

27:7A-11 et seq

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:7A-11 et seq.

(Roadside advertising)

LAWS OF: 1971

CHAPTER: 353

Bill No: A2547

Sponsor(s): Parker, Kean

Date Introduced: November 15, 1971

Committee: Assembly: -----

Senate: -----

Amended during passage:

Yes

Amendments during passage denoted by asterisks.

Date of Passage:

Assembly: December 2, 1971

Senate: December 6, 1971

Date of Approval: December 19, 1971

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

No

Senate

No

Fiscal Note:

No

Veto Message:

No

Message on Signing:

Yes

Following were printed:

Reports:

No

Hearings:

No

Assembly  
December 19, 1971

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2547

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 15, 1971

By Assemblymen PARKER and KEAN

(Without Reference)

AN ACT to amend "An act concerning roadside advertising, amending chapter 191, laws of 1959, approved December 15, 1959, and supplementing Title 27 of the Revised Statutes," approved June 10, 1963 (P. L. 1963, c. 93).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 1 of P. L. 1963, c. 93 (C. 27:7A-11) is amended to  
2 read as follows:

3 1. The purpose of this act is to establish a system of control  
4 by the State of New Jersey of roadside advertising in **[certain]**  
5 areas adjacent to the Federal Interstate *and Primary* **[System]**  
6 *Systems*, and to authorize the **[State Highway]** Commissioner  
7 *of Transportation* to enter into agreements with the United States  
8 Secretary of **[Commerce]** *Transportation* in order to obtain Fed-  
9 eral funds available to the State under Title 23 of the United  
10 States Code, "*Highways.*"

11 *The Legislature finds and declares that \***[outdoor advertising is***  
12 *a form of commercial use of the public highways. In]\* \*in\* order*  
13 *to promote the safety, convenience and enjoyment of travel on, and*  
14 *protection of the recreational value and public investment in high-*  
15 *ways within this State and to preserve and enhance the natural*  
16 *scenic beauty or aesthetic features of the highways and adjacent*  
17 *areas, \***[the Legislature declares it to be]**\* \*it is\* the policy of this*  
18 *State that the erection and maintenance of outdoor advertising in*  
19 *areas adjacent to the rights-of-way of the Interstate and Primary*  
20 *Systems within this State shall be regulated in accordance with the*  
21 *terms of this act and the regulations promulgated by the (State*  
22 *Transportation Commissioner) pursuant thereto and finds that all*  
23 *outdoor advertising which does not conform to the requirements of*  
24 *this act \***[are public nuisances]**\* \*should be removed\*. It is the*

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

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CHAPTER 363 LAWS OF N. J. 1971  
APPROVED 12-15-71

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4 by the State of New Jersey of roadside advertising in **[certain]**  
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21 *terms of this act and the regulations promulgated by the (State*  
22 *Transportation Commissioner) pursuant thereto and finds that all*  
23 *outdoor advertising which does not conform to the requirements of*  
24 *this act [are public nuisances]* *\*should be removed\*. It is the**

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25 *intention of the Legislature in this act to provide a statutory basis*  
 26 *for regulation of outdoor advertising consistent with the public*  
 27 *policy relating to areas adjacent to the Interstate and Primary*  
 28 *Systems declared by Congress in Title 23, United States Code,*  
 29 *“Highways.”*

1 2. Section 2 of P. L. 1963, c. 93 (C. 27:7A-12) is amended to  
 2 read as follows:

3 2. As used in this act:

4 (a) “Interstate System” means those highways constructed  
 5 within this State and approved by the Secretary of **Commerce**  
 6 *Transportation* of the United States as an official portion of the  
 7 National System of Interstate and Defense Highways pursuant  
 8 to the provisions of Title 23, “Highways,” of the United States  
 9 Code, as amended.

10 (b) “Primary System” means any highway so designated by  
 11 the State of New Jersey and approved by the Federal authorities  
 12 pursuant to Title 23 of the United States Code.

