

# 39:4-36.3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 158

**NJSA:** 39:4-36.3 (Requires DOT to ban right turn on red at unsafe intersections)

**BILL NO:** S251

**SPONSOR(S):** Coniglio and Sarlo

**DATE INTRODUCED:** Pre-filed

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

**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** May 16, 2005

**SENATE:** June 20, 2005

**DATE OF APPROVAL:** July 19, 2005

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2<sup>nd</sup> reprint enacted)

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

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

[SENATE:](#) [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes [3-25-2004](#)  
[5-24-2005](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

### FOLLOWING WERE PRINTED:

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

§§1,2 -  
C.39:4-36.3 &  
39:4-36.4  
§3 - C.39:4-183.31  
§6 - Note to §3

P.L. 2005, CHAPTER 158, *approved July 19, 2005*  
Senate, No. 251 (*Second Reprint*)

1 AN ACT concerning pedestrian safety, amending P.L.1984, c.73 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. (New Section) The Legislature finds and declares:

8 a. every year almost 5,000 pedestrians are killed in automobile  
9 accidents in the United States, accounting for roughly 12 percent of all  
10 persons killed in motor vehicle crashes;

11 b. in New Jersey, from 1996 to 2001, the number of pedestrian  
12 fatalities declined by an average of seven percent per year; but this  
13 promising trend ended in 2002 when the number of pedestrian deaths  
14 in the State increased 26 percent from 2001;

15 c. the 183 pedestrian fatalities in 2002 constitute 23 percent of all  
16 traffic-related deaths in the State, the highest rate since 1993; and

17 d. therefore, it is fitting and appropriate that this State assess the  
18 safety of its intersections and take steps to increase the safety of its  
19 pedestrians.

20

21 2. (New section) The Commissioner of Transportation shall  
22 identify intersections <sup>2</sup>controlled by a traffic control signal<sup>2</sup> where  
23 <sup>1</sup>[accidents involving pedestrians occur frequently] <sup>2</sup>[there are  
24 demonstrated pedestrian safety problems or a high frequency of  
25 crashes concerning pedestrians<sup>1</sup>] making a right turn upon "Stop" or  
26 "Caution" signals presents demonstrated pedestrian safety problems<sup>2</sup>.

27 If an intersection identified by the commissioner is <sup>2</sup>[controlled by a  
28 traffic control signal] under State jurisdiction<sup>2</sup>, the commissioner shall  
29 prohibit drivers from making right turns upon "Stop" or "Caution"  
30 signals at the intersection. If an intersection identified by the  
31 commissioner is <sup>2</sup>[controlled by a traffic control signal and]<sup>2</sup> under  
32 municipal or county authority, the commissioner shall request that the  
33 relevant authority prohibit drivers from making right turns upon  
34 "Stop" or "Caution" signals at the intersection.

35

36 3. (New section) The Commissioner of Transportation <sup>1</sup>[or

**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:**

<sup>1</sup> Senate STR committee amendments adopted February 5, 2004.

<sup>2</sup> Assembly ATR committee amendments adopted September 13, 2004.

1 appropriate county or municipal authority]<sup>1</sup> shall post, <sup>1</sup>and shall  
2 request county and municipal authorities to post, pedestrian crossing  
3 yield<sup>1</sup> signs that <sup>1</sup>[read "Yield to Pedestrians, It is the law"] make  
4 reference to State law<sup>1</sup> at all <sup>1</sup>[designated]<sup>1</sup> crosswalks <sup>1</sup>at  
5 intersections <sup>2</sup>[identified pursuant to section 2 of this act except those  
6 at signalized intersections<sup>1</sup>] that have demonstrated pedestrian safety  
7 problems and are not controlled by a traffic control signal<sup>2</sup>. The signs  
8 shall <sup>1</sup>[be of a form and design designated by the commissioner]  
9 conform to the "Manual on Uniform Traffic Control Devices"<sup>1</sup>.

