



## ***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:** 28

**NJSA:** 39:4-8.2 to 39:4-8.8

"Traffic Regulations & Parking on Highways"

**BILL NO:** A1288 (Substituted for S508)

**SPONSOR(S):** DeCroce

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**

***ASSEMBLY:*** Transportation

***SENATE:*** ~~~~

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** March 23, 1998

***SENATE:*** May 18, 1998

**DATE OF APPROVAL:** June 29, 1998

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### **THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 2<sup>nd</sup> reprint

(Amendments during passage denoted by superscript numbers)

**A1288**

**SPONSORS STATEMENT:** Yes (Begins on page 5 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENTS:** Yes

**LEGISLATIVE FISCAL ESTIMATES:** Yes

4-20-98

6-1-98

## **S508**

**SPONSORS STATEMENT:** *Yes* (Begins on page 5 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes* (Identical to Assembly Statement for A1296)

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### **THE FOLLOWING WERE PRINTED:**

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**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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[Second Reprint]

**ASSEMBLY, No. 1288**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

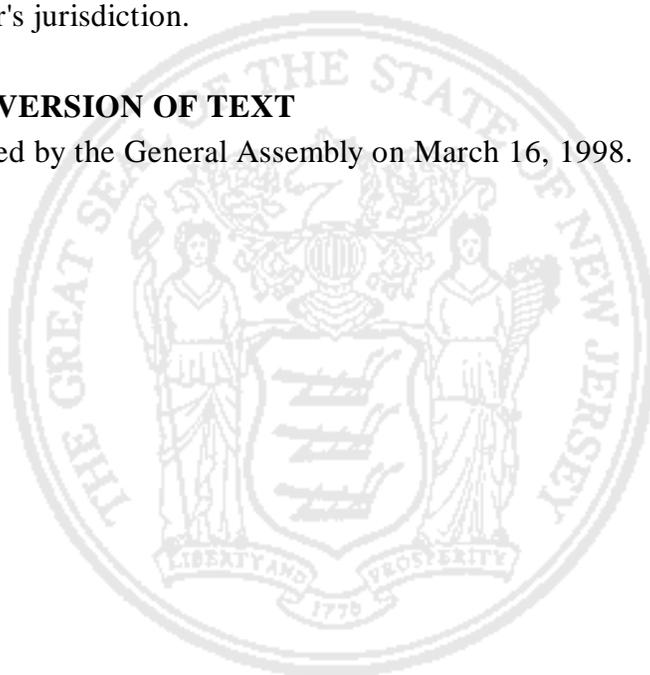
**Assemblymen Bodine, Merkt, Assemblywoman Crecco, Assemblymen  
Thompson, Gusciora, Greenwald, Connors and Senator Ciesla**

**SYNOPSIS**

Authorizes Commissioner of Transportation to issue orders for regulation of traffic and parking on public highways and transportation systems under commissioner's jurisdiction.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on March 16, 1998.



**(Sponsorship Updated As Of: 5/19/1998)**

1 AN ACT concerning traffic regulation, and supplementing chapter 4 of  
2 Title 39 of the Revised Statutes.

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

6  
7 1. As used in this act <sup>2</sup>**[;]** <sup>2</sup>:

8 "Public highways" means public highways as defined in section 3 of  
9 P.L.1984, c.73 (C.27:1B-3).

10 "Transportation system" means transportation system as defined in  
11 section 3 of P.L.1984, c.73 (C.27:1B-3).

12 "Under the jurisdiction of the commissioner" means that which has  
13 been <sup>1</sup>**[constructed,]**<sup>1</sup> taken over, or is owned, controlled, or  
14 maintained by the Department of Transportation.

15  
16 2. a. Notwithstanding the provisions of any other law to the  
17 contrary, the Commissioner of Transportation, in accordance with the  
18 provisions of this act, may by written order provide for the regulation  
19 of traffic and parking on public highways or transportation systems  
20 under the jurisdiction of the commissioner and for the establishment,  
21 operation, control and maintenance of official traffic control devices  
22 thereon<sup>2</sup>**[. The commissioner is authorized to issue such orders]** <sup>2</sup>  
23 where the provisions <sup>2</sup>of chapter 4<sup>2</sup> of this Title authorize the  
24 commissioner to regulate such traffic and parking by rule or regulation  
25 <sup>2</sup>**[, as provided in section 6 of this act, and such orders may include,**  
26 but shall not be limited to, maximum and minimum speeds, permitted  
27 or prohibited passing of vehicles, parking and other restrictions which  
28 may be placed upon the use of intersections, entrances or exits to and  
29 from public highways, traffic lanes, shoulders, rights-of-way or  
30 parking lots or park-and-ride facilities under the jurisdiction of the  
31 commissioner or the State]<sup>2</sup>. An order issued pursuant to this act  
32 shall conform to the same requirements of this Title concerning  
33 examination, investigation or study as apply in the case of the rule or  
34 regulation in place of which the order is being issued.

35 b. An order issued pursuant to subsection a. of this section shall be  
36 binding and enforceable in accordance with the provisions of this act  
37 and any official traffic control device established thereby shall conform  
38 to the "Manual on Uniform Traffic Control Devices."

39 c. The provisions of this act shall not apply to public highways or  
40 transportation systems under the jurisdiction of a county or  
41 municipality.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ATR committee amendments adopted January 29, 1998.

<sup>2</sup> Assembly floor amendments adopted March 16, 1998.

1       3. a. An order to be issued pursuant to this act shall cite the public  
2 highway or transportation system under the jurisdiction of the  
3 commissioner to which it is to be applicable; <sup>2</sup>provide<sup>2</sup> an explanation  
4 in plain language as to why the order is needed at the location in  
5 question; <sup>2</sup>provide<sup>2</sup> a description in plain language of what the order  
6 requires; <sup>2</sup>[an identification of] identify<sup>2</sup> the individual or public body  
7 who or which requested the order or initiated a request leading to the  
8 order; <sup>2</sup>name<sup>2</sup> the <sup>1</sup>[final date of the order] date on which the order  
9 became final and the effective date of the order<sup>1</sup>; and <sup>2</sup>contain<sup>2</sup> any  
10 other information the commissioner deems necessary.