13 **[(b)]** (c) “Controlled portion of the Interstate System” means  
 14 any portion which is constructed upon any part of right-of-way,  
 15 the entire width of which was acquired subsequent to July 1, 1956,  
 16 excluding those segments which traverse commercial or industrial  
 17 zones within the boundaries of incorporated municipalities, as  
 18 such boundaries existed on September 21, 1959, wherein the use  
 19 of real property adjacent to the Interstate System is subject to  
 20 municipal regulation or control, and which traverse other areas  
 21 where the land use, as of September 21, 1959, was clearly estab-  
 22 lished by the laws of this State as industrial or commercial.

23 **[(c)]** (d) “Protected areas” means all areas inside the bounda-  
 24 ries of this State which are adjacent to and within 660 feet of the  
 25 edge of the right-of-way **[of all controlled portions]** of the Inter-  
 26 state System or *Primary System* within this State.

27 **[(d)]** (e) “Informational site” means an area or a site estab-  
 28 lished and maintained within or adjacent to the right-of-way of  
 29 a highway on the Interstate System by or under the supervision  
 30 or control of the **[State Highway]** Department of *Transportation*,  
 31 wherein panels for the display of advertising and informational  
 32 signs may be erected and maintained.

33 **[(e)]** (f) “Roadside advertising” means the use of any road-  
 34 side sign which is intended to attract, or which does attract, the  
 35 attention of operators, attendants, or passengers of motor vehicles  
 36 using the Interstate System or *the Primary Systems*.

37 **[(f)]** (g) “Roadside sign” means any writing, printing, paint-  
 38 ing, display, emblem, drawing, sign, or other device whether placed

39 on the ground, rocks, trees, freestumps or other natural struc-  
 40 tures, or on a building, structure, signboard, billboard, wallboard,  
 41 roofboard, frame, support, fence, or elsewhere, and any lighting  
 42 or other accessories used in conjunction therewith.

43 (h) "*Main-traveled way*" means the traveled way of a highway  
 44 on which through traffic is carried. It does not include such fa-  
 45 cilities as frontage roads, turning roadways, or parking areas.

1 3. Section 3 of P. L. 1963, c. 93 (C. 27:7A-13) is amended to  
 2 read as follows:

3 3. No roadside signs shall be erected or maintained within the  
 4 right-of-way of any portion of the Interstate and Primary [Sys-  
 5 tem] Systems within this State, except that this prohibition shall  
 6 not apply to signs, public notices, or markers, erected or maintained  
 7 by the [State Highway] Department of Transportation, or the  
 8 signs erected or maintained at the "informational sites" designated  
 9 by the [State Highway] Commissioner of Transportation pursuant  
 10 to section 8 of this act.

1 4. Section 4 of P. L. 1963, c. 93 (C. 27:7A-14) is amended to  
 2 read as follows:

3 4. Any [No] roadside signs [shall be erected or maintained  
 4 within any protected area in a controlled portion of the Interstate  
 5 System in this State, except as authorized by a permit obtained  
 6 from the State Highway Commissioner] permitted by section 6 of  
 7 this act shall be by permit from the Commissioner of Transporta-  
 8 tion as provided in section 7 of this act and pursuant to the condi-  
 9 tions set forth in such permit, which conditions will be consistent  
 10 with the following:

11 (a) No roadside signs may attempt or appear to attempt to  
 12 direct the movement of traffic or interfere with, imitate, or resemble  
 13 any official traffic signs, signal or device, or include or utilize flash-  
 14 ing, intermittent or moving lights, or utilize lighting equipment or  
 15 reflectorized materials which emit or reflect a red, amber or green  
 16 color\*, except as may be authorized by agreement between the  
 16A Commissioner of Transportation and the United States Secretary  
 16B of Transportation\*.

17 (b) No roadside signs may interfere or be likely to interfere  
 18 with the ability of the operator of a motor vehicle to have a clear  
 19 and unobstructed view of the street or highway ahead or of official  
 20 signs, signals or [traffic] \*traffic\* control devices.