10

11 4. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to read  
12 as follows:

13 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of  
14 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the  
15 commissioner may, pursuant to appropriations or authorizations being  
16 made from time to time by the Legislature according to law, allocate  
17 to counties and municipalities funds for the planning, acquisition,  
18 engineering, construction, reconstruction, repair, resurfacing and  
19 rehabilitation of public highways and the planning, acquisition,  
20 engineering, construction, reconstruction, repair, maintenance and  
21 rehabilitation of public transportation projects and of other  
22 transportation projects which a county or municipality may be  
23 authorized by law to undertake. In the case of a county or municipality  
24 for which an allocation has been made for the federal fiscal year  
25 beginning October 1, 1983, of an amount of federal aid for the federal  
26 aid urban system, as defined in 23 U.S.C. s.103, the amount of State  
27 aid allocated under this section in any fiscal year shall not be less than  
28 the amount of federal aid so allocated, together with the amount of  
29 matching funds required under federal law. No allocation shall be  
30 made to a county or municipality without certification by the  
31 commissioner: (1) that there exists with respect to that county or  
32 municipality a comprehensive plan, or plans, which he has approved,  
33 for the effective allocation, utilization and coordination of available  
34 federal and State transportation aid, and (2) that the county or  
35 municipality has agreed that State aid provided under this section is  
36 provided in lieu of federal aid for the federal aid urban system program  
37 and that any federal aid for the federal aid urban system program  
38 attributable to the area will be programmed by the Department of  
39 Transportation for projects of regional significance. In any year in  
40 which insufficient funds have been appropriated to meet the minimum  
41 county allocations established in this section, or if no appropriation is  
42 provided, the commissioner shall determine on a prorated basis the  
43 amount of the deficiency for each county having a minimum allocation  
44 and allocate from funds available under the federal aid urban system  
45 program sufficient funds to meet the minimum allocations.

46 b. The commissioner shall, pursuant to appropriations or

1 authorizations being made from time to time by the Legislature  
 2 according to law and pursuant to the provisions of subsection d. of  
 3 this section, allocate at his discretion State aid to municipalities for  
 4 public highways under their jurisdiction and for emergency  
 5 transportation projects, except that the amount to be appropriated for  
 6 this program shall be 15% of the amount appropriated pursuant to the  
 7 provisions of paragraph (2) of subsection d. of this section.

8 c. The commissioner shall, pursuant to appropriations or  
 9 authorizations being made from time to time by the Legislature  
 10 according to law and pursuant to the provisions of subsection d. of  
 11 this section, allocate State aid to municipalities for public highways  
 12 under their jurisdiction, except that the amount to be appropriated for  
 13 this purpose shall be 85% of the amount appropriated pursuant to the  
 14 provisions of paragraph (2) of subsection d. of this section. The  
 15 amount to be appropriated shall be allocated on the basis of the  
 16 following distribution factor:

17

$$18 \qquad \qquad \qquad \text{Pc} \qquad \qquad \text{Cm}$$

$$19 \qquad \qquad \text{DF} = \frac{\quad}{\text{Ps}} \qquad + \qquad \frac{\quad}{\text{Sm}}$$

$$20 \qquad \qquad \qquad \text{Ps} \qquad \qquad \qquad \text{Sm}$$

21

22 where, DF equals the distribution factor

23 Pc equals county population

24 Ps equals State population

25 Cm equals municipal road mileage within the county

26 Sm equals municipal road mileage within the State.

27 After the amount of aid has been allocated based on the above  
 28 formula, the commissioner shall determine priority for the funding of  
 29 municipal projects within each county, based upon criteria relating to  
 30 volume of traffic, safety considerations, growth potential, readiness to  
 31 obligate funds and local taxing capacity. In addition to the above  
 32 criteria used in determining priority of funding of municipal projects  
 33 in each county, the commissioner shall consider whether a project is  
 34 intended to remedy hazardous conditions as identified for the purposes  
 35 of providing transportation pursuant to N.J.S.18A:39-1.2 for school  
 36 pupils <sup>1</sup>or to improve pedestrian safety<sup>1</sup>.