11       b. A copy of a proposed order shall be mailed to the governing  
12 body and chief uniformed law enforcement official of each county and  
13 municipality in which that portion of the public highway or  
14 transportation system under the jurisdiction of the commissioner  
15 affected by the order is located. On or after the date of mailing, the  
16 commissioner shall cause an informational notice of the proposed  
17 order, including therein a summary of the provisions of the proposed  
18 order, to be published in a newspaper or newspapers having general  
19 circulation in the municipality or municipalities affected by the order.  
20 The notice shall provide for a telephone number or address which a  
21 member of the public may use to receive a copy of the complete text  
22 of the proposed order and shall provide for a 30-day period from the  
23 date of publication for public comment. The order shall be final on the  
24 31st day after publication of the informational notice or on a later date  
25 if the commissioner so determines, except that if comments are  
26 received during the 30-day period the order shall be final after the  
27 commissioner reviews and responds in writing to the comments  
28 received but in no event shall the order be final earlier than the 31st  
29 day after publication. Nothing in this section shall be construed as  
30 prohibiting the commissioner from extending the comment period or  
31 from modifying or withdrawing the proposed order as a result of the  
32 review of public comment.

33       c. Notwithstanding the provisions of subsection b. of this section  
34 to the contrary, an order may be made final immediately or at a later  
35 date and without the requirement of mailing or publication by the  
36 commissioner if it is issued in response to a resolution from the  
37 governing body of a municipality and if the order pertains exclusively  
38 to a public highway or transportation system located within the  
39 boundaries of that municipality. Such a resolution shall be adopted by  
40 the governing body and shall memorialize the commissioner to issue  
41 an order regulating traffic or parking on a public highway or  
42 transportation system located within the boundaries of the  
43 municipality. The governing body shall cause an informational notice  
44 of the proposed resolution to be published in the official newspaper if  
45 there be one or, if that is not the case, in a newspaper of general  
46 circulation in the municipality in question, in advance of a meeting at

1 which the resolution is to be considered. A copy of the final order  
2 shall be mailed to the governing body and the chief uniformed law  
3 enforcement official of the county and municipality in which that  
4 portion of the public highway or transportation system under the  
5 jurisdiction of the commissioner affected by the order is located.

6 d. Notwithstanding the provisions of this section to the contrary,  
7 upon a finding by the commissioner that an emergent condition exists  
8 with respect to a public highway or transportation system under the  
9 jurisdiction of the commissioner, an order may be made final  
10 immediately. In such an event, a copy of the final order issued  
11 pursuant to this subsection shall be provided within 24 hours of  
12 issuance to the governing body and the chief uniformed law  
13 enforcement official of the county and municipality in which that  
14 portion of the public highway or transportation system under the  
15 jurisdiction of the commissioner affected by the order is located.  
16 <sup>2</sup>Nothing in this section shall be construed to supersede, limit or alter  
17 the authority and powers of the Attorney General pursuant to  
18 P.L.1950, c.70 (C.39:4-213 et seq.) to control traffic during  
19 emergency conditions. The exercise of the Attorney General's  
20 authority and powers pursuant to P.L.1950, c.70 (C.39:4-213 et seq.)  
21 shall supersede an order issued by the commissioner pursuant to this  
22 act.<sup>2</sup>

23 e. A final order shall be effective upon compliance with the notice  
24 and briefing provisions of R.S.39:4-198 and shall be binding and  
25 enforceable on that date.

26  
27 4. The commissioner shall maintain an official permanent record of  
28 orders issued pursuant to this act providing for the regulation of traffic  
29 and parking on public highways or transportation systems under the  
30 jurisdiction of the commissioner and of any rule or regulation removed  
31 from the New Jersey Administrative Code pursuant to subsection b. of  
32 section 5 of this act, which shall be made available upon request,  
33 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). In addition, an  
34 informational record concerning those public highways, or portions  
35 thereof, and transportation systems affected by the orders issued  
36 pursuant to this act shall be accessible in electronic form by members  
37 of the public without fee or charge.

38  
39 5. a. Rules or regulations adopted pursuant to <sup>2</sup>chapter 4 of<sup>2</sup> this  
40 Title before the effective date of this act <sup>2</sup>and in effect on the effective  
41 date thereof<sup>2</sup> and dealing with the regulation of traffic or parking on  
42 public highways or transportation systems under the jurisdiction of the  
43 commissioner shall continue in effect and shall be enforceable under  
44 the provisions of Title 39 of the Revised Statutes and all other  
45 applicable Statutes, in any court of competent jurisdiction, until  
46 superseded by order of the commissioner pursuant to this act.

1       <sup>2</sup>b. The Commissioner of Transportation shall, within 60 days of  
2 the effective date of this act, issue an order which shall in substance  
3 include all rules and regulations adopted pursuant to chapter 4 of this  
4 Title before the effective date of this act and in effect on the effective  
5 date thereof and dealing exclusively with the regulation of traffic or  
6 parking on public highways or transportation systems under the  
7 jurisdiction of the commissioner, which order shall be final and  
8 effective on the date of issuance, without the requirement of any other  
9 action or proceeding, notwithstanding the provisions of this act to the  
10 contrary. Upon the issuance of the order the rules and regulations  
11 included in substance therein shall be superseded. The commissioner  
12 shall forbear from adopting any rule or regulation dealing with the  
13 regulation of traffic or parking on public highways or transportation  
14 systems under the jurisdiction of the commissioner from the effective  
15 date of this act until the issuance of the order required by this  
16 subsection.<sup>2</sup>

17       <sup>2</sup>[b.] <sup>2</sup>c.<sup>2</sup> Sixty days after the effective date of this act, the Office  
18 of Administrative Law may remove from the New Jersey  
19 Administrative Code any rule or regulation which deals exclusively  
20 with the regulation of traffic and parking on public highways or  
21 transportation systems under the jurisdiction of the commissioner <sup>2</sup>and  
22 which has been superseded by order of the commissioner<sup>2</sup>.

