

39:4-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 169

NJSA: 39:4-8 (Clarifies municipal and county jurisdiction over streets)

BILL NO: A863/1329 (Substituted for S1055)

SPONSOR(S): Barnes and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Transportation
SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** October 25, 2004

SENATE: February 5, 2004

DATE OF APPROVAL: December 7, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Assembly Committee Substitute for A863/1329 Enacted

A863/1329

[SPONSOR'S STATEMENT \(A863\)](#): (Begins on page 4 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A1329\)](#): (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1055/1060

[SPONSOR'S STATEMENT \(S1055\)](#): (Begins on page 4 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1060\)](#): (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

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HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2004, CHAPTER 169, *approved December 7, 2004*
Assembly Committee Substitute (**Corrected Copy**) for
Assembly, Nos. 863 and 1329

1 AN ACT concerning municipal streets and amending R.S.39:4-8.

2

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

5

6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8. a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. [In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate parking restrictions, no passing zones,
23 mid-block crosswalks and crosswalks at intersections, except that in
24 the case of any streets under municipal jurisdiction, the municipality
25 may, by ordinance, designate reasonable and safe speed limits and in
26 the case of totally self-contained streets under county jurisdiction
27 which have no direct connection with any street in any other county,
28 the county may, by ordinance or resolution, as appropriate, designate
29 reasonable and safe speed limits, and erect appropriate signs, designate
30 any intersection as a stop or yield intersection and erect appropriate
31 signs and place longitudinal pavement markings delineating the
32 separation of traffic flows and the edge of the pavement, provided that
33 the municipal or county engineer shall, under his seal as a licensed
34 professional engineer, certify to the municipal or county governing
35 body, as appropriate, that any designation or erection of signs or
36 placement of markings: (1) has been approved by him after
37 investigation by him of the circumstances, (2) appears to him to be in
38 the interest of safety and the expedition of traffic on the public
39 highways and (3) conforms to the current standards prescribed by the
40 Manual of Uniform Traffic Control Devices for Streets and Highways,

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.

1 as adopted by the Commissioner of Transportation.】

2 (1) A municipality may, without the approval of the Commissioner
3 of Transportation, do the following by ordinance or resolution, as
4 appropriate:

5 (a) designate parking restrictions, no passing zones, mid-block
6 crosswalks, and crosswalks at intersections, and erect appropriate
7 signs and install appropriate markings, on streets under municipal
8 jurisdiction which are totally self-contained within that municipality
9 and have no direct connection with any street in any other
10 municipality:

11 (b) designate reasonable and safe speed limits and erect
12 appropriate signs, on any street under municipal jurisdiction:

13 (c) designate any intersection as a stop or yield intersection and
14 erect appropriate signs, on streets under municipal jurisdiction which
15 are totally self-contained within that municipality and have no direct
16 connection with any street in any other municipality; and

17 (d) designate any intersection as a stop intersection and erect
18 appropriate signs, on streets under municipal jurisdiction if that
19 intersection is located within 500 feet of a school, or of a playground
20 or youth recreational facility and the street on which the stop sign will
21 be erected is contiguous to that school, or playground or youth
22 recreational facility. The municipal engineer shall certify to the
23 following in regard to the designated site in which a stop intersection
24 is being designated: (i) that both intersecting streets are under
25 municipal jurisdiction; (ii) that the intersection is within 500 feet of a
26 school, or of a playground or youth recreational facility as defined
27 herein; and (iii) that the intersection is on a street contiguous to a
28 school, or playground or youth recreational facility. A claim against a
29 municipality for damage or injury under this subparagraph for a
30 wrongful act or omission shall be dismissed if the municipality is
31 deemed to have conformed to the provisions contained in this
32 subparagraph.

33 (2) A county may, without the approval of the Commissioner of
34 Transportation, do the following by ordinance or resolution, as
35 appropriate, on streets which are totally self-contained within the
36 county and have no direct connection with any street in any other
37 county:

38 (a) designate parking restrictions, no passing zones, mid-block
39 crosswalks, and crosswalks at intersections and erect appropriate
40 signs;

41 (b) designate reasonable and safe speed limits and erect
42 appropriate signs;

43 (c) designate any intersection as a stop or yield intersection and
44 erect appropriate signs; and

45 (d) place longitudinal pavement marking delineating the separation
46 of traffic flows and the edge of the pavement and erect appropriate

1 signs.

2 (3) Except with respect to subparagraph (d) of paragraph 1 of this
3 subsection, the municipal or county engineer shall, under his seal as a
4 licensed professional engineer, certify to the governing body of the
5 municipality or county, as appropriate, that any designation or
6 erections of signs or placement or makings has been approved by the
7 engineer after investigation of the circumstances, appears to the
8 engineer to be in the interest of safety and the expedition of traffic on
9 the public highways and conforms to the current standards prescribed
10 by the Manual of Uniform Traffic Control Devices for Streets and
11 Highways, as adopted by the commissioner.

12 A certified copy of the adopted ordinance or resolution, as
13 appropriate, shall be transmitted by the clerk of the municipality or
14 county, as appropriate, to the commissioner within 30 days of
15 adoption, together with a copy of the engineer's certification; a
16 statement of the reasons for the engineer's decision; detailed
17 information as to the location of streets, intersections and signs
18 affected by any designation or erection of signs or placement of
19 markings; and traffic count, accident and speed sampling data, when
20 appropriate. The commissioner, at his discretion, may invalidate the
21 provisions of the ordinance or resolution within 90 days of receipt of
22 the certified copy if he reviews it and finds that the provisions of the
23 ordinance or resolution are inconsistent with the Manual of Uniform
24 Traffic Control Devices for Streets or Highways; are inconsistent with
25 accepted engineering standards; are not based on the results of an
26 accurate traffic and engineering survey; or place an undue traffic
27 burden or impact on streets in an adjoining municipality or negatively
28 affect the flow of traffic on the State highway system.