37 For the purposes of this subsection, (1) "population" means the  
 38 official population count as reported by the New Jersey Department  
 39 of Labor; and (2) "municipal road mileage" means that road mileage  
 40 under the jurisdiction of municipalities, as determined by the  
 41 department.

42 d. There shall be appropriated at least \$30,000,000.00 in each  
 43 fiscal year for the purposes provided herein and in subsections b. and  
 44 c. of this section. (1) Of that appropriation, the commissioner shall  
 45 allocate \$5,000,000.00 as State aid to any municipality qualifying for  
 46 aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et  
 47 seq.). The commissioner shall allocate the aid to each municipality in

1 the same proportion that the municipality receives aid under P.L.1978,  
2 c.14. (2) The remaining amount of the appropriation shall be allocated  
3 pursuant to the provisions of subsections b. and c. of this section.  
4 (cf: P.L.1995, c.99, s.1)

5  
6 <sup>1</sup>5. R.S. 39:1-1 is amended to read as follows:

7 39:1-1. As used in this subtitle, unless other meaning is clearly  
8 apparent from the language or context, or unless inconsistent with the  
9 manifest intention of the Legislature:

10 "Alley" means a public highway wherein the roadway does not  
11 exceed 12 feet in width.

12 "Authorized emergency vehicles" means vehicles of the fire  
13 department, police vehicles and such ambulances and other vehicles as  
14 are approved by the [Director of the Division of Motor Vehicles in the  
15 Department of Transportation when] chief administrator operated in  
16 response to an emergency call.

17 "Automobile" includes all motor vehicles except motorcycles.

18 "Berm" means that portion of the highway exclusive of roadway  
19 and shoulder, bordering the shoulder but not to be used for vehicular  
20 travel.

21 "Business district" means that portion of a highway and the territory  
22 contiguous thereto, where within any 600 feet along such highway  
23 there are buildings in use for business or industrial purposes, including  
24 but not limited to hotels, banks, office buildings, railroad stations, and  
25 public buildings which occupy at least 300 feet of frontage on one side  
26 or 300 feet collectively on both sides of the roadway.

27 "Car pool" means two or more persons commuting on a daily basis  
28 to and from work by means of a vehicle with a seating capacity of nine  
29 passengers or less.

30 "Chief Administrator" or "Administrator" means the chief  
31 administrator of the New Jersey Motor Vehicle Commission.

32 "Commercial motor vehicle" includes every type of motor-driven  
33 vehicle used for commercial purposes on the highways, such as the  
34 transportation of goods, wares and merchandise, excepting such  
35 vehicles as are run only upon rails or tracks and vehicles of the  
36 passenger car type used for touring purposes or the carrying of farm  
37 products and milk, as the case may be.

38 "Commission" means the New Jersey Motor Vehicle Commission  
39 established by section 4 of P.L.2003, c.13 (C.39:2A-4).

40 "Commissioner" means the Commissioner of Transportation of this  
41 State.

42 "Commuter van" means a motor vehicle having a seating capacity  
43 of not less than seven nor more than 15 adult passengers, in which  
44 seven or more persons commute on a daily basis to and from work and  
45 which vehicle may also be operated by the driver or other designated  
46 persons for their personal use.

1 "Crosswalk" means that part of a highway at an intersection , either  
2 marked or unmarked existing at each approach of every roadway  
3 intersection, included within the connections of the lateral lines of the  
4 sidewalks on opposite sides of the highway measured from the curbs  
5 or, in the absence of curbs, from the edges of the shoulder, or, if none,  
6 from the edges of the roadway; also, any portion of a highway at an  
7 intersection or elsewhere distinctly indicated for pedestrian crossing  
8 by lines or other marking on the surface.

9 "Dealer" includes every person actively engaged in the business of  
10 buying, selling or exchanging motor vehicles or motorcycles and who  
11 has an established place of business.