21 (c) Illumination of roadside signs must be effectively shielded  
 22 so as to prevent light from being directed at any portion of the  
 23 main-traveled way of the street or highway, or, if not so shielded,  
 24 be of such low intensity or brilliance as not to cause glare or impair

25 *the vision of operators of motor vehicles on such street or highway,*  
 26 *or otherwise impair the operation of a motor vehicle.*

27 (d) *All roadside signs must be maintained in a safe condition*  
 28 *with due regard for conditions of climate, weather and terrain.*

29 (e) *No roadside signs may be of such a type, size, or character*  
 30 *as will endanger or injure public safety, health or morals or be*  
 31 *injurious to property in the vicinity thereof.*

32 (f) *No roadside sign may be painted, drawn, erected or main-*  
 33 *tained upon trees, rocks or other natural features.*

1 5. Section 5 of P. L. 1963, c. 93 (C. 27:7A-15) is amended to  
 2 read as follows:

3 5. No permit shall be issued by the **【State Highway】** Commis-  
 4 sioner of *Transportation* for roadside signs to be erected or main-  
 5 tained in any protected area visible from the main-traveled way of  
 6 any portion of the Interstate and Primary **【System】** *Systems*  
 7 *except such signs used for the purposes set forth in section 6 of*  
 8 *this act* **【***in this State, which is inconsistent with the following*  
 9 *conditions:*

10 (a) No roadside signs may attempt or appear to attempt to  
 11 direct the movement of traffic or interfere with, imitate, or resemble  
 12 any official traffic signs, signal or device, or include or utilize flash-  
 13 ing, intermittent or moving lights, or utilize lighting equipment or  
 14 reflectorized materials which emit or reflect a red, amber or green  
 15 color.

16 (b) No roadside signs may interfere or be likely to interfere  
 17 with the ability of the operator of a motor vehicle to have a clear  
 18 and unobstructed view of the street or highway ahead or of official  
 19 signs, signals or traffic control devices.

20 (c) Illumination of roadside signs must be effectively shielded  
 21 so as to prevent light from being directed at any portion of the  
 22 main-traveled way of the street or highway, or, if not so shielded,  
 23 be of such low intensity or brilliance as not to cause glare or  
 24 impair the vision of operators of motor vehicles on such street or  
 25 highway, or otherwise impair the operation of a motor vehicle.

26 (d) All roadside signs must be maintained in a safe condition  
 27 with due regard for conditions of climate, weather and terrain.

28 (e) No roadside signs may be of such a type, size, or character  
 29 as will endanger or injure public safety, health or morals or be  
 30 injurious to property in the vicinity thereof**】**.

1 6. Section 6 of P. L. 1963, c. 93 (C. 27:7A-16) is amended to read  
 2 as follows:

3 6. **【***The provisions of this act relating to the requirement of*  
 4 *obtaining a permit for erection and maintenance of roadside signs* **】**.

5 in a protected area shall not apply to any sign used exclusively for  
6 any of the following purposes:

7 (a) To advertise the sale or lease of property upon which such  
8 sign is located;

9 (b) To designate the name of the owner or occupant of the  
10 premises upon which such sign is located; or to identify such  
11 premises;

12 (c) To advertise goods sold, manufactured or produced, or ser-  
13 vices rendered, on the property where such advertising is located;

14 (d) To publish any public information or notice required or  
15 authorized by law or regulations of an official agency of this State,  
16 or political subdivision thereof.

17 Roadside signs used exclusively for the purposes set forth in  
18 this section shall, however, be subject to the provisions of section 5  
19 of this act and regulations promulgated by the State Highway  
20 Commissioner relating to the number, location and types of road-  
21 side advertising, and specifications therefor.】

22 *In protected areas only the following signs shall be permitted*  
23 *subject to regulations to be promulgated by the Commissioner of*  
24 *Transportation:*

25 (a) *Directional and other official signs and notices, which signs*  
26 *and notices shall include, but not be limited to, signs and notices*  
27 *pertaining to natural wonders, scenic and historical attractions,*  
28 *which are required or authorized by law, and which shall conform*  
29 *to national standards promulgated by the United States Secretary*  
30 *of Transportation;*