29 Nothing in this subsection shall allow municipalities to designate
30 any intersection with any highway under State or county jurisdiction
31 as a stop or yield intersection or counties to designate any intersection
32 with any highway under State or municipal jurisdiction as a stop or
33 yield intersection.

34 c. Subject to the provisions of R.S.39:4-138, in the case of any
35 street under municipal or county jurisdiction, a municipality or county
36 may, without the approval of the Commissioner of Transportation, do
37 the following:

38 By ordinance or resolution:

- 39 (1) prohibit or restrict general parking;
40 (2) designate restricted parking under section 1 of P.L.1977, c.309
41 (C.39:4-197.6);
42 (3) designate time limit parking;
43 (4) install parking meters.

44 By ordinance, resolution or regulation:

- 45 (1) designate loading and unloading zones and taxi stands;
46 (2) approve street closings for periods up to 48 continuous hours;

1 and

2 (3) designate restricted parking under section 1 of P.L.1977, c.202
3 (C.39:4-197.5);

4 Nothing in this subsection shall allow municipalities or counties to
5 establish angle parking or to reinstate or add parking on any street, or
6 approve the closure of streets for more than 48 continuous hours,
7 without the approval of the Commissioner of Transportation.

8 d. A municipality or county may, by ordinance or resolution, as
9 appropriate, in any street under its jurisdiction, install or place an
10 in-street pedestrian crossing right-of-way sign at a marked crosswalk
11 or unmarked crosswalk at an intersection. The installation shall be
12 subject to guidelines that shall be issued by the Commissioner of
13 Transportation after consultation with the Director of the Office of
14 Highway Traffic Safety in the Department of Law and Public Safety.
15 The guidelines shall be aimed at ensuring safety to both pedestrians
16 and motorists including, but not limited to, the proper method of sign
17 installation, dimensions, composition of material, proper placement
18 points and maintenance. A certified copy of the adopted ordinance or
19 resolution shall be transmitted to the commissioner within 30 days of
20 adoption. The commissioner, at his discretion, may invalidate the
21 provisions of the ordinance or resolution within 90 days of receipt of
22 the certified copy if he reviews it and finds that the provisions of the
23 ordinance or resolution are inconsistent with the guidelines issued
24 pursuant to this subsection. A claim against the State or a
25 municipality or county for damage or injury under this subsection for
26 a wrongful act or omission shall be dismissed if the municipality or
27 county is deemed to have conformed to the guidelines required
28 hereunder.

29 e. A municipality or county may, by resolution, in any street under
30 its jurisdiction, designate stops, stations or stands for omnibuses. The
31 designation shall be subject to guidelines that shall be issued by the
32 Commissioner of Transportation. The guidelines shall be aimed at
33 ensuring safety to both pedestrians and motorists including, but not
34 limited to, the proper method of sign installation, dimensions,
35 composition of material, proper placement points and maintenance. A
36 certified copy of the adopted resolution shall be transmitted to the
37 commissioner within 30 days of adoption. The commissioner, at his
38 discretion, may invalidate the provisions of the ordinance or resolution
39 within 90 days of receipt of the certified copy if he reviews it and finds
40 that the provisions of the ordinance or resolution are inconsistent with
41 the guidelines issued pursuant to this subsection. A claim against the
42 State or a municipality or county for damage or injury under this
43 subsection for a wrongful act or omission shall be dismissed if the
44 municipality or county is deemed to have conformed to the guidelines
45 required hereunder.

46 (cf: P.L.2001, c.342, s.2)

1 2. This act shall take effect immediately.

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6 Clarifies municipal and county jurisdiction over streets and permits
7 municipalities to designate stop or yield intersections on certain streets
8 under municipal jurisdiction.

ASSEMBLY, No. 863

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

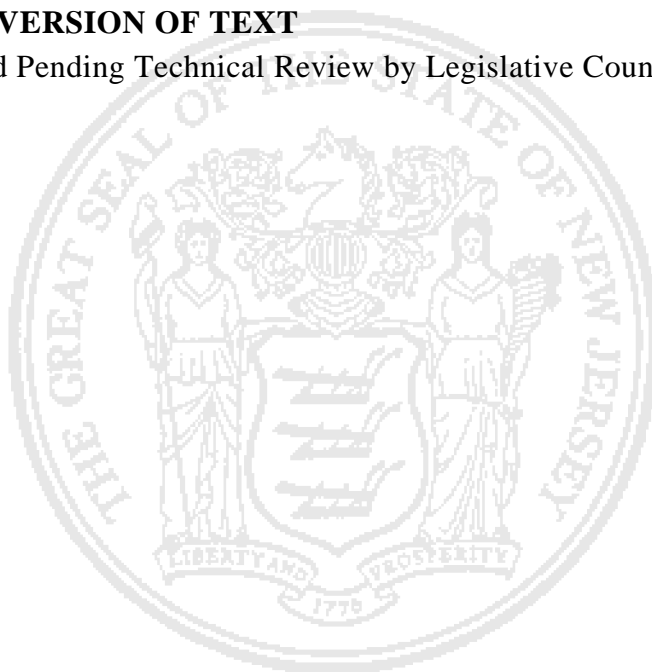
Assemblyman Egan

SYNOPSIS

Permits municipalities to designate stop or yield intersections on streets under municipal jurisdiction.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning municipal streets and amending R.S.39:4-8.

2

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

5

6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8. a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate parking restrictions, no passing zones,
23 mid-block crosswalks and crosswalks at intersections, and designate
24 any intersection as a stop or yield intersection and erect appropriate
25 signs, except that in the case of any streets under municipal
26 jurisdiction, the municipality may, by ordinance, designate reasonable
27 and safe speed limits, and erect appropriate signs, and in the case of
28 totally self-contained streets under county jurisdiction which have no
29 direct connection with any street in any other county, the county may,
30 by ordinance or resolution, as appropriate, designate reasonable and
31 safe speed limits, and erect appropriate signs and place longitudinal
32 pavement markings delineating the separation of traffic flows and the
33 edge of the pavement, provided that the municipal or county engineer
34 shall, under his seal as a licensed professional engineer, certify to the
35 municipal or county governing body, as appropriate, that any
36 designation or erection of signs or placement of markings: (1) has
37 been approved by him after investigation by him of the circumstances,
38 (2) appears to him to be in the interest of safety and the expedition of
39 traffic on the public highways and (3) conforms to the current
40 standards prescribed by the Manual of Uniform Traffic Control
41 Devices for Streets and Highways, as adopted by the Commissioner of
42 Transportation.

