

39:4-8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 191

NJSA: 39:4-8 (Municipalities – legal speed)

BILL NO: S697 (Substituted for A1598)

SPONSOR(S): Singer

DATE INTRODUCED: February 23, 1998

COMMITTEE: **ASSEMBLY:** Transportation

SENATE: Transportation

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 24, 1999

SENATE: May 24, 1999

DATE OF APPROVAL: August 31, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original
(Amendments during passage denoted by superscript numbers)

S697

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)

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

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A1598

SPONSORS STATEMENT: (Begins on page 4 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S697

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
Identical to Assembly Statement for S697

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 191, *approved August 31, 1999*

Senate, No. 697

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 **reasonable and safe speed limits,**
23 parking restrictions, no passing zones, mid-block crosswalks and
24 crosswalks at intersections, except that in the case of any streets under
25 municipal jurisdiction, the municipality may, by ordinance, designate
26 reasonable and safe speed limits and in the case of totally self-
27 contained streets under county jurisdiction which have no direct
28 connection with any street in any other county, the county may, by
29 ordinance or resolution, as appropriate, designate reasonable and safe
30 speed limits, and erect appropriate signs, designate any intersection as
31 a stop or yield intersection and erect appropriate signs and place
32 longitudinal pavement markings delineating the separation of traffic
33 flows and the edge of the pavement, provided that the municipal or
34 county engineer shall, under his seal as a licensed professional
35 engineer, certify to the municipal or county governing body, as
36 appropriate, that any designation or erection of signs or placement of
37 markings: (1) has been approved by him after investigation by him of
38 the circumstances, (2) appears to him to be in the interest of safety and
39 the expedition of traffic on the public highways and (3) conforms to
40 the current standards prescribed by the Manual of Uniform Traffic
41 Control Devices for Streets and Highways, as adopted by the

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 Commissioner of Transportation.

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

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

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

28 By ordinance or resolution:

29 (1) prohibit or restrict general parking;

30 (2) designate restricted parking under section 1 of P.L.1977, c.309
31 (C.39:4-197.6);

32 (3) designate time limit parking;

33 (4) install parking meters.

34 By ordinance, resolution or regulation:

35 (1) designate loading and unloading zones and taxi stands;

36 (2) approve street closings for periods up to 48 continuous hours;

37 and

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

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

44 (cf: P.L.1996, c.113, s.6)

45

46 2. This act shall take effect immediately.

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STATEMENT

This bill would permit municipalities, by ordinance, to designate reasonable and safe speed limits on all municipal streets under their jurisdiction without the approval of the Commissioner of Transportation, provided that certain statutory conditions are met. Under current law, municipalities may only exercise this option regarding streets under their jurisdiction that are self-contained (i.e. are not connected at municipal borders with other roads).

Permits certain municipal speed limit designations.

SENATE, No. 697

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

Senator Kyrillos, Assemblymen Cottrell, Malone, Bateman and Gusciora

SYNOPSIS

Permits certain municipal speed limit designations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/1999)

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 **reasonable and safe speed limits,**
23 parking restrictions, no passing zones, mid-block crosswalks and
24 crosswalks at intersections, except that in the case of any streets under
25 municipal jurisdiction, the municipality may, by ordinance, designate
26 reasonable and safe speed limits and in the case of totally self-
27 contained streets under county jurisdiction which have no direct
28 connection with any street in any other county, the county may, by
29 ordinance or resolution, as appropriate, designate reasonable and safe
30 speed limits, and erect appropriate signs, designate any intersection as
31 a stop or yield intersection and erect appropriate signs and place
32 longitudinal pavement markings delineating the separation of traffic
33 flows and the edge of the pavement, provided that the municipal or
34 county engineer shall, under his seal as a licensed professional
35 engineer, certify to the municipal or county governing body, as
36 appropriate, that any designation or erection of signs or placement of
37 markings: (1) has been approved by him after investigation by him of
38 the circumstances, (2) appears to him to be in the interest of safety and
39 the expedition of traffic on the public highways and (3) conforms to
40 the current standards prescribed by the Manual of Uniform Traffic
41 Control Devices for Streets and Highways, as adopted by the
42 Commissioner of Transportation.

