

39:4-8 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:4-8 et al.

(Municipal roads - speed limits, parking, etc. - allow local ordinances to regulate)

LAWS OF: 1983

CHAPTER: 227

Bill No: S378/A1007

Sponsor(s): Cardinale

Date Introduced: Pre-filed

Committee: Assembly: Transportation and Communications

Senate: Transportation and Communications

Amended during passage: ///

No Committee substitute enacted.
Original bills for S378 and A1007
(attached)

Date of Passage:

Assembly: April 25, 1983

Senate: May 23, 1983

Date of Approval: June 27, 1983

Following statements are attached if available:

Sponsor statement:		Yes	//
Committee statement:	Assembly	Yes	//
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		///	No
Message on Signing:		Yes	//
Following were printed:			
Reports:		///	No
Hearings:		///	No

DO NOT WRITE IN THESE SPACES

ASSEMBLY COMMITTEE SUBSTITUTE FOR
SENATE No. 378 (OCR) and
ASSEMBLY No. 1007

STATE OF NEW JERSEY

ADOPTED FEBRUARY 14, 1983

AN ACT concerning county and municipal authority over certain parking and traffic regulations and amending sections 39:4-8, 39:4-98, 39:4-140, 39:4-197, 39:4-201 and 39:4-202 of the Revised Statutes.

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

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

2 39:4-8. a. **[No]** *Except as otherwise provided in this section, no*
 3 *ordinance or resolution concerning, regulating or governing traffic*
 4 *or traffic conditions, adopted or enacted by any board or body*
 5 *having jurisdiction over highways, [nor any such regulation pro-*
 6 *mulgated by the State Highway Commissioner,]* shall be of any
 7 force or effect, unless the same is approved by the **[***director or has*
 8 *been approved by the Commissioner of Motor Vehicles or the*
 9 *Traffic Commission]* *Commissioner of Transportation* according to
 10 law. The **[***director]* *commissioner* shall not be required to approve
 11 any such ordinance, resolution or regulation, unless, after investi-
 12 gation by him, the same shall appear to be in the interest of safety
 13 and the expedition of traffic on the public highways.

14 *b. In the case of totally self-contained streets under municipal*
 15 *jurisdiction which have no direct connection with any street in any*
 16 *other municipality, the municipality may by ordinance, without the*
 17 *approval of the Commissioner of Transportation, designate reason-*
 18 *able and safe speed limits and erect appropriate signs and desig-*
 19 *nate any intersection as a stop or yield intersection and erect*
 20 *appropriate signs, provided that the municipal engineer shall,*
 21 *under his seal as a licensed professional engineer, certify to the*
 22 *commissioner that any designation or erection of signs: (1) has*

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

Matter printed in italics thus is new matter.

23 been approved by him after investigation by him of the circum-
 24 stances, (2) appears to him to be in the interest of safety and the
 25 expedition of traffic on the public highways and (3) conforms to
 26 the current standards prescribed by the Manual of Uniform Traffic
 27 Control Devices for Streets and Highways as adopted by the Com-
 28 missioner of Transportation. The municipal engineer shall submit
 29 to the commissioner, together with his certification, detailed in-
 30 formation as to the location of streets, intersections and signs
 31 affected by any designation or erection of signs, a statement of the
 32 reasons for his decision, a certified copy of the adopted municipal
 33 ordinance, traffic count, accident and speed sampling data when
 34 appropriate and any other information as the commissioner may
 35 require.

36 Nothing in this subsection shall allow municipalities to designate
 37 any intersection with any highway under State or county juris-
 38 diction as a stop or yield intersection.

39 c. Subject to the provisions of R. S. 39:4-138, in the case of any
 40 street under municipal or county jurisdiction, a municipality or
 41 county may, without the approval of the Commissioner of Trans-
 42 portation, do the following:

43 By ordinance or resolution:

44 (1) prohibit general parking;

45 (2) designate restricted parking under section 1 of P. L.
 46 1977, c. 202 (C. 39:4-197.5) and section 1 of P. L. 1977, c. 309
 47 (C. 39:4-197.6);

48 (3) designate time limit parking; and,

49 (4) install parking meters.

50 By ordinance resolution or regulation:

51 (1) designate loading and unloading zones and taxi stands;
 52 and,

53 (2) approve street closings for periods up to 48 continuous
 54 hours.

55 Nothing in this subsection shall allow municipalities or
 56 counties to establish angle parking or to reinstate or add parking
 57 on any street, or approve the closure of streets for more than 48
 58 continuous hours without the approval of the Commissioner of
 59 Transportation.