23  
24       6. Any provision of <sup>2</sup>chapter 4 of<sup>2</sup> this Title authorizing or  
25 requiring the commissioner to provide for the regulation of traffic or  
26 parking on public highways or transportation systems under the  
27 jurisdiction of the commissioner by means of rule or regulation shall  
28 on and after the effective date of this act be construed as authorizing  
29 or requiring the commissioner to proceed by order, as the case may be,  
30 pursuant to the provisions of this act. Such an order, however, shall  
31 not be considered a rule or regulation pursuant to the provisions of the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
33 seq.).

34  
35       <sup>1</sup>7. <sup>2</sup>a.<sup>2</sup> Nothing in this act shall be construed as expanding or  
36 diminishing the authority of the commissioner to regulate traffic and  
37 parking on public highways or transportation systems under the  
38 jurisdiction of the commissioner and to establish, operate, control and  
39 maintain official traffic control devices thereon.<sup>1</sup>

40       <sup>2</sup>b. Nothing in this act shall be construed as superseding any  
41 provision or expending or diminishing the authority of the  
42 commissioner in regard to the "State Highway Access Management  
43 Act," P.L.1989, c.32 (C.27:7-89 et al.).<sup>2</sup>

44  
45       <sup>1</sup>[7.] <sup>1</sup>8.<sup>1</sup> This act shall take effect on the 90th day following  
46 enactment.

**ASSEMBLY, No. 1288**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman ALEX DECROCE**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Authorizes Commissioner of Transportation to issue orders for regulation of traffic and parking on public highways and transportation systems under commissioner's jurisdiction.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning traffic regulation, and supplementing chapter 4  
2 of Title 39 of the Revised Statutes.

3

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

6

7 1. As used in this act;

8 "Public highways" means public highways as defined in section 3 of  
9 P.L.1984, c.73 (C.27:1B-3).

10 "Transportation system" means transportation system as defined in  
11 section 3 of P.L.1984, c.73 (C.27:1B-3).

12 "Under the jurisdiction of the commissioner" means that which has  
13 been constructed, taken over, or is owned, controlled, or maintained  
14 by the Department of Transportation.

15

16 2. a. Notwithstanding the provisions of any other law to the  
17 contrary, the Commissioner of Transportation, in accordance with the  
18 provisions of this act, may by written order provide for the regulation  
19 of traffic and parking on public highways or transportation systems  
20 under the jurisdiction of the commissioner and for the establishment,  
21 operation, control and maintenance of official traffic control devices  
22 thereon. The commissioner is authorized to issue such orders where  
23 the provisions of this Title authorize the commissioner to regulate such  
24 traffic and parking by rule or regulation, as provided in section 6 of  
25 this act, and such orders may include, but shall not be limited to,  
26 maximum and minimum speeds, permitted or prohibited passing of  
27 vehicles, parking and other restrictions which may be placed upon the  
28 use of intersections, entrances or exits to and from public highways,  
29 traffic lanes, shoulders, rights-of-way or parking lots or park-and-ride  
30 facilities under the jurisdiction of the commissioner or the State. An  
31 order issued pursuant to this act shall conform to the same  
32 requirements of this Title concerning examination, investigation or  
33 study as apply in the case of the rule or regulation in place of which  
34 the order is being issued.

35 b. An order issued pursuant to subsection a. of this section shall be  
36 binding and enforceable in accordance with the provisions of this act  
37 and any official traffic control device established thereby shall conform  
38 to the "Manual on Uniform Traffic Control Devices."

39 c. The provisions of this act shall not apply to public highways or  
40 transportation systems under the jurisdiction of a county or  
41 municipality.

42

43 3. a. An order to be issued pursuant to this act shall cite the public  
44 highway or transportation system under the jurisdiction of the  
45 commissioner to which it is to be applicable; an explanation in plain  
46 language as to why the order is needed at the location in question; a

1 description in plain language of what the order requires; an  
2 identification of the individual or public body who or which requested  
3 the order or initiated a request leading to the order; the final date of  
4 the order; and any other information the commissioner deems  
5 necessary.

6 b. A copy of a proposed order shall be mailed to the governing  
7 body and chief uniformed law enforcement official of each county and  
8 municipality in which that portion of the public highway or  
9 transportation system under the jurisdiction of the commissioner  
10 affected by the order is located. On or after the date of mailing, the  
11 commissioner shall cause an informational notice of the proposed  
12 order, including therein a summary of the provisions of the proposed  
13 order, to be published in a newspaper or newspapers having general  
14 circulation in the municipality or municipalities affected by the order.  
15 The notice shall provide for a telephone number or address which a  
16 member of the public may use to receive a copy of the complete text  
17 of the proposed order and shall provide for a 30-day period from the  
18 date of publication for public comment. The order shall be final on the  
19 31st day after publication of the informational notice or on a later date  
20 if the commissioner so determines, except that if comments are  
21 received during the 30-day period the order shall be final after the  
22 commissioner reviews and responds in writing to the comments  
23 received but in no event shall the order be final earlier than the 31st  
24 day after publication. Nothing in this section shall be construed as  
25 prohibiting the commissioner from extending the comment period or  
26 from modifying or withdrawing the proposed order as a result of the  
27 review of public comment.

28 c. Notwithstanding the provisions of subsection b. of this section  
29 to the contrary, an order may be made final immediately or at a later  
30 date and without the requirement of mailing or publication by the  
31 commissioner if it is issued in response to a resolution from the  
32 governing body of a municipality and if the order pertains exclusively  
33 to a public highway or transportation system located within the  
34 boundaries of that municipality. Such a resolution shall be adopted by  
35 the governing body and shall memorialize the commissioner to issue  
36 an order regulating traffic or parking on a public highway or  
37 transportation system located within the boundaries of the  
38 municipality. The governing body shall cause an informational notice  
39 of the proposed resolution to be published in the official newspaper if  
40 there be one or, if that is not the case, in a newspaper of general  
41 circulation in the municipality in question, in advance of a meeting at  
42 which the resolution is to be considered. A copy of the final order  
43 shall be mailed to the governing body and the chief uniformed law  
44 enforcement official of the county and municipality in which that  
45 portion of the public highway or transportation system under the  
46 jurisdiction of the commissioner affected by the order is located.