12 "Deputy Chief Administrator" means the deputy chief administrator  
13 of the commission.

14 ["Deputy director" means deputy director of the Division of Motor  
15 Vehicles in the Department of Transportation.

16 "Director" means the Director of the Division of Motor Vehicles in  
17 the Department of Transportation.

18 "Division" means the Division of Motor Vehicles in the Department  
19 of Transportation acting directly or through its duly authorized  
20 officers or agents.]

21 "Driver" means the rider or driver of a horse, bicycle or motorcycle  
22 or the driver or operator of a motor vehicle, unless otherwise  
23 specified.

24 "Explosives" means any chemical compound or mechanical mixture  
25 that is commonly used or intended for the purpose of producing an  
26 explosion and which contains any oxidizing and combustive units or  
27 other ingredients in such proportions, quantities or packing that an  
28 ignition by fire, friction, by concussion, by percussion, or by detonator  
29 of any part of the compound or mixture may cause such a sudden  
30 generation of highly heated gases that the resultant gaseous pressures  
31 are capable of producing destructive effects on contiguous objects or  
32 of destroying life or limb.

33 "Farm tractor" means every motor vehicle designed and used  
34 primarily as a farm implement for drawing plows, mowing machines,  
35 and other implements of husbandry.

36 "Flammable liquid" means any liquid having a flash point below 200  
37 degrees Fahrenheit, and a vapor pressure not exceeding 40 pounds.

38 "Gross weight" means the combined weight of a vehicle and a load  
39 thereon.

40 "High occupancy vehicle" or "HOV" means a vehicle which is used  
41 to transport two or more persons and shall include public  
42 transportation, car pool, van pool, and other vehicles as determined by  
43 regulation of the Department of Transportation.

44 "Highway" means the entire width between the boundary lines of  
45 every way publicly maintained when any part thereof is open to the use  
46 of the public for purposes of vehicular travel.

1 "Horse" includes mules and all other domestic animals used as  
2 draught animals or beasts of burden.

3 "Inside lane" means the lane nearest the center line of the roadway.

4 "Intersection" means the area embraced within the prolongation of  
5 the lateral curb lines or, if none, the lateral boundary lines of two or  
6 more highways which join one another at an angle, whether or not one  
7 such highway crosses another.

8 "Laned roadway" means a roadway which is divided into two or  
9 more clearly marked lanes for vehicular traffic.

10 "Leased limousine" means any limousine subject to regulation in the  
11 State which:

12 a. Is offered for rental or lease, without a driver, to be operated by  
13 a limousine service as the lessee, for the purpose of carrying  
14 passengers for hire; and

15 b. Is leased or rented for a period of one year or more following  
16 registration.

17 "Leased motor vehicle" means any motor vehicle subject to  
18 registration in this State which:

19 a. Is offered for rental or lease, without a driver, to be operated by  
20 the lessee, his agent or servant, for purposes other than the  
21 transportation of passengers for hire; and

22 b. Is leased or rented for a period of one year or more following  
23 registration.

24 "Limited-access highway" means every highway, street, or roadway  
25 in respect to which owners or occupants of abutting lands and other  
26 persons have no legal right of access to or from the same except at  
27 such points only and in such manner as may be determined by the  
28 public authority having jurisdiction over such highway, street, or  
29 roadway; and includes any highway designated as a "freeway" or  
30 "parkway" by authority of law.

31 "Local authorities" means every county, municipal and other local  
32 board or body having authority to adopt local police regulations under  
33 the Constitution and laws of this State, including every county  
34 governing body with relation to county roads.

35 "Magistrate" means any municipal court and the Superior Court,  
36 and any officer having the powers of a committing magistrate and the  
37 Director of the Division of Motor Vehicles in the Department of  
38 Transportation.

39 "Manufacturer" means a person engaged in the business of  
40 manufacturing or assembling motor vehicles, who will, under normal  
41 business conditions during the year, manufacture or assemble at least  
42 10 new motor vehicles.

