

39:4-87.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 226

NJSA: 39:4-87.1 (Right of way of certain buses)

BILL NO: A2604

SPONSOR(S): Wisniewski and Stender

DATE INTRODUCED: June 27, 2002

COMMITTEE: **ASSEMBLY:** Transportation

SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** September 23, 2002

SENATE: December 15, 2003

DATE OF APPROVAL: January 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

[SPONSOR'S STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

[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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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2003, CHAPTER 226, *approved January 9, 2004*
Assembly, No. 2604 (*First Reprint*)

1 AN ACT concerning the right of way of certain ¹[public]¹ buses and
2 supplementing Title 39 of the Revised Statutes.

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

6
7 1. a. The driver of a non-emergency vehicle upon a highway shall
8 yield the right of way to any bus, ¹[as defined in section 2 of
9 P.L.1979, c.33 (C.32:2-23.28),]¹ provided that:

10 ¹[(a) A yield sign, as described in this subsection, is displayed on
11 the back of the bus and is properly operated and maintained;

12 (b)] (1) ¹The driver is operating a vehicle that is in a position to
13 overtake the bus from its rear; and

14 ¹[(c)] (2) ¹The bus, after exiting an active traffic lane for the
15 purpose of stopping to receive or discharge passengers is attempting
16 to reenter the lane from which it exited and to enter the traffic lane
17 occupied by the driver by signaling its intention to do so. No other
18 lane changes shall be applicable.

19 ¹As used in this act, "bus" means a bus as defined in section 3 of
20 P.L. 1995, c.225 (C. 48:4-2.1e), in regular scheduled service, and a
21 motorbus operated in regular route service pursuant to P.L. 1979,
22 c.150 (C. 27:25 -1 et seq.).¹

23 ¹[(3) A yield right-of-way sign, which shall be placed on the left
24 rear of the bus, shall warn a driver of a motor vehicle approaching the
25 rear of a bus that the driver shall yield when the bus is reentering
26 traffic. The yield sign shall be illuminated by a flashing light when the
27 bus driver signals an intention to enter an active traffic lane after the
28 bus has stopped to receive or discharge passengers.]¹

29 ¹[(4)] b.¹ The ¹[director] New Jersey Transit Corporation¹ shall
30 conduct a public education program to inform motorists of the
31 requirements imposed by this section relating to bus rights-of-way.

32 ¹[(5)] c.¹ The ¹[Director of the Division of Motor Vehicles shall
33 adopt rules and regulations governing the message or messages on the
34 yield sign, specifications for the size, shape, color, lettering and
35 illumination of the sign and specifications for the placement of the sign
36 on a bus] Commissioner of Transportation shall study the need for
37 further action to effectuate the purposes of this 2002 amendatory act
38 and shall, no later than 18 months after the effective date of this 2002
39 amendatory act, report to the Governor and the Legislature.¹

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATR committee amendments adopted September 12, 2002.

1 ¹[b.] d.¹ This section shall not relieve the driver of any ¹[public]¹
2 bus from the duty to drive with due regard for the safety of all
3 persons, nor shall it protect the driver from the consequences of his
4 reckless disregard for the safety of others. Nothing in this section
5 shall be construed to limit any immunity or defense otherwise provided
6 by law.

7

8 ¹[2. The Director of the Division of Motor Vehicles shall report to
9 the Legislature and Governor 18 months after the effective date of this
10 act on the effectiveness of the bus right-of-way law established by
11 P.L. , c. (C.) (now pending before the Legislature as this bill),
12 including, but not limited to, any impact on highway and local road
13 safety and the efficiency of public transit operations. The report shall
14 recommend whether or not the right-of-way law established by this act
15 should be continued or be discontinued.

16 The director, in consultation with the State's transit agencies and
17 local law enforcement agencies, shall identify the information required
18 for preparation of the report. This information shall include, but need
19 not be limited to, the following:

20 (a) The number of traffic collisions involving public buses causing
21 fatalities or injuries, and the number causing only property damage.

22 (b) Traffic congestion issues;

23 (c) Public opinion issues;

24 (d) Efficiency of transit operations; and.

25 (e) The public education program required under P.L. , c. (C.)
26 (now pending before the Legislature as this bill).]¹

27

28 ¹[3.] 2.¹ This act shall take effect on the first day of the seventh
29 month after enactment.

30

31

32

33

34 Establishes right of way of certain buses.

ASSEMBLY, No. 2604

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 27, 2002

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Establishes right of way of certain public buses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the right of way of certain public buses and
2 supplementing Title 39 of the Revised Statutes.

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

6
7 1. a. The driver of a non-emergency vehicle upon a highway shall
8 yield the right of way to any bus, as defined in section 2 of P.L.1979,
9 c.33 (C.32:2-23.28), provided that:

10 (a) A yield sign, as described in this subsection, is displayed on the
11 back of the bus and is properly operated and maintained;

12 (b) The driver is operating a vehicle that is in a position to
13 overtake the bus from its rear; and

14 (c) The bus, after exiting an active traffic lane for the purpose of
15 stopping to receive or discharge passengers is attempting to reenter
16 the lane from which it exited and to enter the traffic lane occupied by
17 the driver by signaling its intention to do so. No other lane changes
18 shall be applicable.

19 (3) A yield right-of-way sign, which shall be placed on the left rear
20 of the bus, shall warn a driver of a motor vehicle approaching the rear
21 of a bus that the driver shall yield when the bus is reentering traffic.
22 The yield sign shall be illuminated by a flashing light when the bus
23 driver signals an intention to enter an active traffic lane after the bus
24 has stopped to receive or discharge passengers.