1 2. R. S. 39:4-98 is amended to read as follows:

2 39:4-98. Rates of speed. Subject to the provisions of sections
 3 39:4-96 and 39:4-97 of this Title and except in those instances
 4 where a lower speed is specified in this chapter, it shall be prima
 5 facie lawful for the driver of a vehicle to drive it at a speed not
 6 exceeding the following:

7 a. Twenty-five miles an hour, when passing through a school
8 zone during recess *when the presence of children is clearly visible*
9 *from the roadway* or while children are going to or leaving school,
10 during opening or closing hours;

11 b. Twenty-five miles an hour in any business or residence
12 district;

13 c. Fifty miles an hour in all other locations.

14 Whenever it shall be determined upon the basis of an engineering
15 and traffic investigation that any speed hereinbefore set forth is
16 greater or less than is reasonable or safe under the conditions
17 found to exist at any intersection or other place or upon any part
18 of a highway, the **[State Highway]** *Commissioner of Transporta-*
19 *tion* with reference to State highways may by regulation and
20 municipal or county authorities with reference to highways under
21 their jurisdiction may by ordinance in the case of municipal author-
22 ities or by ordinance or resolution, in the case of county authorities,
23 subject to the approval of the **[director]** *Commissioner of Trans-*
24 *portation, except as otherwise provided in R. S. 39:4-8*, designate
25 a reasonable and safe speed limit thereat which, subject to the
26 provisions of *R. S. 39:4-96* and *R. S. 39:4-97*, shall be prima facie
27 lawful at all times or at such times as may be determined when
28 appropriate signs giving notice thereof are erected at such inter-
29 section, or other place or part of the highway.

30 The driver of every vehicle shall, consistent with the require-
31 ments of this section, drive at an appropriate reduced speed when
32 approaching and crossing an intersection or railway grade cross-
33 ing, when approaching and going around a curve, when approach-
34 ing a hill crest, when traveling upon any narrow or winding
35 roadway, and when special hazard exists with respect to pedestrians
36 or other traffic or by reason of weather or highway conditions.

37 The **[State Highway]** *Commissioner of Transportation* shall
38 cause the erection and maintenance of signs **[or billboards]** at such
39 points of entrance to the State as are deemed advisable, setting
40 forth the lawful rates of speed, the wording of which shall be
41 within his discretion.

1 3. R. S. 39:4-140 is amended to read as follows:

2 39:4-140. The Commissioner of Transportation with reference
3 to State highways may by regulation and the local authorities with
4 reference to any highway under their jurisdiction may by ordinance
5 or resolution, subject to the approval of the commissioner, *except*
6 *as otherwise provided in R. S. 39:4-8*, designate through highways
7 and erect "stop" signs or "yield" signs at specified entrances
8 thereto, or may designate any intersection as a stop intersection

9 or as a yield intersection and may erect "stop" signs or "yield"
10 signs at one or more entrances to such intersections.

11 The commissioner on his own motion may designate through
12 streets, stop intersections and yield intersections, and upon the
13 designation shall give notice thereof to the board or body charged
14 with the maintenance of such streets or intersections. The board
15 or body shall thereupon comply with section 39:4-141 of this Title.
16 The commissioner may by appropriate order withdraw the desig-
17 nation of through streets, stop intersections or yield intersections
18 and thereafter cause the removal of "stop" signs or "yield" signs
19 indicating such streets or intersections.

1 4. R. S. 39:4-197 is amended to read as follows:

2 39:4-197. **[No]** *Except as otherwise provided in R. S. 39:4-8, no*
3 municipality shall pass an ordinance or resolution on a matter
4 covered by or which alters or in any way nullifies the provisions of
5 this chapter or any supplement to this chapter; except that a
6 municipality may pass ordinances or resolutions, or by ordinances
7 or resolutions may authorize the adoption of regulations by the
8 board, body or official having control of traffic in the public streets,
9 regulating special conditions existent in the municipality on the
10 subjects and within the limitations following:

11 (1) Ordinance.