1 d. Notwithstanding the provisions of this section to the contrary,  
2 upon a finding by the commissioner that an emergent condition exists  
3 with respect to a public highway or transportation system under the  
4 jurisdiction of the commissioner, an order may be made final  
5 immediately. In such an event, a copy of the final order issued  
6 pursuant to this subsection shall be provided within 24 hours of  
7 issuance to the governing body and the chief uniformed law  
8 enforcement official of the county and municipality in which that  
9 portion of the public highway or transportation system under the  
10 jurisdiction of the commissioner affected by the order is located.

11 e. A final order shall be effective upon compliance with the notice  
12 and briefing provisions of R.S.39:4-198 and shall be binding and  
13 enforceable on that date.

14

15 4. The commissioner shall maintain an official permanent record of  
16 orders issued pursuant to this act providing for the regulation of traffic  
17 and parking on public highways or transportation systems under the  
18 jurisdiction of the commissioner and of any rule or regulation removed  
19 from the New Jersey Administrative Code pursuant to subsection b. of  
20 section 5 of this act, which shall be made available upon request,  
21 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). In addition, an  
22 informational record concerning those public highways, or portions  
23 thereof, and transportation systems affected by the orders issued  
24 pursuant to this act shall be accessible in electronic form by members  
25 of the public without fee or charge.

26

27 5. a. Rules or regulations adopted pursuant to this Title before the  
28 effective date of this act and dealing with the regulation of traffic or  
29 parking on public highways or transportation systems under the  
30 jurisdiction of the commissioner shall continue in effect and shall be  
31 enforceable under the provisions of Title 39 of the Revised Statutes  
32 and all other applicable Statutes, in any court of competent  
33 jurisdiction, until superseded by order of the commissioner pursuant  
34 to this act.

35 b. Sixty days after the effective date of this act, the Office of  
36 Administrative Law may remove from the New Jersey Administrative  
37 Code any rule or regulation which deals exclusively with the regulation  
38 of traffic and parking on public highways or transportation systems  
39 under the jurisdiction of the commissioner.

40

41 6. Any provision of this Title authorizing or requiring the  
42 commissioner to provide for the regulation of traffic or parking on  
43 public highways or transportation systems under the jurisdiction of the  
44 commissioner by means of rule or regulation shall on and after the  
45 effective date of this act be construed as authorizing or requiring the  
46 commissioner to proceed by order, as the case may be, pursuant to the

1 provisions of this act. Such an order, however, shall not be considered  
2 a rule or regulation pursuant to the provisions of the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

4  
5 7. This act shall take effect on the 90th day following enactment.  
6

7  
8 STATEMENT  
9

10 This bill would authorize the Commissioner of Transportation to  
11 issue written orders for the regulation of traffic and parking on public  
12 highways and transportation systems under the jurisdiction of the  
13 commissioner. This bill would thus permit the commissioner to deal  
14 with such matters as maximum and minimum speeds, permitted or  
15 prohibited passing of vehicles, and parking and other restrictions  
16 which may be placed upon the use of intersections and various parts  
17 of the public highways or entrances or exits to them or parking lots or  
18 park-and-ride facilities under the jurisdiction of the commissioner or  
19 the State, as provided in Title 39 of the Revised Statutes. An order is  
20 to conform to the same requirements of Title 39 concerning  
21 examination, investigation or study as apply in the case of the rule or  
22 regulation in place of which the order is being issued. The bill does  
23 not apply to public highways or transportation systems under the  
24 jurisdiction of a county or municipality. The current procedure for the  
25 regulation of traffic and parking on State highways involves rule-  
26 making under the "Administrative Procedure Act," P.L.1968, c.410  
27 (C.52:14B-1 et seq.). Unless an emergency is declared by the  
28 Governor, mandated procedures under the "Administrative Procedure  
29 Act" add a minimum of three months of time to change any individual  
30 speed limit, traffic sign, parking zone, or other traffic regulation. This  
31 bill would provide for orders to be used where these administrative  
32 regulations are now permitted or required.

33 The vast majority of traffic and parking regulation changes are  
34 made in response to requests from municipal and county officials. The  
35 total length of time it takes to change such regulations is  
36 unsatisfactory and makes State Government appear unresponsive to  
37 traffic control concerns of the public and local officials.

38 An order issued pursuant to this bill is to cite the public highway or  
39 transportation system to which it is to be applicable; an explanation in  
40 plain language as to why the order is needed at the location in  
41 question; a description in plain language of what the order requires; an  
42 identification of the individual or public body which requested the  
43 order or initiated a request leading to the order; the final date of the  
44 order; and any other information the commissioner deems necessary.

45 A copy of a proposed order would be mailed to the governing body  
46 and the chief uniformed law enforcement officer of each county and

1 municipality where that portion of the highway or transportation  
2 system affected by the order is located. An informational notice of the  
3 proposed order would be published in a newspaper or newspapers  
4 having general circulation in the municipality affected by the order,  
5 with a telephone number or address provided which a member of the  
6 public may use to receive a complete text of the order. The order  
7 would be final on the 31st day after publication or on a later date if the  
8 commissioner so determines. If comment is received during the 30-  
9 day period, the order would be final after the commissioner reviews  
10 and responds to the comment but not earlier than the 31st day after  
11 publication. However, if the order is proposed in response to a  
12 resolution from the governing body of a municipality and the order  
13 pertains exclusively to a highway or transportation system located  
14 within the municipality, the order may be made final immediately or at  
15 a later date. In addition, in emergent cases the order may be made  
16 final immediately.