25 (4) The director shall conduct a public education program to
26 inform motorists of the requirements imposed by this section relating
27 to bus rights-of-way.

28 (5) The Director of the Division of Motor Vehicles shall adopt
29 rules and regulations governing the message or messages on the yield
30 sign, specifications for the size, shape, color, lettering and illumination
31 of the sign and specifications for the placement of the sign on a bus.

32 b. This section shall not relieve the driver of any public bus from
33 the duty to drive with due regard for the safety of all persons, nor shall
34 it protect the driver from the consequences of his reckless disregard
35 for the safety of others. Nothing in this section shall be construed to
36 limit any immunity or defense otherwise provided by law.

37
38 2. The Director of the Division of Motor Vehicles shall report to
39 the Legislature and Governor 18 months after the effective date of this
40 act on the effectiveness of the bus right-of-way law established by
41 P.L. , c. (C.) (now pending before the Legislature as this bill),
42 including, but not limited to, any impact on highway and local road
43 safety and the efficiency of public transit operations. The report shall
44 recommend whether or not the right-of-way law established by this act
45 should be continued or be discontinued.

1 The director, in consultation with the State's transit agencies and
2 local law enforcement agencies, shall identify the information required
3 for preparation of the report. This information shall include, but need
4 not be limited to, the following:

5 (a) The number of traffic collisions involving public buses causing
6 fatalities or injuries, and the number causing only property damage.

7 (b) Traffic congestion issues;

8 (c) Public opinion issues;

9 (d) Efficiency of transit operations; and.

10 (e) The public education program required under P.L. , c. (C.)
11 (now pending before the Legislature as this bill).

12
13 3. This act shall take effect on the first day of the seventh month
14 after enactment.

15
16
17 STATEMENT

18
19 This bill would require motorists, other than emergency vehicle
20 operators, to yield to public buses exhibiting a lighted, flashing yield
21 sign. The yield rule would apply only when a bus is returning to traffic
22 from a bus stop or from a stopped, standing or parked position where
23 it was receiving or discharging passengers.

24 The requirement would apply only to vehicles approaching the bus
25 from the rear. Unlike the school bus law, it would apply only to
26 vehicles in the curb lane. Vehicles in other lanes in the same direction
27 and traffic in the opposite direction would not be affected. The bus
28 would be expected to use the yield light in order to give vehicles
29 adequate opportunity to yield. That light, to be placed on the left rear
30 of the bus, would not be used for lane changes or other merges. A
31 driver who violates the provisions of the bill would be subject to a
32 penalty of \$50 to \$200, up to 15 days imprisonment, or both, and two
33 motor vehicle points.

34 The bill requires the Director of the Division of Motor Vehicles to
35 submit a report to the Governor and the Legislature 18 months after
36 the bill's effective date. The report would focus on the impact of the
37 bill's requirements on highway and local road safety and the efficiency
38 of transit operations and recommend whether or not the program
39 should be continued. The director, in consultation with transit
40 agencies and local law enforcement agencies, would also address
41 traffic congestion issues and public opinion issues. Since buses that
42 are parked off the road are now expected to yield to traffic before
43 entering the road again, the bill requires the director to mount a public
44 education program, to inform motorists of the new requirements.

45 This new rule of the road, which has begun operation in several
46 jurisdictions on the West Coast and Canada, is designed to keep traffic

1 moving and make the roads safer. Sometimes motorists are behind a
2 bus and they are not certain if they can pass it or not. Or, sometimes
3 a bus cannot get back into the active lane of traffic after pulling over
4 to let passengers off. Both of these situations can slow traffic behind
5 a bus. The new rule of the road will help buses merge safely back into
6 the active lane of traffic after pulling over into a bus stop.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2604

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2002

The Assembly Transportation Committee reports favorably and with committee amendments Assembly Bill No. 2604.

This amended bill would require motorists, other than emergency vehicle operators, to yield to a bus which is signaling to return to traffic from a bus stop or from a stopped, standing or parked position where it was receiving or discharging passengers.

The amended bill provides that the New Jersey Transit Corporation shall conduct a public education program to inform motorists of the requirements imposed by this section relating to bus rights-of-way.

The amended bill also provides that the Commissioner of Transportation shall study the need for further action to effectuate the purposes of this bill and shall report to the Governor and the Legislature within 18 months of the effective date of the bill.

COMMITTEE AMENDMENTS

The Committee's amendments clarify the definition of bus for purposes of this bill.

The Committee's amendments remove the requirement that the bus must have an illuminated and flashing yield right-of-way sign on the left rear of the bus for the requirement to yield to be in effect.

The responsibility for a public education program was changed from the Director of the Division of Motor Vehicles to the New Jersey Transit Corporation.

The requirement to report to the Governor and Legislature was changed from the Director of the Division of Motor Vehicles to the Commissioner of Transportation and the specific requirements for the report were modified.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2604

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Senate Transportation Committee reports favorably Assembly Bill No. 2604 (1R).

This bill would require motorists, other than emergency vehicle operators, to yield to a bus which is signaling to return to traffic from a bus stop or from a stopped, standing or parked position where it was receiving or discharging passengers.

The bill provides that the New Jersey Transit Corporation shall conduct a public education program to inform motorists of the requirements imposed by this section relating to bus rights-of-way.

The bill also provides that the Commissioner of Transportation shall study the need for further action to effectuate the purposes of this bill and shall report to the Governor and the Legislature within 18 months of the effective date of the bill.