43 A certified copy of the adopted ordinance or resolution, as

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.

1 appropriate, shall be transmitted by the clerk of the municipality or
2 county, as appropriate, to the commissioner within 30 days of
3 adoption, together with a copy of the engineer's certification; a
4 statement of the reasons for the engineer's decision; detailed
5 information as to the location of streets, intersections and signs
6 affected by any designation or erection of signs or placement of
7 markings; and traffic count, accident and speed sampling data, when
8 appropriate. The commissioner, at his discretion, may invalidate the
9 provisions of the ordinance or resolution within 90 days of receipt of
10 the certified copy if he reviews it and finds that the provisions of the
11 ordinance or resolution are inconsistent with the Manual of Uniform
12 Traffic Control Devices for Streets or Highways; are inconsistent with
13 accepted engineering standards; are not based on the results of an
14 accurate traffic and engineering survey; or place an undue traffic
15 burden or impact on streets in an adjoining municipality or negatively
16 affect the flow of traffic on the State highway system.

17 Nothing in this subsection shall allow municipalities to designate
18 any intersection with any highway under State or county jurisdiction
19 as a stop or yield intersection or counties to designate any intersection
20 with any highway under State or municipal jurisdiction as a stop or
21 yield intersection.

22 c. Subject to the provisions of R.S.39:4-138, in the case of any
23 street under municipal or county jurisdiction, a municipality or county
24 may, without the approval of the Commissioner of Transportation, do
25 the following:

26 By ordinance or resolution:

- 27 (1) prohibit or restrict general parking;
28 (2) designate restricted parking under section 1 of P.L.1977, c.309
29 (C.39:4-197.6);
30 (3) designate time limit parking;
31 (4) install parking meters.

32 By ordinance, resolution or regulation:

- 33 (1) designate loading and unloading zones and taxi stands;
34 (2) approve street closings for periods up to 48 continuous hours;
35 and
36 (3) designate restricted parking under section 1 of P.L.1977, c.202
37 (C.39:4-197.5).

38 Nothing in this subsection shall allow municipalities or counties to
39 establish angle parking or to reinstate or add parking on any street, or
40 approve the closure of streets for more than 48 continuous hours,
41 without the approval of the Commissioner of Transportation.

42 d. A municipality or county may, by ordinance or resolution, as
43 appropriate, in any street under its jurisdiction, install or place an
44 in-street pedestrian crossing right-of-way sign at a marked crosswalk
45 or unmarked crosswalk at an intersection. The installation shall be
46 subject to guidelines that shall be issued by the Commissioner of

1 Transportation after consultation with the Director of the Office of
2 Highway Traffic Safety in the Department of Law and Public Safety.
3 The guidelines shall be aimed at ensuring safety to both pedestrians
4 and motorists including, but not limited to, the proper method of sign
5 installation, dimensions, composition of material, proper placement
6 points and maintenance. A certified copy of the adopted ordinance or
7 resolution shall be transmitted to the commissioner within 30 days of
8 adoption. The commissioner, at his discretion, may invalidate the
9 provisions of the ordinance or resolution within 90 days of receipt of
10 the certified copy if he reviews it and finds that the provisions of the
11 ordinance or resolution are inconsistent with the guidelines issued
12 pursuant to this subsection. A claim against the State or a
13 municipality or county for damage or injury under this subsection for
14 a wrongful act or omission shall be dismissed if the municipality or
15 county is deemed to have conformed to the guidelines required
16 hereunder.

17 e. A municipality or county may, by resolution, in any street under
18 its jurisdiction, designate stops, stations or stands for omnibuses. The
19 designation shall be subject to guidelines that shall be issued by the
20 Commissioner of Transportation. The guidelines shall be aimed at
21 ensuring safety to both pedestrians and motorists including, but not
22 limited to, the proper method of sign installation, dimensions,
23 composition of material, proper placement points and maintenance. A
24 certified copy of the adopted resolution shall be transmitted to the
25 commissioner within 30 days of adoption. The commissioner, at his
26 discretion, may invalidate the provisions of the ordinance or resolution
27 within 90 days of receipt of the certified copy if he reviews it and finds
28 that the provisions of the ordinance or resolution are inconsistent with
29 the guidelines issued pursuant to this subsection. A claim against the
30 State or a municipality or county for damage or injury under this
31 subsection for a wrongful act or omission shall be dismissed if the
32 municipality or county is deemed to have conformed to the guidelines
33 required hereunder.

34 (cf: P.L.2001, c.342, s.2)

35

36 2. This act shall take effect immediately.

37

38

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STATEMENT

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41 This bill would permit municipalities with respect to totally self-
42 contained streets under municipal jurisdiction, by ordinance or
43 resolution, to designate any intersection as a stop or yield intersection
44 and erect appropriate signs, without the approval of the Commissioner
45 of Transportation. Under current law, only counties may exercise
46 these options regarding streets under their jurisdiction that are totally

1 self-contained.

2 Further, a municipality would be required to transmit a certified
3 copy of the adopted ordinance or resolution to the commissioner
4 within 30 days of adoption. The commissioner would have 90 days to
5 invalidate the provisions of the ordinance or resolution based on
6 certain criteria. If the commissioner invalidates the ordinance or
7 resolution, the commissioner must inform the municipality of the
8 reason therefor, and also recommend other traffic calming alternatives
9 or traffic controls that would achieve the purposes sought by the
10 municipality in its adoption of the ordinance or resolution which has
11 been invalidated by the commissioner.