17 A final order shall be effective upon compliance with the notice and  
18 briefing requirements of R.S.39:4-198 and shall be binding and  
19 enforceable on that date.

20 The commissioner is to maintain an official permanent record of the  
21 orders and of rules and regulations removed from the Administrative  
22 Code, which are to be made available upon request, pursuant to law.  
23 In addition, an informational record concerning those public highways,  
24 or portions thereof, and transportation systems affected by the orders  
25 shall be accessible in electronic form by members of the public without  
26 fee or charge, such as the Internet.

27 Finally, the bill provides for the continuation in effect of regulations  
28 adopted prior to the effective date of this bill and additionally provides  
29 that those provisions of existing law which may provide for the  
30 commissioner to proceed by rule and regulation with regard to the  
31 regulation of traffic and parking on public highways and transportation  
32 systems under the commissioner's jurisdiction shall henceforth be  
33 construed as permitting the commissioner to proceed by orders issued  
34 pursuant to this bill.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1288**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 29, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 1288 with committee amendments.

This amended bill would authorize the Commissioner of Transportation to issue written orders for the regulation of traffic and parking on public highways and transportation systems under the jurisdiction of the commissioner. The current procedure for the regulation of traffic and parking on State highways involves rule-making under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Unless an emergency is declared by the Governor, mandated procedures under the "Administrative Procedure Act" add a minimum of three months of time to change any individual speed limit, traffic sign, parking zone, or other traffic regulation. This bill would provide for orders to be used where these administrative regulations are now permitted or required. This bill would thus permit the commissioner to deal with such matters as maximum and minimum speeds, permitted or prohibited passing of vehicles, and parking and other restrictions which may be placed upon the use of intersections and various parts of the public highways or entrances or exits to them or parking lots or park-and-ride facilities under the jurisdiction of the commissioner or the State, as provided in Title 39 of the Revised Statutes by issuing written orders. An order is to conform to the same requirements of Title 39 concerning examination, investigation or study as apply in the case of the rule or regulation in place of which the order is being issued. The bill does not apply to public highways or transportation systems under the jurisdiction of a county or municipality.

An order issued pursuant to this bill is to cite the public highway or transportation system to which it is to be applicable; an explanation in plain language as to why the order is needed at the location in question; a description in plain language of what the order requires; an identification of the individual or public body which requested the order or initiated a request leading to the order; the date on which the order became final and the effective date of the order; and any other information the commissioner deems necessary.

A copy of a proposed order would be mailed to the governing body and the chief uniformed law enforcement officer of each county and municipality where that portion of the highway or transportation system affected by the order is located. An informational notice of the proposed order would be published in a newspaper or newspapers having general circulation in the municipality affected by the order, with a telephone number or address provided which a member of the public may use to receive a complete text of the order. The order would be final on the 31st day after publication or on a later date if the commissioner so determines. If comment is received during the 30-day period, the order would be final after the commissioner reviews and responds to the comment but not earlier than the 31st day after publication. However, if the order is proposed in response to a resolution from the governing body of a municipality and the order pertains exclusively to a highway or transportation system located within the municipality, the order may be made final immediately or at a later date. In addition, in emergent cases the order may be made final immediately.

A final order shall be effective upon compliance with the notice and briefing requirements of R.S.39:4-198 and shall be binding and enforceable on that date.

The commissioner is to maintain an official permanent record of the orders and of rules and regulations removed from the Administrative Code, which are to be made available upon request, pursuant to law. In addition, an informational record concerning those public highways, or portions thereof, and transportation systems affected by the orders shall be accessible in electronic form by members of the public without fee or charge, such as the Internet.

The bill provides for the continuation in effect of regulations adopted prior to the effective date of this bill and additionally provides that those provisions of existing law which may provide for the commissioner to proceed by rule and regulation with regard to the regulation of traffic and parking on public highways and transportation systems under the commissioner's jurisdiction shall henceforth be construed as permitting the commissioner to proceed by orders issued pursuant to this bill.

The committee amended the bill to remove the word "constructed" from the definition of "under the jurisdiction of the commissioner" as a road constructed by the department may be under local jurisdiction not the jurisdiction of the commissioner. The amendments clarify that an order issued pursuant to the act must indicate the date on which the order became final and the effective date of the order. Finally, the amendments insert a new section which explicitly states that nothing in the act is to be construed as expanding or diminishing the authority of the commissioner to regulate traffic and parking on public highways or transportation systems under the jurisdiction of the commissioner and to establish, operate, control and maintain official traffic control devices thereon.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 1288**

with Assembly Floor Amendments  
(Proposed By Assemblyman DeCROCE)

ADOPTED: MARCH 16, 1998

These amendments: 1) clarify the Attorney General's power and authority to deal with emergency traffic conditions; 2) provide for the omnibus readoption of current rules and regulations in the form of an order as a prelude to the supersession of those rules; 3) clarify that the Commissioner of Transportation's authority to issue orders would be based upon the commissioner's authority to issue rules and regulations under chapter 4, Traffic Regulation, of Title 39; and 4) provide that the bill shall not be construed as superseding any provision or expanding or diminishing the authority of the commissioner in respect to the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-89 et al.).

With these amendments, this bill is identical to S-508 (1R).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## **ASSEMBLY, No. 1288**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: APRIL 20, 1998

Assembly Bill No. 1288 (1R) of 1998 authorizes the Commissioner of Transportation to issue written orders for the regulation of traffic and parking on public highways and transportation systems under the jurisdiction of the commissioner. The current procedure requires a lengthy rule-making process mandated under the "Administrative Procedure Act."