43 "Metal tire" means every tire the surface of which in contact with  
44 the highway is wholly or partly of metal or other hard nonresilient  
45 material.

46 "Mid-block crosswalk" means a crosswalk located away from an

1 intersection, distinctly indicated by lines or markings on the surface.

2 "Motorized bicycle" means a pedal bicycle having a helper motor  
3 characterized in that either the maximum piston displacement is less  
4 than 50 cc. or said motor is rated at no more than 1.5 brake  
5 horsepower and said bicycle is capable of a maximum speed of no  
6 more than 25 miles per hour on a flat surface.

7 "Motorcycle" includes motorcycles, motor bikes, bicycles with  
8 motor attached and all motor-operated vehicles of the bicycle or  
9 tricycle type, except motorized bicycles as defined in this section,  
10 whether the motive power be a part thereof or attached thereto and  
11 having a saddle or seat with driver sitting astride or upon it or a  
12 platform on which the driver stands.

13 "Motor-drawn vehicle" includes trailers, semitrailers, or any other  
14 type of vehicle drawn by a motor-driven vehicle.

15 "Motor vehicle" includes all vehicles propelled otherwise than by  
16 muscular power, excepting such vehicles as run only upon rails or  
17 tracks and motorized bicycles.

18 "Noncommercial truck" means every motor vehicle designed  
19 primarily for transportation of property, and which is not a  
20 "commercial vehicle."

21 "Official traffic control devices" means all signs, signals, markings,  
22 and devices not inconsistent with this subtitle placed or erected by  
23 authority of a public body or official having jurisdiction for the  
24 purpose of regulating, warning, or guiding traffic.

25 "Omnibus" includes all motor vehicles used for the transportation  
26 of passengers for hire, except commuter vans and vehicles used in  
27 ridesharing arrangements and school buses, if the same are not  
28 otherwise used in the transportation of passengers for hire.

29 "Operator" means a person who is in actual physical control of a  
30 vehicle or street car.

31 "Outside lane" means the lane nearest the curb or outer edge of the  
32 roadway.

33 "Owner" means a person who holds the legal title of a vehicle, or  
34 if a vehicle is the subject of an agreement for the conditional sale or  
35 lease thereof with the right of purchase upon performance of the  
36 conditions stated in the agreement and with an immediate right of  
37 possession vested in the conditional vendee or lessee, or if a  
38 mortgagor of a vehicle is entitled to possession, then the conditional  
39 vendee, lessee or mortgagor shall be deemed the owner for the  
40 purpose of this subtitle.

41 "Parking" means the standing or waiting on a street, road or  
42 highway of a vehicle not actually engaged in receiving or discharging  
43 passengers or merchandise, unless in obedience to traffic regulations  
44 or traffic signs or signals.

45 "Passenger automobile" means all automobiles used and designed  
46 for the transportation of passengers, other than omnibuses and school



1 buses.

2 "Pedestrian" means a person afoot.

3 "Person" includes natural persons, firms, copartnerships,  
4 associations, and corporations.

5 "Pneumatic tire" means every tire in which compressed air is  
6 designed to support the load.

7 "Pole trailer" means every vehicle without motive power designed  
8 to be drawn by another vehicle and attached to the towing vehicle by  
9 means of a reach, or pole, or by being boomed or otherwise secured  
10 to the towing vehicle, and ordinarily used for transporting long or  
11 irregularly shaped loads, such as poles, pipes, or structural members  
12 capable, generally, of sustaining themselves as beams between the  
13 supporting connections.

14 "Private road or driveway" means every road or driveway not open  
15 to the use of the public for purposes of vehicular travel.

16 "Railroad train" means a steam engine, electric or other motor, with  
17 or without cars coupled thereto, operated upon rails, except street  
18 cars.

19 "Recreation vehicle" means a self-propelled or towed vehicle  
20 equipped to serve as temporary living quarters for recreational,  
21 camping or travel purposes and used solely as a family or personal  
22 conveyance.