31 (b) *Signs, displays and devices \*【solely】\* advertising the sale*  
32 *or lease of property on which they are located;*

33 (c) *Signs, displays and devices advertising activities \*【princi-*  
34 *pally】\* conducted on the property on which they are located;*

35 (d) *In portions of protected areas on the Interstate System*  
36 *\*【outside of controlled areas】\* the following may also be per-*  
36A *mitted:*

37 (i) *Signs, displays and devices located in commercial or*  
38 *industrial zones within the boundaries of incorporated mu-*  
39 *nicipalities as those boundaries existed on September 21, 1959,*  
40 *and all other areas where the land use as of September 21, 1959,*  
41 *was clearly established by State law as commercial or industrial*  
42 *within 660 feet of the nearest edge of the right-of-way;*

43 (ii) *Signs, displays and devices located in zoned and unzoned*  
44 *commercial and industrial areas within 660 feet of the nearest*  
45 *edge of the right-of-way, any part of which was acquired on or*  
46 *before July 1, \*【1965】\* \*1956\*;*

47 (c) In protected areas on the primary system only the following  
48 may also be permitted:

49 (i) Signs, displays and devices in areas which are zoned  
50 industrial or commercial under the authority of State law;

51 (ii) Signs, displays and devices located in unzoned com-  
52 mercial or industrial areas which shall be defined in an agree-  
53 ment between the State Commissioner of Transportation and  
54 the United States Secretary of Transportation.

1 7. Section 7 of P. L. 1963, c. 93 (C. 27:7A-17) is amended to read  
2 as follows:

3 7. (a) The **[State Highway]** Commissioner of Transportation  
3A is hereby authorized, following public hearings, to promulgate  
4 regulations governing roadside advertising which shall include  
5 space, size, lighting and other requirements pertaining to the  
6 issuance or denial of permits for the erection **[and]** or maintenance  
7 of roadside signs within protected areas of **[a controlled portion**  
8 **of]** the Interstate and Primary **[System]** Systems, prescribing  
9 the number, locations and types of, and specifications for roadside  
10 signs, and designating the conditions under which roadside signs  
11 may be erected and maintained\***;** provided, however, that to the  
12 extent permitted by Federal Law such regulations **[shall not]**  
13 may be more restrictive than the minimum requirements of the  
14 national standards as now promulgated or hereafter amended and  
15 promulgated by the Secretary of **[Commerce]** Transportation of  
16 the United States pursuant to Title 23, "Highways" of the United  
17 States Code, as amended]\*.

18 (b) In the promulgation of regulations pursuant to this section,  
19 the **[State Highway]** Commissioner of Transportation shall give  
20 due consideration to the safety, convenience, and enjoyment of  
21 travel on the highways to which this act applies, to the public in-  
22 vestment in such highways, and to the type of information needed  
23 by the traveling public when using such highways.

24 (c) In connection with the issuance of permits for roadside signs,  
25 the **[State Highway]** Commissioner of Transportation is hereby  
26 authorized to charge and collect fees in such amounts as set forth  
27 in section 7 of chapter 191 of the laws of 1959 (C. 54:40-56) for  
28 the issuance of such permit. The moneys received from such fees  
29 shall be deposited with the State Treasurer, and be subject to  
30 disbursement on order of the **[State Highway]** Commissioner of  
31 Transportation to defray the expenses of administering the pro-  
32 visions of this act.

1 8. Section 8 of P. L. 1963, c. 93 (C. 27:7A-18) is amended to read  
2 as follows:

3 8. The **[State Highway]** *Commissioner of Transportation* is  
 4 hereby authorized to designate certain roadside areas as "*safety*  
 5 *rest areas*" or "informational sites" and to provide by regulations  
 6 for the erection and maintenance of signs in such sites. In the  
 7 establishment and maintenance of such sites, the **[State Highway]**  
 8 *Commissioner of Transportation* is authorized to use existing  
 9 right-of-way, notwithstanding any prohibition against such use  
 10 set forth in section 3 herein, or *safety or roadside rest areas* **[or**  
 11 **other publicly-owned land adjacent to the right-of-way]**, as in his  
 12 judgment is needed for this purpose. The use of such land for  
 13 *safety rest areas or informational sites* is hereby declared to be a  
 14 "highway purpose" under the laws of this State.

