 support the operations of the grant program.

37 h. The department shall adopt rules and regulations pursuant to
38 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
39 et seq.) as may be necessary to effectuate the purposes of this
40 section. The regulations shall, at a minimum, set forth the
41 requirements for application submissions, the criteria for
42 application selections, and the permitted use of grant funding.

43
44 3. a. The Department of Transportation shall establish and
45 administer a temporary program to provide grant funding to
46 qualified small businesses, nonprofit organizations, and temporary
47 help service firms to offset transportation costs until such time as
48 the "Workforce Shuttle Grant Program," established pursuant to

1 section 2 of P.L. , c. (C.) (pending before the Legislature as
2 this bill), is operational.

3 b. To qualify for the program, an applicant shall demonstrate to
4 the department that the applicant:

5 (1) qualifies as a small business, nonprofit organization, or
6 temporary help service firm;

7 (2) intends to use the grant to offset transportation costs;

8 (3) intends to enter into an operating partnership with either a
9 county or nonprofit organization to provide transportation on a
10 permanent basis after receipt of the grant funding; and

11 (4) meets any other eligibility requirements that the department
12 may deem appropriate.

13 c. A small business, nonprofit organization, or temporary help
14 service firm that seeks assistance under the program shall submit an
15 application to the department in a form and manner prescribed by
16 the department. In addition to any other information that the
17 department may deem appropriate, the application shall require the
18 applicant to submit information:

19 (1) demonstrating that the applicant meets the eligibility
20 requirements set forth in subsection b. of this section; and

21 (2) outlining the anticipated use of the grant.

22 d. (1) The department may approve applications for the
23 program on a rolling basis, subject to the availability of funds. The
24 department may prioritize applications based on any considerations
25 that the department deems appropriate, which considerations may
26 include, but shall not be limited to, the type of transportation costs
27 incurred by the applicant and the scope of any transportation
28 services to be provided to employees of the applicant.

29 (2) Upon approval of an application, the department shall
30 provide a grant, in the amount determined by the department, to the
31 small business, nonprofit organization, or temporary help service
32 firm to offset transportation costs. Upon approving an application,
33 the department may establish any terms and conditions that the
34 department deems appropriate for the provision of grant funding to
35 a small business, nonprofit organization, or temporary help service
36 firm, and the department shall monitor the small business, nonprofit
37 organization, or temporary help service firm's compliance with
38 those terms and conditions.

39 e. The department shall exclusively use the funding provided
40 pursuant to section 4 of P.L. , c. (pending before the Legislature
41 as this bill) to fund the temporary grant program established by this
42 section until such time as the "Workforce Shuttle Grant Program,"
43 established pursuant to section 2 of P.L. , c. (C.) (pending
44 before the Legislature as this bill), is operational, at which time the
45 funds shall be used exclusively for that program.

46 f. Notwithstanding any provision of the "Administrative
47 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) or any other
48 law to the contrary, the department may adopt, immediately upon

1 filing with the Office of Administrative Law and no later than the
2 90th day after the effective date of P.L. , c. (pending before the
3 Legislature as this bill), such rules and regulations as the
4 department deems necessary to implement the provisions of this act,
5 which regulations shall be effective for a period not to exceed 12
6 months. The regulations shall, at a minimum, set forth the
7 requirements for application submissions, the criteria for
8 application selections, and the permitted use of grant funding. The
9 regulations shall thereafter be amended, adopted, or readopted by
10 the department in accordance with the provisions of the
11 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
12 seq.).

13
14 4. Subject to the availability of federal funds provided or made
15 accessible to the State pursuant to federal block grant funds
16 allocated to the State from the federal “Coronavirus State Fiscal
17 Recovery Fund,” established pursuant to the federal “American
18 Rescue Plan Act of 2021,” Pub.L.117-2, \$10,000,000 from such
19 federal funds shall be appropriated to the Department of
20 Transportation to support the temporary grant program established
21 pursuant to section 4 of P.L. , c. (pending before the
22 Legislature as this bill) until such time as the “Workforce Shuttle
23 Grant Program,” established pursuant to section 2 of P.L. , c.
24 (pending before the Legislature as this bill), is operational, at which
25 time the funds shall be used exclusively for that program.