23 "Residence district" means that portion of a highway and the  
24 territory contiguous thereto, not comprising a business district, where  
25 within any 600 feet along such highway there are buildings in use for  
26 business or residential purposes which occupy 300 feet or more of  
27 frontage on at least one side of the highway.

28 "Ridesharing" means the transportation of persons in a motor  
29 vehicle, with a maximum carrying capacity of not more than 15  
30 passengers, including the driver, where such transportation is  
31 incidental to the purpose of the driver. The term shall include such  
32 ridesharing arrangements known as car pools and van pools.

33 "Right-of-way" means the privilege of the immediate use of the  
34 highway.

35 "Road tractor" means every motor vehicle designed and used for  
36 drawing other vehicles and not so constructed as to carry any load  
37 thereon either independently or any part of the weight of a vehicle or  
38 load so drawn.

39 "Roadway" means that portion of a highway improved, designed,  
40 or ordinarily used for vehicular travel, exclusive of the berm or  
41 shoulder. In the event a highway includes two or more separate  
42 roadways, the term "roadway" as used herein shall refer to any such  
43 roadway separately, but not to all such roadways, collectively.

44 "Safety zone" means the area or space officially set aside within a  
45 highway for the exclusive use of pedestrians, which is so plainly  
46 marked or indicated by proper signs as to be plainly visible at all times

1 while set apart as a safety zone.

2 "School bus" means every motor vehicle operated by, or under  
3 contract with, a public or governmental agency, or religious or other  
4 charitable organization or corporation, or privately operated for  
5 compensation for the transportation of children to or from school for  
6 secular or religious education, which complies with the regulations of  
7 the Department of Education affecting school buses, including "School  
8 Vehicle Type I" and "School Vehicle Type II" as defined below:

9 "School Vehicle Type I" means any vehicle with a seating capacity  
10 of 17 or more, used to transport enrolled children, and adults only  
11 when serving as chaperones, to or from a school, school connected  
12 activity, day camp, summer day camp, nursery school, child care  
13 center, preschool center or other similar places of education. Such  
14 vehicle shall comply with the regulations of the [Division of Motor  
15 Vehicles]commission and either the Department of Education or the  
16 Department of Human Services, whichever is the appropriate  
17 supervising agency.

18 "School Vehicle Type II" means any vehicle with a seating capacity  
19 of 16 or less, used to transport enrolled children, and adults only when  
20 serving as chaperones, to or from a school, school connected activity,  
21 day camp, summer day camp, nursery school, child care center,  
22 preschool center or other similar places of education. Such vehicle  
23 shall comply with the regulations of the [Division of Motor Vehicles]  
24 commission and either the Department of Education or the Department  
25 of Human Services, whichever is the appropriate supervising agency.

26 "School zone" means that portion of a highway which is either  
27 contiguous to territory occupied by a school building or is where  
28 school crossings are established in the vicinity of a school, upon which  
29 are maintained appropriate "school signs" in accordance with  
30 specifications adopted by the director and in accordance with law.

31 "School crossing" means that portion of a highway where school  
32 children are required to cross the highway in the vicinity of a school.

33 "Semitrailer" means every vehicle with or without motive power,  
34 other than a pole trailer, designed for carrying persons or property and  
35 for being drawn by a motor vehicle and so constructed that some part  
36 of its weight and that of its load rests upon or is carried by another  
37 vehicle.

38 "Shipper" means any person who shall deliver, or cause to be  
39 delivered, any commodity, produce or article for transportation as the  
40 contents or load of a commercial motor vehicle. In the case of a  
41 sealed ocean container, "shipper" shall not be construed to include any  
42 person whose activities with respect to the shipment are limited to the  
43 solicitation or negotiation of the sale, resale, or exchange of the  
44 commodity, produce or article within that container.

45 "Shoulder" means that portion of the highway, exclusive of and  
46 bordering the roadway, designed for emergency use but not ordinarily

1 to be used for vehicular travel.