12 a. Altering speed limitations as provided in **[section]** *R. S.*
13 *39:4-98 [of this Title];*

14 b. Limiting use of streets to certain class of vehicles;

15 c. Designating one-way streets;

16 d. Regulating the stopping or starting of street cars at special
17 places such as railroad stations, public squares or in front of
18 certain public buildings;

19 e. Regulating the passage or stopping of traffic at certain con-
20 gested street corners or other designated points;

21 f. Regulating the parking of vehicles on streets and portions
22 thereof including angle parking as provided in section *R. S.*
23 *39:4-135 [of this Title];*

24 g. Regulating the parking of vehicles upon land owned or leased
25 and maintained by the municipality, a parking authority or the
26 board of education of a school district, including any lands de-
27 voted to the public parking of vehicles, the entrances thereto and
28 exits therefrom;

29 h. Regulating the entrances to and exits from parking yards
30 and parking places which are open to the public or to which the
31 the public is invited, except that this shall not apply to entrances
32 or exits to and from State highways;

33 i. Designating streets or roads upon which buses and trucks
 34 over four tons gross weight may be required not to exceed specially
 35 fixed limits based on engineering and traffic investigation and to
 36 use a lower gear in descending steep declivities having a grade in
 37 excess of 5% fixing such special speed limits and providing for
 38 the use of such a gear thereon.

39 (2) Ordinance or resolution.

40 a. Designating through streets as provided in article 17 of this
 41 chapter (39:4-140 et seq.);

42 b. Designating and providing for the maintenance as "no pass-
 43 ing" zones of portions of highway where overtaking and passing
 44 or driving to the left of the roadway is deemed especially haz-
 45 ardous.

46 (3) Ordinance, resolution or regulation.

47 a. Designating stops, stations or stands for omnibuses and
 48 taxis;

49 b. Designating curb loading zones;

50 c. Designating restricted parking spaces for use by persons who
 51 have been issued special vehicle identification cards by the Division
 52 of Motor Vehicles pursuant to the provisions of section 2 of P. L.
 53 1949, c. 280 (C. 39:4-205) and section 1 of P. L. 1977, c. 202
 54 (C. 39:4-197.5). Any person parking a motor vehicle in a restricted
 55 parking space without a special vehicle identification card shall be
 56 liable to a penalty not to exceed \$50.00.

1 5. R. S. 39:4-201 is amended to read as follows:

2 39:4-201. **[No]** *Except as otherwise provided in R. S. 39:4-8, no*
 3 governing body of any county in this State may adopt resolutions
 4 or ordinances on a matter covered by or which alters or in any
 5 way nullifies the provisions of this chapter or of any supplement
 6 thereto except that ordinances or resolutions may be passed by a
 7 governing body for the supervision and regulation of traffic on any
 8 county roads of the county upon the subject matters and within
 9 the limitations prescribed in **[section]** *R. S. 39:4-197* **[of this**
 10 **Title]**, and the governing body may prescribe penalties for viola-
 11 tions of the resolutions or ordinances provided, however, that a
 12 fine of not less than \$50.00 be imposed upon the violator of an
 13 ordinance, resolution, or regulation, as the case may be, establish-
 14 ing parking spaces for the handicapped.

15 Matters pertaining to the supervision and regulation of traffic
 16 to be established by ordinance or resolution pursuant to R. S.
 17 39:4-197, shall in counties operating under the "Optional County
 18 Charter Law" (P. L. 1972, c. 154, C. 40:41A-1 et seq.) be estab-
 19 lished by ordinance.

20 No ordinance or resolution adopted pursuant to this section
21 shall be effective unless due notice to the public is given as pro-
22 vided in **[section]** *R. S. 39:4-198* **[of this Title]**.

23 The penalties may be enforced by the proper method of pro-
24 cedure before a magistrate. In default of the payment of the
25 penalty, the magistrate may commit the offender to the county jail
26 for a period not exceeding five days.

1 6. R. S. 39:4-202 is amended to read as follows:

2 39:4-202. No resolution, ordinance or regulation passed, enacted
3 or established under authority of this article, shall be effective until
4 submitted to and approved by the **[director]** *Commissioner of*
5 *Transportation* as provided in **[section]** *R. S. 39:4-8* **[of this**
6 **Title]**, *except as otherwise provided therein.*

1 7. This act shall take effect immediately.

ASSEMBLY, No. 1007

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Assemblymen ROD, PALAIA, KELLY, MUZIANI, D. GALLO,
VILLANE, MEYER, HENDRICKSON, WOLF and CHINNICI

Referred to Committee on Transportation and Communications

AN ACT empowering municipalities to enact ordinances establishing speed limits and stop signs on certain streets of each municipality which are not county or State roads or highways.

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

1 1. Any law to the contrary notwithstanding, the governing body
2 of a municipality may, without obtaining the approval of the
3 Commissioner of Transportation or any other State official, enact
4 ordinances establishing speed limits and stop signs for the public
5 streets and thoroughfares of the municipality which are neither
6 county or State roads or highways and are totally self-contained
7 within the municipality, if the municipality has conducted a traffic
8 study or has had a traffic study conducted by the Department of
9 Transportation.