12 The bill also clarifies existing law by permitting municipalities, by
13 ordinance, to erect appropriate signs upon designating reasonable and
14 safe speed limits on streets under municipal jurisdiction.

ASSEMBLY, No. 1329

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman MIMS HACKETT, JR.

District 27 (Essex)

SYNOPSIS

Clarifies municipal and county jurisdiction over streets and permits municipalities to designate stop intersections on streets under municipal jurisdiction.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1329 HACKETT

2

1 AN ACT concerning municipal streets and amending R.S.39:4-8.

2

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

5

6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8. a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. [In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate parking restrictions, no passing zones,
23 mid-block crosswalks and crosswalks at intersections, except that in
24 the case of any streets under municipal jurisdiction, the municipality
25 may, by ordinance, designate reasonable and safe speed limits and in
26 the case of totally self-contained streets under county jurisdiction
27 which have no direct connection with any street in any other county,
28 the county may, by ordinance or resolution, as appropriate, designate
29 reasonable and safe speed limits, and erect appropriate signs, designate
30 any intersection as a stop or yield intersection and erect appropriate
31 signs and place longitudinal pavement markings delineating the
32 separation of traffic flows and the edge of the pavement, provided that
33 the municipal or county engineer shall, under his seal as a licensed
34 professional engineer, certify to the municipal or county governing
35 body, as appropriate, that any designation or erection of signs or
36 placement of markings: (1) has been approved by him after
37 investigation by him of the circumstances, (2) appears to him to be in
38 the interest of safety and the expedition of traffic on the public
39 highways and (3) conforms to the current standards prescribed by the
40 Manual of Uniform Traffic Control Devices for Streets and Highways,
41 as adopted by the Commissioner of Transportation.]

42 (1) A municipality may, without the approval of the Commissioner
43 of Transportation, do the following by ordinance:

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.

1 Designate parking restrictions, no passing zones, mid-block
2 crosswalks, and crosswalks at intersections, on streets under municipal
3 jurisdiction, which are totally self-contained within that municipality
4 and have no direct connection with any street in any other
5 municipality;

6 Designate reasonable and safe speed limits on any street under
7 municipal jurisdiction; and

8 Designate any intersection as a stop intersection and erect
9 appropriate signs, on any street under municipal jurisdiction. The
10 municipality shall forward a copy of the ordinance, and a notice of any
11 invalidation thereof, as appropriate, to the governing body of each
12 municipality to which it is contiguous.

13 (2) A county may by ordinance or resolution, as appropriate,
14 without the approval of the Commissioner of Transportation, do the
15 following on streets which are totally self-contained within the county
16 and have no direct connection with any street in any other county:

17 Designate parking restrictions, no passing zones, mid-block
18 crosswalks, and crosswalks at intersections; designate reasonable and
19 safe speed limits and erect appropriate signs; designate any
20 intersection as a stop or yield intersection and erect appropriate signs;
21 and place longitudinal pavement marking delineating the separation
22 of traffic flows and the edge of the pavement.

23 (3) The municipal or county engineer shall, under his seal as a
24 licensed professional engineer, certify to the governing body of the
25 municipality or county, as appropriate, that any designation or
26 erections of signs or placement or makings has been approved by the
27 engineer after investigation of the circumstances, appears to the
28 engineer to be in the interest of safety and the expedition of traffic on
29 the public highways and conforms to the current standards prescribed
30 by the Manual of Uniform Traffic Control Devices for Streets and
31 Highways, as adopted by the commissioner.

32 A certified copy of the adopted ordinance or resolution, as
33 appropriate, shall be transmitted by the clerk of the municipality or
34 county, as appropriate, to the commissioner within 30 days of
35 adoption, together with a copy of the engineer's certification; a
36 statement of the reasons for the engineer's decision; detailed
37 information as to the location of streets, intersections and signs
38 affected by any designation or erection of signs or placement of
39 markings; and traffic count, accident and speed sampling data, when
40 appropriate. The commissioner, at his discretion, may invalidate the
41 provisions of the ordinance or resolution within 90 days of receipt of
42 the certified copy if he reviews it and finds that the provisions of the
43 ordinance or resolution are inconsistent with the Manual of Uniform
44 Traffic Control Devices for Streets or Highways; are inconsistent with
45 accepted engineering standards; are not based on the results of an
46 accurate traffic and engineering survey; or place an undue traffic

1 burden or impact on streets in an adjoining municipality or negatively
2 affect the flow of traffic on the State highway system.

3 Nothing in this subsection shall allow municipalities to designate
4 any intersection with any highway under State or county jurisdiction
5 as a stop or yield intersection or counties to designate any intersection
6 with any highway under State or municipal jurisdiction as a stop or
7 yield intersection.

8 c. Subject to the provisions of R.S.39:4-138, in the case of any
9 street under municipal or county jurisdiction, a municipality or county
10 may, without the approval of the Commissioner of Transportation, do
11 the following:

12 By ordinance or resolution:

- 13 (1) prohibit or restrict general parking;
- 14 (2) designate restricted parking under section 1 of P.L.1977, c.309
15 (C.39:4-197.6);
- 16 (3) designate time limit parking;
- 17 (4) install parking meters.

18 By ordinance, resolution or regulation:

- 19 (1) designate loading and unloading zones and taxi stands;
 - 20 (2) approve street closings for periods up to 48 continuous hours;
- 21 and

- 22 (3) designate restricted parking under section 1 of P.L.1977, c.202
23 (C.39:4-197.5);

24 Nothing in this subsection shall allow municipalities or counties to
25 establish angle parking or to reinstate or add parking on any street, or
26 approve the closure of streets for more than 48 continuous hours,
27 without the approval of the Commissioner of Transportation.

