

COMMITTEE FOR STUDY OF
MUNICIPAL SCHOOL TRANSPORTATION

LEGISLATIVE COUNCIL STUDY NO. 11
(By House Resolution ratified 25 June 1963)

COMMITTEE FOR STUDY OF
MUNICIPAL SCHOOL TRANSPORTATION

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Others : Representative Carl Bailey
Senator Claude Currie
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Introduced by: Rep. Bailey
Adopted : June 25, 1963

A HOUSE RESOLUTION REQUIRING THE LEGISLATIVE COUNCIL TO STUDY THE EFFECT OF S. B. 534 RELATING TO TRANSPORTATION OF SCHOOL PUPILS WITHIN A MUNICIPALITY ON REVENUES OF LOCAL BUS COMPANIES AND ON LOCAL BUS SERVICE GENERALLY.

WHEREAS, S.B. 534, as amended, would promulgate a State policy of using funds appropriated by the State for school transportation to transport pupils living within a municipality to a public school located within the municipality; and

WHEREAS, the providing of free transportation by State and local governments to school pupils living within a municipality might adversely affect the revenues of local bus companies and might result in the suspension of local bus service in some municipalities within the State; NOW, THEREFORE, Be it resolved by the House of Representatives:

Section 1. The Legislative Council is hereby authorized and directed to proceed to study the effect S.B. 534, as amended, will have on local bus companies now hauling school children, its effect on the revenues of such companies and on local bus service generally, and the Legislative Council shall report its findings to the 1965 General Assembly within one month after it convenes.

Sec. 2. This Resolution shall be in full force and effect from and after the date of its adoption.

Senate Bill 534

Introduced by Senators Humber, Jordan and Hamilton

Ratified 19 June 1963

A BILL TO BE ENTITLED AN ACT TO AMEND SUBCHAPTER IX OF CHAPTER 115 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE TRANSPORTATION OF PUPILS RESIDING WITHIN A MUNICIPALITY ASSIGNED TO PUBLIC SCHOOLS WITHIN THE SAME MUNICIPALITY.

WHEREAS, the North Carolina State Board of Education now allocates funds for the purpose of providing transportation to the pupils enrolled in the public schools within this state when such pupils

- (a) reside outside municipalities and attend schools located outside municipalities; or
- (b) reside outside municipalities and attend schools located inside municipalities; or
- (c) reside inside municipalities and attend schools located outside municipalities; or
- (d) reside in territory annexed by a municipality after February 6, 1957, and attend schools within the same municipality, when transportation was provided in such area prior to annexation; or
- (e) reside in one municipality but attend schools in another municipality; and

WHEREAS, the North Carolina State Board of Education does not allocate funds for transporting children who live within the same municipality and attend public schools within the same municipality except as hereinabove set forth; and

WHEREAS, in recent years there has been a substantial expansion of the territory encompassed by our cities and towns through annexations thereby causing many pupils residing within a municipality and assigned to schools within the same municipality to travel great distances often in excess of five miles, without benefit of public school transportation, all to the great detriment and hardship of many citizens of our state; and

WHEREAS, all funds appropriated from time to time by the General Assembly for the purpose of providing transportation to the pupils enrolled in the public schools within this State should be allocated by the North Carolina State Board of Education without regard to the location or existence of any municipal boundary line; NOW, THEREFORE, The General Assembly of North Carolina do enact:

Section 1. Chapter 115 of the General Statutes is amended by the addition of new section immediately following G.S. 115-181, to be designated G.S. 115-181.1 and to read as follows:

"§ 115-181.1. Municipal corporate limits to have no bearing on eligibility for school transportation. - This sub-

chapter shall be construed to place upon the State, the State Board of Education in its use of funds appropriated by the State for school transportation, and any county or city administrative unit which elects to provide school transportation, the same duty to supply funds for the transportation of pupils who live within the corporate limits of a municipality in which is located a public school in which such pupils are enrolled or assigned as that required for transportation to or from school of any other pupils residing within the county or city administrative unit. Provided, however, that as to transportation supplied hereunder to pupils whose place of residence and school are both located within the same municipality, any County or City administrative unit electing to provide under the provisions of this subchapter shall ascertain whether as of the time of such election there is a franchised public carrier within such municipality willing and able to provide such transportation and if there is, then said administrative unit may contract for transportation of its pupils by one or more of such carriers, subject to existing control of services and rates by the governing body of the municipality and the North Carolina Utilities Commission."

Sec. 2. G.S. 115-186(b) is rewritten to read as follows:

"Unless road or other conditions shall make it unadvisable to do so, public school buses shall be routed on State and municipality-maintained streets and roads so that

the school bus to which each pupil is assigned shall pass within one mile of the residence of each such pupil who lives one and one-half miles or more from the school to which enrolled or assigned, without regard to whether or not such pupil's residence and assigned school are located within the corporate limits of the same municipality."

Sec. 3. G.S. 115-186(e) is deleted in its entirety.

Sec. 4. G.S. 115-190.1 is deleted in its entirety.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. The provisions of this Act shall be in full force and effect from and after July 1, 1965.

COMMITTEE FOR STUDY OF
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Pursuant to Legislative Council Study 11, the Committee for study of Municipal School Transportation met several times, and conducted a full public hearing.

The Committee was authorized by said Council Study 11 and directed to proceed to study the effect of Senate Bill 534, as amended, on local bus companies now hauling school children, its effect on the revenues of such companies and the local bus service generally.

We have come to the conclusion, after full study and public hearing that said Senate Bill 534 will not have an adverse effect on local bus companies now hauling school children, will not adversely affect the revenues of such companies and will not adversely affect the local bus service generally. Therefore, it is the considered opinion of this Committee that Senate Bill 534, as amended, should not be altered but should remain as is.

The public hearing produced evidence, submitted by local bus lines and by The Honorable Harry Westcott, Chairman of the North Carolina Utilities Commission, to the effect that a large percentage of the receipts of local bus companies

comes from the hauling of school children. It is perfectly clear that without the receipts derived from this business great financial damage would result to these local bus companies. We are of the opinion that they do at the present time and will continue to haul school children within municipalities cheaper and safer than State school buses could do.

Our study has revealed that the school boards are not interested in taking over the business of hauling children and will gladly contract with the local bus lines to permit the local bus lines to continue to haul children within municipalities.

This Committee is also of the opinion that municipal traffic would be cluttered up and congested by the use of State school buses within municipalities.

Therefore, we are desirous and we are confident that school boards will contract with the local bus lines and that harmonious conditions will exist under the terms of Senate Bill 534.

Since the ultimate responsibility for all matters connected with the schools rests with the respective boards of education, we feel that, although the bus lines will do a better job and a less expensive job of hauling school children in municipalities, we should not recommend that Senate Bill 534 should be made mandatory as far as forcing the school boards to contract with local bus lines in all cases. Thus, our recommendation to the General Assembly is that no change be made in Senate Bill 534 relative to the contracts between the school boards and the bus lines.