1 2. This act shall take effect immediately.

STATEMENT

This bill empowers municipalities, without the approval of the Department of Transportation, to enact ordinances establishing speed limits and stop signs for the public streets and thoroughfares of each municipality which are neither county or State roads or highways and which do not extend beyond the borders of the municipality.

SENATE, No. 378

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senators CARDINALE and PAOLELLA

AN ACT empowering municipalities to enact ordinances establishing speed limits on certain streets of each municipality which are not county or State roads or highways.

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

1 1. Any law to the contrary notwithstanding, the governing body
2 of a municipality may, without obtaining the approval of the
3 Commissioner of Transportation or any other State official, enact
4 ordinances establishing speed limits for the public streets and
5 thoroughfares of the municipality which are neither county or
6 State roads or highways and are totally self-contained within the
7 municipality.

1 2. This act shall take effect immediately.

STATEMENT

This bill empowers municipalities, without the approval of the Department of Transportation, to enact ordinances establishing speed limits for the public streets and thoroughfares of each municipality which are neither county or State roads or highways and which do not extend beyond the borders of the municipality.

It seeks to relieve our overburdened Department of Transportation of responsibilities which can be best handled at a local level, and in which there is little, if any, effect outside of the municipality in question.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

**SENATE No. 378 (OCR) and
ASSEMBLY No. 1007**

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1983

This committee substitute provides for an increase in county and municipal authority over certain traffic regulations. The provisions of the bill will allow counties and municipalities to utilize expedited procedures for the adoption of certain traffic regulations.

In the case of municipal streets which are wholly self-contained within the boundaries of a municipality, the municipality will be able, if it chooses, to set speed limits and to designate "stop" and "yield" intersections without the approval of the Commissioner of Transportation. When a municipality chooses to follow this procedure, the municipal engineer shall certify to the commissioner that he has investigated and approved the new regulation, that it appears to him to be in the interest of safety and the expedition of traffic and that the regulation and the erection of appropriate signs conform to the Manual of Uniform Traffic Control Devices for Streets and Highways.

The committee substitute also provides that certain ordinances, resolutions and regulations adopted by counties and municipalities regarding county and municipal roads will no longer require the approval of the Commissioner of Transportation and will be wholly within the authority of counties and municipalities. This bill permits a county or municipality, by ordinance or resolution and without the approval of the Commissioner of Transportation, to prohibit general parking, designate certain handicapped parking locations, designate time limit parking and install parking meters. In addition, the bill permits a county or municipality, by ordinance, resolution or regulation and without the approval of the Commissioner of Transportation, to designate loading zones and taxi stands and to approve street closings for periods up to 48 continuous hours.

R. S. 39:4-98 presently includes a provision that a driver of a vehicle should not drive at a speed exceeding 25 miles an hour when passing through a school zone during recess. The committee substitute amends that provision so that the 25 mile an hour speed limit only applies for a driver passing through a school zone during recess when the presence of children is clearly visible from the roadway.

**SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE**

STATEMENT TO

SENATE No. 378

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 10, 1982

As amended, this bill empowers municipalities, without the prior approval of the Department of Transportation, to enact ordinances establishing reasonable speed limits and parking and traffic regulations for the public streets and thoroughfares of each municipality which are neither county or State roads or highways and which do not extend beyond the borders of the municipality.

Amendments adopted to the bill also provide that the Department of Transportation shall review any such ordinances. If the department approves or files no objection within 120 days of the receipt of the ordinance, it goes into effect immediately. If the department objects, then a public hearing must be held in the municipality within 30 days of the issuance of the objection. If the department approves the ordinance following the public hearing, then it shall take effect immediately. If the department still continues to disapprove, then the department shall undertake, and pay all the costs of, the engineering studies necessary within 120 days following the end of the 30-day period set aside for the holding of the public hearing.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

TUESDAY: JUNE 28, 1983

Governor Thomas H. Kean has signed legislation which gives local governing bodies expanded authority to create traffic controls on local streets.

The bill S-378, was sponsored by State Senator Gerald Cardinale, R-Bergen. It permits municipalities to establish reasonable speed limits, parking and traffic regulations on self-contained streets that are not under the jurisdiction of the county, or the State, without first obtaining the permission of the Commissioner of Transportation. The bill requires that any local actions taken under this provision of the law be certified by the municipal engineer as conforming to current standards set forth in the Manual of Uniform Traffic and Control Services.

The bill would not permit a municipality to set traffic controls on an intersection with a county or State road, would not permit the establishment of angle parking, and does not give authorization for the closing of any street for more than 48 hours without the approval of the Commissioner.

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