28 d. A municipality or county may, by ordinance or resolution, as
29 appropriate, in any street under its jurisdiction, install or place an
30 in-street pedestrian crossing right-of-way sign at a marked crosswalk
31 or unmarked crosswalk at an intersection. The installation shall be
32 subject to guidelines that shall be issued by the Commissioner of
33 Transportation after consultation with the Director of the Office of
34 Highway Traffic Safety in the Department of Law and Public Safety.
35 The guidelines shall be aimed at ensuring safety to both pedestrians
36 and motorists including, but not limited to, the proper method of sign
37 installation, dimensions, composition of material, proper placement
38 points and maintenance. A certified copy of the adopted ordinance or
39 resolution shall be transmitted to the commissioner within 30 days of
40 adoption. The commissioner, at his discretion, may invalidate the
41 provisions of the ordinance or resolution within 90 days of receipt of
42 the certified copy if he reviews it and finds that the provisions of the
43 ordinance or resolution are inconsistent with the guidelines issued
44 pursuant to this subsection. A claim against the State or a
45 municipality or county for damage or injury under this subsection for
46 a wrongful act or omission shall be dismissed if the municipality or

1 county is deemed to have conformed to the guidelines required
2 hereunder.

3 e. A municipality or county may, by resolution, in any street under
4 its jurisdiction, designate stops, stations or stands for omnibuses. The
5 designation shall be subject to guidelines that shall be issued by the
6 Commissioner of Transportation. The guidelines shall be aimed at
7 ensuring safety to both pedestrians and motorists including, but not
8 limited to, the proper method of sign installation, dimensions,
9 composition of material, proper placement points and maintenance. A
10 certified copy of the adopted resolution shall be transmitted to the
11 commissioner within 30 days of adoption. The commissioner, at his
12 discretion, may invalidate the provisions of the ordinance or resolution
13 within 90 days of receipt of the certified copy if he reviews it and finds
14 that the provisions of the ordinance or resolution are inconsistent with
15 the guidelines issued pursuant to this subsection. A claim against the
16 State or a municipality or county for damage or injury under this
17 subsection for a wrongful act or omission shall be dismissed if the
18 municipality or county is deemed to have conformed to the guidelines
19 required hereunder.

20 (cf: P.L.2001, c.342, s.2)

21

22 2. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would amend the current law to clarify the provisions of
28 R.S.39:4-8 concerning municipal and county jurisdiction over streets.

29 This bill would also amend the current law to permit municipalities,
30 with respect to streets under municipal jurisdiction, by ordinance, to
31 designate any intersection as a stop intersection and erect appropriate
32 signs, without the approval of the Commissioner of Transportation.
33 Further, a municipality would be required to transmit a certified copy
34 of the ordinance to the commissioner within 30 days of adoption. The
35 commissioner would then have 90 days to invalidate the provisions of
36 the ordinance based upon certain criteria. If the commissioner
37 invalidates the ordinance, the commissioner must inform the
38 municipality of the reason therefor, and also recommend other traffic
39 alternatives or traffic controls that would achieve the purposes sought
40 by the municipality in its adoption of the ordinance which has been
41 invalidated by the commissioner. The municipality must also forward
42 a copy of the ordinance, and notice of any invalidation thereof, to each
43 municipality to which it is contiguous.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY Nos. 863 and 1329**

STATE OF NEW JERSEY

DATED: JANUARY 26, 2004

The Assembly Transportation Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 863 and 1329.

This bill would amend the law to clarify the current provisions of R.S.39:4-8 concerning municipal and county jurisdiction over streets.

This bill would also amend the current law to permit a municipality, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate an intersection as a stop or yield intersection and erect appropriate signs on streets which are totally self-contained within that municipality and have no direct connection with any street in any other municipality. Under the current law, counties have the authority to designate intersections of totally-contained streets as stop or yield intersections, but municipalities do not.

This bill also amends R.S.39:4-8 by adding a provision to permit municipalities, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate stop intersections and erect stop signs at any intersection of two streets both under the municipality's jurisdiction if the intersection is located within 500 feet of a school, playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, playground or youth recreational facility. The provision establishes different standards for certification by the municipal engineer than for other stop or yield intersections which a municipality may establish. A claim against the State or a municipality for damage or injury for a wrongful act or omission under this provision shall be dismissed if the municipality is deemed to have conformed to the guidelines.

Under the current law, the municipality or county would be required to transmit a certified copy of the ordinance or resolution to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance are inconsistent with the guidelines set forth in the statute.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 863 and 1329**

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Senate Transportation Committee reports favorably Assembly Committee Substitute for Assembly Bill Nos. 863 and 1329.

As reported, this substitute bill would amend the law to clarify the current provisions of R.S.39:4-8 concerning municipal and county jurisdiction over streets. This bill would also amend the current law to permit a municipality, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate an intersection as a stop or yield intersection and erect appropriate signs on streets which are totally self-contained within that municipality and have no direct connection with any street in any other municipality. Under the current law, counties have the authority to designate intersections of totally-contained streets as stop or yield intersections, but municipalities do not.

This bill also amends R.S.39:4-8 by adding a provision to permit municipalities, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate stop intersections and erect stop signs at any intersection of two streets both under the municipality's jurisdiction if the intersection is located within 500 feet of a school, playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, playground or youth recreational facility. The provision establishes different standards for certification by the municipal engineer than for other stop or yield intersections which a municipality may establish. A claim against the State or a municipality for damage or injury for a wrongful act or omission under this provision shall be dismissed if the municipality is deemed to have conformed to the guidelines.

Under the current law, the municipality or county would be required to transmit a certified copy of the ordinance or resolution to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance are inconsistent with the guidelines set forth in the statute.

This substitute bill is identical to the Senate Committee Substitute for Senate Bill Nos. 1055 and 1060, reported by the committee on the same day.