1 9. Section 9 of P. L. 1963, c. 93 (C. 27:7A-19) is amended to  
 2 read as follows:

3 9. The **[State Highway]** *Commissioner of Transportation* is  
 4 hereby authorized to enter into agreements with the Secretary of  
 5 **[Commerce]** *Transportation* of the United States, as provided by  
 6 section 131 of Title 23, U. S. Code, as amended, relating to the  
 7 control of roadside advertising in areas adjacent to the Interstate  
 8 and Primary **[System]** *Systems*, including the establishment of  
 9 informational sites, and to take action in the name of the State  
 10 to comply with the terms of such agreement. Expenditures of  
 11 money by the **[State Highway]** *Commissioner of Transportation*  
 12 in connection with agreements authorized by this section shall be  
 13 payable from any funds available to him. The **[State Highway]**  
 14 *Commissioner of Transportation* is hereby authorized to accept  
 15 any allotment of funds by the United States, or any department  
 16 or agency thereof, authorized by Title 23, U. S. Code or any  
 17 subsequent legislation supplementary to or amending such act,  
 18 in connection with any agreement entered into by the **[State High-**  
 19 **way]** *Commissioner of Transportation* and the Secretary of **[Com-**  
 20 **merce]** *Transportation* of the United States relating to control  
 21 of roadside advertising in areas adjacent to the Interstate and  
 22 Primary **[System]** *Systems*.

1 10. Section 11 of P. L. 1963, c. 93 (C. 27:7A-21) is amended  
 2 to read as follows:

3 11. The **[State Highway]** *Commissioner of Transportation* is  
 4 hereby authorized to acquire, by gift, purchase or condemnation,  
 5 real and personal property, or the right to **[erect or]** maintain  
 6 roadside signs **[or to use such lands for roadside advertising,]**  
 7 in any protected area **[within a controlled portion]** of the Inter-  
 8 state and Primary **[System]** *Systems* for the purpose of imple-  
 9 menting this act, and the cost of such acquisition shall be con-

10 sidered as a part of the cost of right-of-way of such highway.  
11 It is the legislative intent that all persons whose property is pur-  
12 chased or otherwise acquired, *except by gift to the State*, pursuant  
13 to this act shall receive just compensation therefor.

1 11. Section 12 of P. L. 1963, c. 93 (C. 27:7A-22) is amended to  
2 read as follows:

3 12. Any roadside sign hereafter erected in violation of the pro-  
4 visions of this act shall be declared to be unlawful and shall be  
5 abated and the **[State Highway]** *Commissioner of Transportation*  
6 may institute any appropriate action or proceeding in a court of  
7 competent jurisdiction for its removal if such sign is not brought  
8 into compliance within 15 days after written notification to the  
9 owner.

1 12. Any act or regulation inconsistent with this act is hereby  
2 repealed to the extent of such inconsistency.

1 13. This act shall take effect immediately.

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1 11. Section 12 of P. L. 1963, c. 93 (C. 27:7A-22) is amended to  
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4 visions of this act shall be declared to be unlawful and shall be  
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7 competent jurisdiction for its removal if such sign is not brought  
8 into compliance within 15 days after written notification to the  
9 owner.

1 12. Any act or regulation inconsistent with this act is hereby  
2 repealed to the extent of such inconsistency.

1 13. This act shall take effect immediately.

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#### STATEMENT

This bill enables the State of New Jersey to comply with the requirements of the Federal Highway Act of 1970 (23 U. S. C. § 131) insofar as that act implements a highway beautification program.