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27 5. This act shall take effect immediately.
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30 STATEMENT

31
32 This bill requires the Department of Transportation (department)
33 to establish and administer the “Workforce Shuttle Grant Program”
34 (grant program) for the purpose of awarding grants to local
35 government units or non-profit organizations that provide
36 workforce shuttle services in areas of rapid population and housing
37 growth. The bill also requires the department to establish and
38 administer a temporary program, until the grant program is
39 operational, to provide grant funding to qualified businesses,
40 nonprofit organizations, and temporary help service firms
41 (temporary program) to provide temporary grant funding to offset
42 the transportation costs incurred by qualified small businesses,
43 nonprofit organizations, and temporary help service firms.

44 The purpose of the grant program is to support the purchase of
45 workforce shuttles and the operation of workforce shuttle services
46 in order to reduce traffic congestion in areas experiencing rapid
47 growth. To qualify for the grant program, a local government unit
48 or non-profit organization is required to meet certain eligibility

1 requirements set forth in the bill, including a requirement to enter
2 into agreements with employers to provide workforce shuttles, and
3 any other eligibility criteria established by the department. The
4 amount of each grant is determined by the department. The grant
5 funds may be used to support: (1) the purchase or leasing of
6 workforce shuttles; (2) the operation of workforce shuttle services
7 targeting high traffic corridors; (3) the effectuation of partnerships
8 with local employers to provide workforce shuttle services; or (4)
9 any other workforce shuttle related purposes as determined by the
10 department.

11 Under the bill, applications for the grant program are to be
12 submitted to the department in a form and manner determined by
13 the department. In addition to any other information required by
14 the department, each application is required to contain information
15 demonstrating that the local government unit or non-profit
16 organization meets the eligibility requirements, outlining the
17 anticipated use of the grant, and identifying the funding sources
18 available to support the workforce shuttle services.

19 The department is permitted, under the bill, to approve
20 applications for the grant program on a rolling basis, subject to the
21 availability of funds. The department is required to prioritize
22 applications submitted by local government units or non-profit
23 organizations that have experienced a significant increase in
24 population, housing development, or traffic congestion and those
25 that have the greatest level of financial support from participating
26 employers.

27 Under the bill, the department would be required to prepare and
28 submit a report on the "Workforce Shuttle Grant Program" to the
29 Governor and the Legislature and make the report available on the
30 department's Internet website. The report is required to include
31 certain information as set forth in the bill.

32 To qualify for the temporary program, applicants are required to
33 demonstrate to the department that the applicant: (1) qualifies as a
34 small business, nonprofit organization, or temporary help service
35 firm; (2) intends to use the grant to offset transportation costs; (3)
36 intends to enter into an operating partnerships with either a county
37 or nonprofit entity to provide transportation on a permanent basis
38 after receipt of the grant funding; and (4) meets any other eligibility
39 requirements that the department deems appropriate.

40 Under the bill, applications for the temporary program are to be
41 submitted to the department in a form and manner prescribed by the
42 department. In addition to any other information that the
43 department may deem appropriate, each application is required to
44 contain information demonstrating that the applicant meets the
45 eligibility requirements and outlining the anticipated use of the
46 grant. The department is permitted, under the bill, to approve
47 applications for the temporary program on a rolling basis, subject to
48 the availability of funds, and is also permitted to prioritize

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1 applications based on any considerations that the department deems
2 appropriate.

3 Once an applicant is approved, the department may establish any
4 terms and conditions that the department deems appropriate for the
5 provision of grant funding to a small business, nonprofit
6 organization, or temporary help service firm.

7 Finally, the bill appropriates \$10,000,000 from the federal
8 “Coronavirus State Fiscal Recovery Fund,” established pursuant to
9 the federal “American Rescue Plan Act of 2021,” to the department
10 to provide the grant funding for the temporary program until the
11 “Workforce Shuttle Grant Program” is fully operational, at which
12 point the funds are required to be used exclusively for that program.
13 After the grant program has been established, the bill also requires
14 the State to annually appropriate \$10,000,000 to the department to
15 support the operations of the grant program.