SENATE, No. 1055

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

Senator Sacco

SYNOPSIS

Permits municipalities to designate stop or yield intersections on streets under municipal jurisdiction.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/5/2004)

S1055 BUONO

2

1 AN ACT concerning municipal streets and amending R.S.39:4-8.

2

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

5

6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8. a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate parking restrictions, no passing zones,
23 mid-block crosswalks and crosswalks at intersections, and designate
24 any intersection as a stop or yield intersection and erect appropriate
25 signs, except that in the case of any streets under municipal
26 jurisdiction, the municipality may, by ordinance, designate reasonable
27 and safe speed limits, and erect appropriate signs, and in the case of
28 totally self-contained streets under county jurisdiction which have no
29 direct connection with any street in any other county, the county may,
30 by ordinance or resolution, as appropriate, designate reasonable and
31 safe speed limits, and erect appropriate signs [~~and designate any~~
32 ~~intersection as a stop or yield intersection and erect appropriate signs~~]
33 and place longitudinal pavement markings delineating the separation
34 of traffic flows and the edge of the pavement, provided that the
35 municipal or county engineer shall, under his seal as a licensed
36 professional engineer, certify to the municipal or county governing
37 body, as appropriate, that any designation or erection of signs or
38 placement of markings: (1) has been approved by him after
39 investigation by him of the circumstances, (2) appears to him to be in
40 the interest of safety and the expedition of traffic on the public
41 highways and (3) conforms to the current standards prescribed by the
42 Manual of Uniform Traffic Control Devices for Streets and Highways,
43 as adopted by the Commissioner of Transportation.

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.

S1055 BUONO

1 A certified copy of the adopted ordinance or resolution, as
2 appropriate, shall be transmitted by the clerk of the municipality or
3 county, as appropriate, to the commissioner within 30 days of
4 adoption, together with a copy of the engineer's certification; a
5 statement of the reasons for the engineer's decision; detailed
6 information as to the location of streets, intersections and signs
7 affected by any designation or erection of signs or placement of
8 markings; and traffic count, accident and speed sampling data, when
9 appropriate. The commissioner, at his discretion, may invalidate the
10 provisions of the ordinance or resolution within 90 days of receipt of
11 the certified copy if he reviews it and finds that the provisions of the
12 ordinance or resolution are inconsistent with the Manual of Uniform
13 Traffic Control Devices for Streets or Highways; are inconsistent with
14 accepted engineering standards; are not based on the results of an
15 accurate traffic and engineering survey; or place an undue traffic
16 burden or impact on streets in an adjoining municipality or negatively
17 affect the flow of traffic on the State highway system.

18 Nothing in this subsection shall allow municipalities to designate
19 any intersection with any highway under State or county jurisdiction
20 as a stop or yield intersection or counties to designate any intersection
21 with any highway under State or municipal jurisdiction as a stop or
22 yield intersection.

23 c. Subject to the provisions of R.S.39:4-138, in the case of any
24 street under municipal or county jurisdiction, a municipality or county
25 may, without the approval of the Commissioner of Transportation, do
26 the following:

27 By ordinance or resolution:

- 28 (1) prohibit or restrict general parking;
29 (2) designate restricted parking under section 1 of P.L.1977, c.309
30 (C.39:4-197.6);
31 (3) designate time limit parking;
32 (4) install parking meters.

33 By ordinance, resolution or regulation:

- 34 (1) designate loading and unloading zones and taxi stands;
35 (2) approve street closings for periods up to 48 continuous hours;
36 and
37 (3) designate restricted parking under section 1 of P.L.1977, c.202
38 (C.39:4-197.5).

39 Nothing in this subsection shall allow municipalities or counties to
40 establish angle parking or to reinstate or add parking on any street, or
41 approve the closure of streets for more than 48 continuous hours,
42 without the approval of the Commissioner of Transportation.

43 d. A municipality or county may, by ordinance or resolution, as
44 appropriate, in any street under its jurisdiction, install or place an
45 in-street pedestrian crossing right-of-way sign at a marked crosswalk
46 or unmarked crosswalk at an intersection. The installation shall be

1 subject to guidelines that shall be issued by the Commissioner of
2 Transportation after consultation with the Director of the Office of
3 Highway Traffic Safety in the Department of Law and Public Safety.
4 The guidelines shall be aimed at ensuring safety to both pedestrians
5 and motorists including, but not limited to, the proper method of sign
6 installation, dimensions, composition of material, proper placement
7 points and maintenance. A certified copy of the adopted ordinance or
8 resolution shall be transmitted to the commissioner within 30 days of
9 adoption. The commissioner, at his discretion, may invalidate the
10 provisions of the ordinance or resolution within 90 days of receipt of
11 the certified copy if he reviews it and finds that the provisions of the
12 ordinance or resolution are inconsistent with the guidelines issued
13 pursuant to this subsection. A claim against the State or a
14 municipality or county for damage or injury under this subsection for
15 a wrongful act or omission shall be dismissed if the municipality or
16 county is deemed to have conformed to the guidelines required
17 hereunder.

18 e. A municipality or county may, by resolution, in any street under
19 its jurisdiction, designate stops, stations or stands for omnibuses. The
20 designation shall be subject to guidelines that shall be issued by the
21 Commissioner of Transportation . The guidelines shall be aimed at
22 ensuring safety to both pedestrians and motorists including, but not
23 limited to, the proper method of sign installation, dimensions,
24 composition of material, proper placement points and maintenance. A
25 certified copy of the adopted resolution shall be transmitted to the
26 commissioner within 30 days of adoption. The commissioner, at his
27 discretion, may invalidate the provisions of the ordinance or resolution
28 within 90 days of receipt of the certified copy if he reviews_it and finds
29 that the provisions of the ordinance or resolution are inconsistent with
30 the guidelines issued pursuant to this subsection. A claim against the
31 State or a municipality or county for damage or injury under this
32 subsection for a wrongful act or omission shall be dismissed if the
33 municipality or county is deemed to have conformed to the guidelines
34 required hereunder.

35 (cf: P.L.2001, c.342, s.2)

36

37 2. This act shall take effect immediately.

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STATEMENT

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42 This bill would permit municipalities with respect to totally self-
43 contained streets under municipal jurisdiction, by ordinance or
44 resolution, to designate any intersection as a stop or yield intersection
45 and erect appropriate signs, without the approval of the Commissioner
46 of Transportation. Under current law, only counties may exercise

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1 these options regarding streets under their jurisdiction that are totally
2 self-contained.