The Secretary of the United States Department of Transportation, has informed the Governor that unless this bill is enacted, the secretary will reduce the regular Federal-aid highway apportionment to New Jersey by 10%. The 10% penalty in New Jersey's case would amount to *approximately 13.1* million dollars for 1971.

The Secretary of Transportation in compliance with Federal Law has ordered a hearing concerning his directive to penalize the State should New Jersey not comply with Federal requirements on highway beautification. As a matter of public policy highway beautification is desirable and necessary in New Jersey. This bill will accomplish that policy. It will also comply with Federal Law and prevent the imposition of penalties against the State for non-compliance with Federal requirements.

DECEMBER 15, 1971

A - 2547

FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill today signed into law bills to improve the aesthetic features of major roads in the State and establish a Highway Safety Program.

Under Assembly Bill 2547, sponsored by Assemblyman Barry T. Parker (R., Burlington), New Jersey will comply with the requirements of the Federal Highway Act of 1970. Cahill pointed out that the new law will enable the State to continue to receive its full share of federal funds for highways. In addition, through the regulation of billboards and other advertising on interstate and primary roads, it is anticipated that the desirable objectives of highway safety will be promoted, travel enjoyment will be increased and the landscape enhanced.

At the same time, Cahill signed Senate Bill 2310, sponsored by Senator Alfred N. Beadleston (R., Monmouth), which provides for a Highway Safety Program in accordance with the mandate of the U. S. Highway Safety Act of 1966. The new law will enable the development of a comprehensive plan to reduce traffic accidents, deaths, and injuries as well as provide for the delivery of emergency medical services to victims of such accidents.

The Governor pointed out that volunteer ambulance squads, whose training programs and operations will be administered at the local level, will play a vital role in the new program. An Office of Highway Safety, created by the legislation, will review local programs to insure that they comply with the Federal requirements.

Cahill also noted that the new law also insures that the State continues to receive its full share of federal aid highway funds as well as federal highway safety funds.

~~Also signed into law was Assembly Bill 631, sponsored by Assemblyman William Crane (R., Bergen), which permits the use of flashing blue lights on motor vehicles owned and operated by volunteer firemen while responding to fire alarms.~~

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The Governor pointed out that volunteer ambulance squads, whose training programs and operations will be administered at the local level, will play a vital role in the new program. An Office of Highway Safety, created by the legislation, will review local programs to insure that they comply with the Federal requirements.

Cahill also noted that the new law also insures that the State continues to receive its full share of federal aid highway funds as well as federal highway safety funds.

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FOR RELEASE:  
IMMEDIATE

Governor William T. Cahill today signed into law bills to improve the aesthetic features of major roads in the State and establish a Highway Safety Program.

Under Assembly Bill 2547, sponsored by Assemblyman Barry T. Parker (R., Burlington), New Jersey will comply with the requirements of the Federal Highway Act of 1970. Cahill pointed out that the new law will enable the State to continue to receive its full share of federal funds for highways. In addition, through the regulation of billboards and other advertising on interstate and primary roads, it is anticipated that the desirable objectives of highway safety will be promoted, travel enjoyment will be increased and the landscape enhanced.

At the same time, Cahill signed Senate Bill 2310, sponsored by Senator Alfred N. Beadleston (R., Monmouth), which provides for a Highway Safety Program in accordance with the mandate of the U. S. Highway Safety Act of 1966. The new law will enable the development of a comprehensive plan to reduce traffic accidents, deaths, and injuries as well as provide for the delivery of emergency medical services to victims of such accidents.

The Governor pointed out that volunteer ambulance squads, whose training programs and operations will be administered at the local level, will play a vital role in the new program. An Office of Highway Safety, created by the legislation, will review local programs to insure that they comply with the Federal requirements.

Cahill also noted that the new law also insures that the State continues to receive its full share of federal aid highway funds as well as federal highway safety funds.

~~Also signed into law was Assembly Bill 631, sponsored by Assemblyman William Crane (R., Bergen), which permits the use of flashing blue lights on motor vehicles owned and operated by volunteer firemen while responding to fire alarms.~~

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