The Office of Legislative Services (OLS) notes that this bill permits the commissioner to implement departmental traffic and parking regulations more expeditiously. Since this bill is intended to streamline the process whereby the department issues certain of its regulations, OLS anticipates that this bill could provide a cost savings for the department. The amount of the savings would depend on the complexity of the regulations in any given situation.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

## **ASSEMBLY, No. 1288**

# **STATE OF NEW JERSEY**

## **208th LEGISLATURE**

DATED: JUNE 1, 1998

Assembly Bill No. 1288 (2R) of 1998 authorizes the Commissioner of Transportation to issue written orders for the regulation of traffic and parking on public highways and transportation systems under the jurisdiction of the commissioner. The current procedure must comply with a rule-making process mandated under the "Administrative Procedure Act," which generally requires a minimum of three months to change any speed limit, traffic sign, parking zone, or other traffic regulation.

The Office of Legislative Services (OLS) notes that this bill permits the commissioner to implement departmental traffic and parking regulations more expeditiously. Since this bill is intended to streamline the process whereby the department issues certain of its regulations, OLS anticipates that this bill could provide a cost savings for the department. The amount of the savings would depend on the complexity of the regulations in any given situation.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 508**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED FEBRUARY 23, 1998

**Sponsored by:**

**Senator ANDREW R. CIESLA**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Authorizes Commissioner of Transportation to issue orders for regulation of traffic and parking on public highways and transportation systems under commissioner's jurisdiction.

**CURRENT VERSION OF TEXT**

As introduced.



S508 CIESLA

2

1 AN ACT concerning traffic regulation, and supplementing chapter 4 of  
2 Title 39 of the Revised Statutes.

3

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

6

7 1. As used in this act;

8 "Public highways" means public highways as defined in section 3 of  
9 P.L.1984, c.73 (C.27:1B-3).

10 "Transportation system" means transportation system as defined in  
11 section 3 of P.L.1984, c.73 (C.27:1B-3).

12 "Under the jurisdiction of the commissioner" means that which has  
13 been taken over, or is owned, controlled, or maintained by the  
14 Department of Transportation.

15

16 2. a. Notwithstanding the provisions of any other law to the  
17 contrary, the Commissioner of Transportation, in accordance with the  
18 provisions of this act, may by written order provide for the regulation  
19 of traffic and parking on public highways or transportation systems  
20 under the jurisdiction of the commissioner and for the establishment,  
21 operation, control and maintenance of official traffic control devices  
22 thereon. The commissioner is authorized to issue such orders where  
23 the provisions of this Title authorize the commissioner to regulate such  
24 traffic and parking by rule or regulation, as provided in section 6 of  
25 this act, and such orders may include, but shall not be limited to,  
26 maximum and minimum speeds, permitted or prohibited passing of  
27 vehicles, parking and other restrictions which may be placed upon the  
28 use of intersections, entrances or exits to and from public highways,  
29 traffic lanes, shoulders, rights-of-way or parking lots or park-and-ride  
30 facilities under the jurisdiction of the commissioner or the State. An  
31 order issued pursuant to this act shall conform to the same  
32 requirements of this Title concerning examination, investigation or  
33 study as apply in the case of the rule or regulation in place of which  
34 the order is being issued.

35 b. An order issued pursuant to subsection a. of this section shall be  
36 binding and enforceable in accordance with the provisions of this act  
37 and any official traffic control device established thereby shall conform  
38 to the "Manual on Uniform Traffic Control Devices."

39 c. The provisions of this act shall not apply to public highways or  
40 transportation systems under the jurisdiction of a county or  
41 municipality.

42

43 3. a. An order to be issued pursuant to this act shall cite the public  
44 highway or transportation system under the jurisdiction of the  
45 commissioner to which it is to be applicable; an explanation in plain  
46 language as to why the order is needed at the location in question; a

1 description in plain language of what the order requires; an  
2 identification of the individual or public body who or which requested  
3 the order or initiated a request leading to the order; the date on which  
4 the order became final and the effective date of the order; and any  
5 other information the commissioner deems necessary.

6 b. A copy of a proposed order shall be mailed to the governing  
7 body and chief uniformed law enforcement official of each county and  
8 municipality in which that portion of the public highway or  
9 transportation system under the jurisdiction of the commissioner  
10 affected by the order is located. On or after the date of mailing, the  
11 commissioner shall cause an informational notice of the proposed  
12 order, including therein a summary of the provisions of the proposed  
13 order, to be published in a newspaper or newspapers having general  
14 circulation in the municipality or municipalities affected by the order.  
15 The notice shall provide for a telephone number or address which a  
16 member of the public may use to receive a copy of the complete text  
17 of the proposed order and shall provide for a 30-day period from the  
18 date of publication for public comment. The order shall be final on the  
19 31st day after publication of the informational notice or on a later date  
20 if the commissioner so determines, except that if comments are  
21 received during the 30-day period the order shall be final after the  
22 commissioner reviews and responds in writing to the comments  
23 received but in no event shall the order be final earlier than the 31st  
24 day after publication. Nothing in this section shall be construed as  
25 prohibiting the commissioner from extending the comment period or  
26 from modifying or withdrawing the proposed order as a result of the  
27 review of public comment.

28 c. Notwithstanding the provisions of subsection b. of this section  
29 to the contrary, an order may be made final immediately or at a later  
30 date and without the requirement of mailing or publication by the  
31 commissioner if it is issued in response to a resolution from the  
32 governing body of a municipality and if the order pertains exclusively  
33 to a public highway or transportation system located within the  
34 boundaries of that municipality. Such a resolution shall be adopted by  
35 the governing body and shall memorialize the commissioner to issue  
36 an order regulating traffic or parking on a public highway or  
37 transportation system located within the boundaries of the  
38 municipality. The governing body shall cause an informational notice  
39 of the proposed resolution to be published in the official newspaper if  
40 there be one or, if that is not the case, in a newspaper of general  
41 circulation in the municipality in question, in advance of a meeting at  
42 which the resolution is to be considered. A copy of the final order  
43 shall be mailed to the governing body and the chief uniformed law  
44 enforcement official of the county and municipality in which that  
45 portion of the public highway or transportation system under the  
46 jurisdiction of the commissioner affected by the order is located.