3 Further, a municipality would be required to transmit a certified
4 copy of the adopted ordinance or resolution to the commissioner
5 within 30 days of adoption. The commissioner would have 90 days to
6 invalidate the provisions of the ordinance or resolution based on
7 certain criteria. If the commissioner invalidates the ordinance or
8 resolution, the commissioner must inform the municipality of the
9 reason therefor, and also recommend other traffic calming alternatives
10 or traffic controls that would achieve the purposes sought by the
11 municipality in its adoption of the ordinance or resolution which has
12 been invalidated by the commissioner.

13 The bill also clarifies existing law by permitting municipalities, by
14 ordinance or resolution, to erect appropriate signs upon designating
15 reasonable and safe speed limits on streets under municipal
16 jurisdiction.

SENATE, No. 1060

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Clarifies municipal and county jurisdiction over streets and permits municipalities to designate stop or yield intersections on certain streets under municipal jurisdiction.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal streets and amending R.S.39:4-8.

2

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

5

6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8. a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. [In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate parking restrictions, no passing zones,
23 mid-block crosswalks and crosswalks at intersections, except that in
24 the case of any streets under municipal jurisdiction, the municipality
25 may, by ordinance, designate reasonable and safe speed limits and in
26 the case of totally self-contained streets under county jurisdiction
27 which have no direct connection with any street in any other county,
28 the county may, by ordinance or resolution, as appropriate, designate
29 reasonable and safe speed limits, and erect appropriate signs, designate
30 any intersection as a stop or yield intersection and erect appropriate
31 signs and place longitudinal pavement markings delineating the
32 separation of traffic flows and the edge of the pavement, provided that
33 the municipal or county engineer shall, under his seal as a licensed
34 professional engineer, certify to the municipal or county governing
35 body, as appropriate, that any designation or erection of signs or
36 placement of markings: (1) has been approved by him after
37 investigation by him of the circumstances, (2) appears to him to be in
38 the interest of safety and the expedition of traffic on the public
39 highways and (3) conforms to the current standards prescribed by the
40 Manual of Uniform Traffic Control Devices for Streets and Highways,
41 as adopted by the Commissioner of Transportation.]

42 (1) A municipality may, without the approval of the Commissioner
43 of Transportation, do the following by ordinance or resolution, as

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.

1 appropriate:

2 (a) designate parking restrictions, no passing zones, mid-block
3 crosswalks, and crosswalks at intersections, and erect appropriate
4 signs and install appropriate markings, on streets under municipal
5 jurisdiction which are totally self-contained within that municipality
6 and have no direct connection with any street in any other
7 municipality;

8 (b) designate reasonable and safe speed limits and erect appropriate
9 signs, on any street under municipal jurisdiction;

10 (c) designate any intersection as a stop or yield intersection and
11 erect appropriate signs, on streets under municipal jurisdiction which
12 are totally self-contained within that municipality and have no direct
13 connection with any street in any other municipality; and

14 (d) designate any intersection as a stop intersection and erect
15 appropriate signs, on streets under municipal jurisdiction if that
16 intersection is located within 500 feet of a school, or of a playground
17 or youth recreational facility and the street on which the stop sign will
18 be erected is contiguous to that school, or playground or youth
19 recreational facility. The municipal engineer shall certify to the
20 following in regard to the designated site in which a stop intersection
21 is being designated: (i) that both intersecting streets are under
22 municipal jurisdiction; (ii) that the intersection is within 500 feet of a
23 school, or of a playground or youth recreational facility as defined
24 herein; and (iii) that the intersection is on a street contiguous to a
25 school, or playground or youth recreational facility. A claim against a
26 municipality for damage or injury under this subparagraph for a
27 wrongful act or omission shall be dismissed if the municipality is
28 deemed to have conformed to the provisions contained in this
29 subparagraph.

30 (2) A county may, without the approval of the Commissioner of
31 Transportation, do the following by ordinance or resolution, as
32 appropriate, on streets which are totally self-contained within the
33 county and have no direct connection with any street in any other
34 county:

35 (a) designate parking restrictions, no passing zones, mid-block
36 crosswalks, and crosswalks at intersections and erect appropriate
37 signs;

38 (b) designate reasonable and safe speed limits and erect appropriate
39 signs;

40 (c) designate any intersection as a stop or yield intersection and
41 erect appropriate signs; and

42 (d) place longitudinal pavement marking delineating the separation
43 of traffic flows and the edge of the pavement and erect appropriate
44 signs.

45 (3) Except with respect to subparagraph (d) of paragraph 1 of this
46 subsection, the municipal or county engineer shall, under his seal as a

1 licensed professional engineer, certify to the governing body of the
2 municipality or county, as appropriate, that any designation or
3 erections of signs or placement or makings has been approved by the
4 engineer after investigation of the circumstances, appears to the
5 engineer to be in the interest of safety and the expedition of traffic on
6 the public highways and conforms to the current standards prescribed
7 by the Manual of Uniform Traffic Control Devices for Streets and
8 Highways, as adopted by the commissioner.

9 A certified copy of the adopted ordinance or resolution, as
10 appropriate, shall be transmitted by the clerk of the municipality or
11 county, as appropriate, to the commissioner within 30 days of
12 adoption, together with a copy of the engineer's certification; a
13 statement of the reasons for the engineer's decision; detailed
14 information as to the location of streets, intersections and signs
15 affected by any designation or erection of signs or placement of
16 markings; and traffic count, accident and speed sampling data, when
17 appropriate. The commissioner, at his discretion, may invalidate the
18 provisions of the ordinance or resolution within 90 days of receipt of
19 the certified copy if he reviews it and finds that the provisions of the
20 ordinance or resolution are inconsistent with the Manual of Uniform
21 Traffic Control Devices for Streets or Highways; are inconsistent with
22 accepted engineering standards; are not based on the results of an
23 accurate traffic and engineering survey; or place an undue traffic
24 burden or impact on streets in an adjoining municipality or negatively
25 affect the flow of traffic on the State highway system.