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

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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
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7 markings; and traffic count, accident and speed sampling data, when
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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:

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29 (C.39:4-197.6);
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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 (cf: P.L.1996, c.113, s.6)

43

44 2. This act shall take effect immediately.

1 STATEMENT

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3 This bill would permit municipalities, by ordinance, to designate
4 reasonable and safe speed limits on all municipal streets under their
5 jurisdiction without the approval of the Commissioner of
6 Transportation, provided that certain statutory conditions are met.
7 Under current law, municipalities may only exercise this option
8 regarding streets under their jurisdiction that are self-contained (i.e.
9 are not connected at municipal borders with other roads).

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 697

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Transportation Committee reports favorably Senate Bill No. 697.

This bill would permit municipalities, by ordinance, to designate reasonable and safe speed limits on all municipal streets under their jurisdiction without the approval of the Commissioner of Transportation, provided that certain statutory conditions are met. Under current law, municipalities may only exercise this option regarding streets under their jurisdiction that are self-contained (i.e. are not connected at municipal borders with other roads).

This bill is identical to A-1598, as released by the committee on this date.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 697

STATE OF NEW JERSEY

DATED: MARCH 30, 1998

The Senate Transportation Committee reports favorably Senate Bill No. 697.

This bill would permit municipalities, by ordinance, to designate reasonable and safe speed limits on all municipal streets under their jurisdiction without the approval of the Commissioner of Transportation, provided that certain statutory conditions are met. Under current law, municipalities may only exercise this option regarding streets under their jurisdiction that are self-contained (i.e. are not connected at municipal borders with other roads).

ASSEMBLY, No. 1598

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Assemblyman MELVIN COTTRELL

District 30 (Burlington, Monmouth and Ocean)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

Co-Sponsored by:

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ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1598

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

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This bill would permit municipalities, by ordinance, to designate reasonable and safe speed limits on all municipal streets under their jurisdiction without the approval of the Commissioner of Transportation, provided that certain statutory conditions are met. Under current law, municipalities may only exercise this option regarding streets under their jurisdiction that are self-contained (i.e. are not connected at municipal borders with other roads).

This bill is identical to S-697, as released by the committee on this date.

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: August 31, 1999

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

S-446, sponsored by Senators John A. Girgenti (D-Passaic) and William L. Gormley (R-Atlantic) and Assembly Members Nellie Pou (D- Passaic) and David C. Russo (R-Bergen/Passaic), clarifies the kidnapping statute by providing that the crime of kidnapping specifically includes the taking of a child in order to permanently deprive a parent, guardian or other lawful custodian of custody of that child. This offense, like other kidnapping offenses, is a first-degree crime that is punishable by a term of imprisonment between ten and 20 years, a \$200,000 fine, or both.

S-697, sponsored by Senator Robert W. Singer (R- Burlington/Monmouth/Ocean) and Assembly Members Melvin Cottrell (R- Burlington/Monmouth/Ocean) and Joseph R. Malone, 3d (R- Burlington/Monmouth/Ocean), allows municipalities, by ordinance, to designate speed limits on municipal streets under their jurisdiction that are not self-contained within the municipality. An ordinance designating such speed limits may only be adopted by the municipality if the municipal engineer first certifies that the new speed limit designation: (1) has been approved by the engineer after investigation; (2) appears to be in the interest of safety and expedition of traffic; and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways. Within 30 days of adoption of the ordinance, the municipality would be required to send the ordinance and engineer's designation to the Department of Transportation. The Commissioner of the Transportation Department has the discretion to invalidate the ordinance within 90 days of its receipt if he finds that the ordinance is inconsistent with accepted engineering standards, places an undue traffic burden on adjoining municipalities or otherwise creates an unsafe or hazardous condition.