1 d. Notwithstanding the provisions of this section to the contrary,  
2 upon a finding by the commissioner that an emergent condition exists  
3 with respect to a public highway or transportation system under the  
4 jurisdiction of the commissioner, an order may be made final  
5 immediately. In such an event, a copy of the final order issued  
6 pursuant to this subsection shall be provided within 24 hours of  
7 issuance to the governing body and the chief uniformed law  
8 enforcement official of the county and municipality in which that  
9 portion of the public highway or transportation system under the  
10 jurisdiction of the commissioner affected by the order is located.

11 e. A final order shall be effective upon compliance with the notice  
12 and briefing provisions of R.S.39:4-198 and shall be binding and  
13 enforceable on that date.

14

15 4. The commissioner shall maintain an official permanent record of  
16 orders issued pursuant to this act providing for the regulation of traffic  
17 and parking on public highways or transportation systems under the  
18 jurisdiction of the commissioner and of any rule or regulation removed  
19 from the New Jersey Administrative Code pursuant to subsection b. of  
20 section 5 of this act, which shall be made available upon request,  
21 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). In addition, an  
22 informational record concerning those public highways, or portions  
23 thereof, and transportation systems affected by the orders issued  
24 pursuant to this act shall be accessible in electronic form by members  
25 of the public without fee or charge.

26

27 5. a. Rules or regulations adopted pursuant to this Title before the  
28 effective date of this act and dealing with the regulation of traffic or  
29 parking on public highways or transportation systems under the  
30 jurisdiction of the commissioner shall continue in effect and shall be  
31 enforceable under the provisions of Title 39 of the Revised Statutes  
32 and all other applicable Statutes, in any court of competent  
33 jurisdiction, until superseded by order of the commissioner pursuant  
34 to this act.

35 b. Sixty days after the effective date of this act, the Office of  
36 Administrative Law may remove from the New Jersey Administrative  
37 Code any rule or regulation which deals exclusively with the regulation  
38 of traffic and parking on public highways or transportation systems  
39 under the jurisdiction of the commissioner.

40

41 6. Any provision of this Title authorizing or requiring the  
42 commissioner to provide for the regulation of traffic or parking on  
43 public highways or transportation systems under the jurisdiction of the  
44 commissioner by means of rule or regulation shall on and after the  
45 effective date of this act be construed as authorizing or requiring the  
46 commissioner to proceed by order, as the case may be, pursuant to the

1 provisions of this act. Such an order, however, shall not be considered  
2 a rule or regulation pursuant to the provisions of the "Administrative  
3 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

4  
5 7. Nothing in this act shall be construed as expanding or  
6 diminishing the authority of the commissioner to regulate traffic and  
7 parking on public highways or transportation systems under the  
8 jurisdiction of the commissioner and to establish, operate, control and  
9 maintain official traffic control devices thereon.

10  
11 8. This act shall take effect on the 90th day following enactment.

12  
13  
14 STATEMENT

15  
16 This bill would authorize the Commissioner of Transportation to  
17 issue written orders for the regulation of traffic and parking on public  
18 highways and transportation systems under the jurisdiction of the  
19 commissioner. The current procedure for the regulation of traffic and  
20 parking on State highways involves rule-making under the  
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
22 seq.). Unless an emergency is declared by the Governor, mandated  
23 procedures under the "Administrative Procedure Act" add a minimum  
24 of three months of time to change any individual speed limit, traffic  
25 sign, parking zone, or other traffic regulation. This bill would provide  
26 for orders to be used where these administrative regulations are now  
27 permitted or required. This bill would thus permit the commissioner  
28 to deal with such matters as maximum and minimum speeds, permitted  
29 or prohibited passing of vehicles, and parking and other restrictions  
30 which may be placed upon the use of intersections and various parts  
31 of the public highways or entrances or exits to them or parking lots or  
32 park-and-ride facilities under the jurisdiction of the commissioner or  
33 the State, as provided in Title 39 of the Revised Statutes by issuing  
34 written orders. An order is to conform to the same requirements of  
35 Title 39 concerning examination, investigation or study as apply in the  
36 case of the rule or regulation in place of which the order is being  
37 issued. The bill does not apply to public highways or transportation  
38 systems under the jurisdiction of a county or municipality.

39 An order issued pursuant to this bill is to cite the public highway or  
40 transportation system to which it is to be applicable; an explanation in  
41 plain language as to why the order is needed at the location in  
42 question; a description in plain language of what the order requires; an  
43 identification of the individual or public body which requested the  
44 order or initiated a request leading to the order; the date on which the  
45 order became final and the effective date of the order; and any other  
46 information the commissioner deems necessary.

1 A copy of a proposed order would be mailed to the governing body  
2 and the chief uniformed law enforcement officer of each county and  
3 municipality where that portion of the highway or transportation  
4 system affected by the order is located. An informational notice of the  
5 proposed order would be published in a newspaper or newspapers  
6 having general circulation in the municipality affected by the order,  
7 with a telephone number or address provided which a member of the  
8 public may use to receive a complete text of the order. The order  
9 would be final on the 31st day after publication or on a later date if the  
10 commissioner so determines. If comment is received during the 30-  
11 day period, the order would be final after the commissioner reviews  
12 and responds to the comment but not earlier than the 31st day after  
13 publication. However, if the order is proposed in response to a  
14 resolution from the governing body of a municipality and the order  
15 pertains exclusively to a highway or transportation system located  
16 within the municipality, the order may be made final immediately or at  
17 a later date. In addition, in emergent cases the order may be made  
18 final immediately.

19 A final order shall be effective upon compliance with the notice and  
20 briefing requirements of R.S.39:4-198 and shall be binding and  
21 enforceable on that date.

22 The commissioner is to maintain an official permanent record of the  
23 orders and of rules and regulations removed from the Administrative  
24 Code, which are to be made available upon request, pursuant to law.  
25 In addition, an informational record concerning those public highways,  
26 or portions thereof, and transportation systems affected by the orders  
27 shall be accessible in electronic form by members of the public without  
28 fee or charge, such as the Internet.