26 Nothing in this subsection shall allow municipalities to designate
27 any intersection with any highway under State or county jurisdiction
28 as a stop or yield intersection or counties to designate any intersection
29 with any highway under State or municipal jurisdiction as a stop or
30 yield intersection.

31 c. Subject to the provisions of R.S.39:4-138, in the case of any
32 street under municipal or county jurisdiction, a municipality or county
33 may, without the approval of the Commissioner of Transportation, do
34 the following:

35 By ordinance or resolution:

- 36 (1) prohibit or restrict general parking;
37 (2) designate restricted parking under section 1 of P.L.1977, c.309
38 (C.39:4-197.6);
39 (3) designate time limit parking;
40 (4) install parking meters.

41 By ordinance, resolution or regulation:

- 42 (1) designate loading and unloading zones and taxi stands;
43 (2) approve street closings for periods up to 48 continuous hours;

44 and

- 45 (3) designate restricted parking under section 1 of P.L.1977, c.202
46 (C.39:4-197.5);

1 Nothing in this subsection shall allow municipalities or counties to
2 establish angle parking or to reinstate or add parking on any street, or
3 approve the closure of streets for more than 48 continuous hours,
4 without the approval of the Commissioner of Transportation.

5 d. A municipality or county may, by ordinance or resolution, as
6 appropriate, in any street under its jurisdiction, install or place an
7 in-street pedestrian crossing right-of-way sign at a marked crosswalk
8 or unmarked crosswalk at an intersection. The installation shall be
9 subject to guidelines that shall be issued by the Commissioner of
10 Transportation after consultation with the Director of the Office of
11 Highway Traffic Safety in the Department of Law and Public Safety.
12 The guidelines shall be aimed at ensuring safety to both pedestrians
13 and motorists including, but not limited to, the proper method of sign
14 installation, dimensions, composition of material, proper placement
15 points and maintenance. A certified copy of the adopted ordinance or
16 resolution shall be transmitted to the commissioner within 30 days of
17 adoption. The commissioner, at his discretion, may invalidate the
18 provisions of the ordinance or resolution within 90 days of receipt of
19 the certified copy if he reviews it and finds that the provisions of the
20 ordinance or resolution are inconsistent with the guidelines issued
21 pursuant to this subsection. A claim against the State or a
22 municipality or county for damage or injury under this subsection for
23 a wrongful act or omission shall be dismissed if the municipality or
24 county is deemed to have conformed to the guidelines required
25 hereunder.

26 e. A municipality or county may, by resolution, in any street under
27 its jurisdiction, designate stops, stations or stands for omnibuses. The
28 designation shall be subject to guidelines that shall be issued by the
29 Commissioner of Transportation. The guidelines shall be aimed at
30 ensuring safety to both pedestrians and motorists including, but not
31 limited to, the proper method of sign installation, dimensions,
32 composition of material, proper placement points and maintenance. A
33 certified copy of the adopted resolution shall be transmitted to the
34 commissioner within 30 days of adoption. The commissioner, at his
35 discretion, may invalidate the provisions of the ordinance or resolution
36 within 90 days of receipt of the certified copy if he reviews it and finds
37 that the provisions of the ordinance or resolution are inconsistent with
38 the guidelines issued pursuant to this subsection. A claim against the
39 State or a municipality or county for damage or injury under this
40 subsection for a wrongful act or omission shall be dismissed if the
41 municipality or county is deemed to have conformed to the guidelines
42 required hereunder.

43 (cf: P.L.2001, c.342, s.2)

44
45 2. This act shall take effect immediately.

STATEMENT

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This bill would amend the law to clarify the current provisions of R.S.39:4-8 concerning municipal and county jurisdiction over streets.

This bill would also amend the current law to permit a municipality, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate an intersection as a stop or yield intersection and erect appropriate signs on streets which are totally self-contained within that municipality and have no direct connection with any street in any other municipality. Under the current law, counties have the authority to designate intersections of totally-contained streets as stop or yield intersections, but municipalities do not.

This bill also amends R.S.39:4-8 by adding a provision to permit municipalities, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate stop intersections and erect stop signs at any intersection of two streets both under the municipality's jurisdiction if the intersection is located within 500 feet of a school, playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, playground or youth recreational facility. The provision establishes different standards for certification by the municipal engineer than for other stop or yield intersections which a municipality may establish. A claim against the State or a municipality for damage or injury for a wrongful act or omission under this provision shall be dismissed if the municipality is deemed to have conformed to the guidelines.

Under the current law, the municipality or county would be required to transmit a certified copy of the ordinance or resolution to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance are inconsistent with the guidelines set forth in the statute.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1055 and 1060**

STATE OF NEW JERSEY

DATED: OCTOBER 4, 2004

The Senate Transportation Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 1055 and 1060

This bill would amend the law to clarify the current provisions of R.S.39:4-8 concerning municipal and county jurisdiction over streets.

As reported, this substitute bill would also amend the current law to permit a municipality, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate an intersection as a stop or yield intersection and erect appropriate signs on streets which are totally self-contained within that municipality and have no direct connection with any street in any other municipality. Under the current law, counties have the authority to designate intersections of totally-contained streets as stop or yield intersections, but municipalities do not.

This bill also amends R.S.39:4-8 by adding a provision to permit municipalities, by ordinance or resolution and without the approval of the Commissioner of Transportation, to designate stop intersections and erect stop signs at any intersection of two streets both under the municipality's jurisdiction if the intersection is located within 500 feet of a school, playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, playground or youth recreational facility. The provision establishes different standards for certification by the municipal engineer than for other stop or yield intersections which a municipality may establish. A claim against the State or a municipality for damage or injury for a wrongful act or omission under this provision shall be dismissed if the municipality is deemed to have conformed to the guidelines.

Under the current law, the municipality or county would be required to transmit a certified copy of the ordinance or resolution to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance are inconsistent with the guidelines set forth in the statute.

This substitute bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 863 and 1329, released by the committee on the same day.