S-1223, sponsored by Senator Joseph M. Kyrillos, Jr. (R- Middlesex/Monmouth) and Assembly Members Leonard Lance (R- Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), requires moneys remaining in certain prepaid funeral agreements to be paid to the state. The bill amends current law regarding prepaid funeral arrangements to prevent those receiving certain state assistance from improperly sheltering assets. Many individuals who obtain state assistance, such as Medicaid or Supplemental Security Income (SSI), have either established prepaid funeral trusts or purchased funeral insurance policies which provide for that person's funeral expenses. These trusts and insurance policies are excluded from determining eligibility for state assistance.

A-1162, sponsored by Assembly Members Tom Smith, Sr. (R-Monmouth) and Jerry Green (D-Middlesex/Somerset/Union) and Senator Joseph A. Palaia (R-Monmouth), requires that counties accept bonds in lieu of cash from an applicant for a road opening permit. The purpose of the legislation is to remove the burden of paying a large amount of cash which, the Utility and transportation Contractors Association indicates, often times has prevented smaller contractors from bidding for jobs involving road opening permits.

S-1436, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and John H. Adler (D-Camden) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean), Louis D. Greenwald (D-Camden), Guy F. Talarico (R- Bergen) and Kevin J. O'Toole (R-Essex/Union), upgrades the degree of crime of initiating false alarms under certain circumstances. The bill upgrades from a third-degree crime to a second-degree crime the offense of knowingly initiating or circulating a false alarm that results in serious bodily injury to another. The offense of knowingly initiating or circulating a false alarm that is likely to cause evacuation of a place or facility, or to cause public inconvenience, was upgraded from a fourth-degree crime to a third-degree crime. The offense of knowingly causing a false alarm to be transmitted to any emergency personnel was upgraded from a fourth degree crime to a third-degree crime.

The legislation also makes a person who violates any of the three provisions liable for a civil penalty of not less than \$1,000, or the actual costs incurred by law enforcement or emergency services personnel in responding to a false alarm, or whichever is higher. Another new penalty created by the bill provides that a court must suspend or postpone the right to operate a motor vehicle for any person under the age of 21 who is convicted or adjudicated delinquent for causing a false alarm.

S-1249, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and John O. Bennett (R-Monmouth) and Assembly Members Francis J. Blee (R-Atlantic) and John C. Gibson (R-Cape May/Atlantic/Cumberland), permits the Department of the Treasury to distribute computers, computer equipment and software designed as surplus by any state department, institution, commission, board, body or other state agency to local units, boards of education, nonpublic schools, or nonprofit charitable organizations.

S-906, sponsored by Senator Raymond J. Zane (D- Salem/Cumberland/Gloucester) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth), Kenneth C. LeFevre (R-Atlantic) and Gerald J. Luongo (R-Camden/Gloucester), allows an individual who leases a motor vehicle and obtains personalized courtesy or special license plates to transfer those license plates to another vehicle after the lease agreement ends. The standard \$4.50 transfer fee would be charged for the transfer, which is the fee charged for the transfer of plates from an owned vehicle. Previously, a person who wanted to transfer plates from a leased vehicle was required to surrender the plates and then reapply for them by paying a standard application fee. Depending upon the type of license plates, application fees are in the range of \$15 to \$50.

S-397, sponsored by Senator John O. Bennett (R-Monmouth) and Assembly Members Clare M. Farragher (R-Monmouth) and Michael J. Arnone (R-Monmouth), allows a municipality to use the annual population estimates issued by the U. S. Bureau of the Census and reported by the New Jersey Department of Labor in determining how many liquor licenses to issue. Under previous law, municipalities used the decennial federal census reports for this purpose. A municipality may issue only one retail liquor license for every 3,000 residents, and one distributor's license for every 7,500 residents. This bill does not change those ratios, but instead allows a municipality to update its population annually instead of every ten years when determining how many liquor licenses to issue.

The Governor also has signed **AJR-74**, which permanently designates September as "New Jersey Cares about Children with Cancer Month." The purpose of the resolution is to promote the progress

made in combating this disease in children, and to highlight the need to do more in New Jersey to help cancer treatment specialists, health care providers, health care planners and researchers provide children with the services necessary to prevent these cancers in the future. The joint resolution was sponsored by Assembly Members Carol J. Murphy (R- Essex/Morris/Passaic) and Gerald J. Luongo (R-Camden/Gloucester).