29 The bill provides for the continuation in effect of regulations  
30 adopted prior to the effective date of this bill and additionally provides  
31 that those provisions of existing law which may provide for the  
32 commissioner to proceed by rule and regulation with regard to the  
33 regulation of traffic and parking on public highways and transportation  
34 systems under the commissioner's jurisdiction shall henceforth be  
35 construed as permitting the commissioner to proceed by orders issued  
36 pursuant to this bill.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 508**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 5, 1998

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 508.

This amended bill would authorize the Commissioner of Transportation to issue written orders for the regulation of traffic and parking on public highways and transportation systems under the jurisdiction of the commissioner where the provisions of chapter 4 of Title 39 of the Revised Statutes authorize the commissioner to regulate such traffic and parking by rule or regulation. The current procedure for the regulation of traffic and parking on State highways involves rule-making under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Unless an emergency is declared by the Governor, mandated procedures under the "Administrative Procedure Act" add a minimum of three months of time to change any individual speed limit, traffic sign, parking zone, or other traffic regulation. This bill would provide for orders to be used where these administrative regulations are now permitted or required. An order is to conform to the same requirements of Title 39 concerning examination, investigation or study as apply in the case of the rule or regulation in place of which the order is being issued. The bill does not apply to public highways or transportation systems under the jurisdiction of a county or municipality.

An order issued pursuant to this bill is to cite the public highway or transportation system to which it is to be applicable; provide an explanation in plain language as to why the order is needed at the location in question; provide a description in plain language of what the order requires; identify the individual or public body which requested the order or initiated a request leading to the order; name the date on which the order became final and the effective date of the order; and contain any other information the commissioner deems necessary.

A copy of a proposed order would be mailed to the governing body and the chief uniformed law enforcement officer of each county and municipality where that portion of the highway or transportation system affected by the order is located. An informational notice of the proposed order would be published in a newspaper or newspapers

having general circulation in the municipality affected by the order, with a telephone number or address provided which a member of the public may use to receive a complete text of the order. The order would be final on the 31st day after publication or on a later date if the commissioner so determines. If comment is received during the 30-day period, the order would be final after the commissioner reviews and responds to the comment but not earlier than the 31st day after publication. However, if the order is proposed in response to a resolution from the governing body of a municipality and the order pertains exclusively to a highway or transportation system located within the municipality, the order may be made final immediately or at a later date. In addition, in emergent cases the order may be made final immediately.

However, the provisions of the bill shall not be construed to supersede, limit or alter the authority and powers of the Attorney General pursuant to P.L.1950, c.70 (C.39:4-213 et seq.) to control traffic during emergency conditions. The exercise of the Attorney General's authority and powers under P.L.1950, c.70 shall supersede an order issued by the commissioner pursuant to this act.

A final order shall be effective upon compliance with the notice and briefing requirements of R.S.39:4-198 and shall be binding and enforceable on that date.

The commissioner is to maintain an official permanent record of the orders and of rules and regulations removed from the Administrative Code, which are to be made available upon request, pursuant to law. In addition, an informational record concerning those public highways, or portions thereof, and transportation systems affected by the orders shall be accessible in electronic form by members of the public without fee or charge, such as the Internet.

The amended bill provides for the continuation in effect of regulations adopted prior to the effective date of this bill until superseded by order of the commissioner and additionally provides that those provisions of existing law which may provide for the commissioner to proceed by rule and regulation with regard to the regulation of traffic and parking on public highways and transportation systems under the commissioner's jurisdiction shall henceforth be construed as permitting the commissioner to proceed by orders issued pursuant to this bill.

Finally, the amended bill provides for the omnibus readoption of the existing rules and regulations in the form of an order which would be final and effective immediately upon issuance, without any further requirements. Upon the issuance of the order, the rules and regulations are superseded.

The committee amended the bill to clarify that the Attorney General's power and authority to deal with emergency traffic conditions shall not be affected by the bill and that the exercise of that authority shall supersede an order issued by the commissioner pursuant to this bill. The committee further amended the bill to provide for the

omnibus readoption of the current rules and regulations pertaining to traffic and parking in the form of an order issued by the commissioner without the formalities otherwise required for orders issued under this bill. Also, the committee amended the bill to clarify that the commissioner's authority to issue orders would be based upon the commissioner's authority to issue rules and regulations under chapter 4, Traffic Regulation, of Title 39. Finally, the committee amended the bill to provide that it shall not be construed as superseding any provision or expanding or diminishing the authority of the commissioner in respect to the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-89 et al.).

The committee also adopted technical amendments clarifying the wording of certain reporting requirements.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Jayne O'Connor  
609-777-2600

RELEASE: June 30, 1998

Gov. Christie Whitman has signed the following pieces of legislation:

**A- 255**, sponsored by Assembly Member Michael Arnone (R-Monmouth), changes certain dates pertaining to municipal clerk certification.

**A-1288**, sponsored by Assembly Member Alex DeCroce (R- Essex/Morris/Passaic) and Senator Andrew Ciesla (R- Monmouth/Ocean), streamlines the current procedures concerning the Department of Transportation's regulation of traffic and parking on state highways. The bill would expedite the process for changing speed limits, traffic signs, parking zones or other traffic regulations so that DOT can be more responsive to local concerns and requests. Currently, a minimum of three months is required to effect any of these changes.

**AJR No. 20**, sponsored by Assembly Members Connie Myers (R-Warren/Hunterdon/Mercer) and Alex DeCroce (R-Essex/Morris/Passaic), urges the return of the Delaware, Lackawanna & Western (DL&W) Railroad's Camelback Steam Engine No. 952 to its rightful owner, the Railway and Locomotive Historical Society, for its return to DL&W Railroad territory, which includes New Jersey, New York and Pennsylvania. The steam engine was loaned to the National Museum of Transport in Saint Louis, Missouri, which failed to comply with the conditions under which the loan was made. The National Museum and the Commissioners of St. Louis County have refused to release the steam engine for return to DL&W territory.