2 "Sidewalk" means that portion of a highway intended for the use of  
3 pedestrians, between the curb line or the lateral line of a shoulder, or  
4 if none, the lateral line of the roadway and the adjacent right-of-way  
5 line.

6 "Sign." See "Official traffic control devices."

7 "Slow-moving vehicle" means a vehicle run at a speed less than the  
8 maximum speed then and there permissible.

9 "Solid tire" means every tire of rubber or other resilient material  
10 which does not depend upon compressed air for the support of the  
11 load.

12 "Street" means the same as highway.

13 "Street car" means a car other than a railroad train, for transporting  
14 persons or property and operated upon rails principally within a  
15 municipality.

16 "Stop," when required, means complete cessation from movement.

17 "Stopping or standing," when prohibited, means any cessation of  
18 movement of a vehicle, whether occupied or not, except when  
19 necessary to avoid conflict with other traffic or in compliance with the  
20 directions of a police officer or traffic control sign or signal.

21 "Suburban business or residential district" means that portion of  
22 highway and the territory contiguous thereto, where within any 1,320  
23 feet along that highway there is land in use for business or residential  
24 purposes and that land occupies more than 660 feet of frontage on one  
25 side or collectively more than 660 feet of frontage on both sides of  
26 that roadway.

27 "Through highway" means every highway or portion thereof at the  
28 entrances to which vehicular traffic from intersecting highways is  
29 required by law to stop before entering or crossing the same and when  
30 stop signs are erected as provided in this chapter.

31 "Trackless trolley" means every motor vehicle which is propelled by  
32 electric power obtained from overhead trolley wires but not operated  
33 upon rails.

34 "Traffic" means pedestrians, ridden or herded animals, vehicles,  
35 street cars, and other conveyances either singly, or together, while  
36 using any highway for purposes of travel.

37 "Traffic control signal" means a device, whether manually,  
38 electrically, mechanically, or otherwise controlled, by which traffic is  
39 alternately directed to stop and to proceed.

40 "Trailer" means every vehicle with or without motive power, other  
41 than a pole trailer, designed for carrying persons or property and for  
42 being drawn by a motor vehicle and so constructed that no part of its  
43 weight rests upon the towing vehicle.

44 "Truck" means every motor vehicle designed, used, or maintained  
45 primarily for the transportation of property.

46 "Truck tractor" means every motor vehicle designed and used

1 primarily for drawing other vehicles and not so constructed as to carry  
2 a load other than a part of the weight of the vehicle and load so drawn.

3 "Van pooling" means seven or more persons commuting on a daily  
4 basis to and from work by means of a vehicle with a seating  
5 arrangement designed to carry seven to 15 adult passengers.

6 "Vehicle" means every device in, upon or by which a person or  
7 property is or may be transported upon a highway, excepting devices  
8 moved by human power or used exclusively upon stationary rails or  
9 tracks or motorized bicycles.<sup>1</sup>

10 (cf: P.L. , c. )

11

12 <sup>1</sup>[5.] 6.<sup>1</sup> This act shall take effect immediately, except that section  
13 3 shall take effect on the first day of the fifth month following  
14 enactment.

15

16

17

18

19 Requires DOT to ban right turn on red at unsafe intersections, erect  
20 signs at crosswalks and consider pedestrian safety when distributing  
21 discretionary aid.

# SENATE, No. 251

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator JOSEPH CONIGLIO**

**District 38 (Bergen)**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Requires DOT to ban right turn on red at unsafe intersections, erect signs at crosswalks and consider pedestrian safety when distributing discretionary aid.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning pedestrian safety, amending P.L.1984, c.73 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. (New Section) The Legislature finds and declares:

8 a. every year almost 5,000 pedestrians are killed in automobile  
9 accidents in the United States, accounting for roughly 12 percent of all  
10 persons killed in motor vehicle crashes;

11 b. in New Jersey, from 1996 to 2001, the number of pedestrian  
12 fatalities declined by an average of seven percent per year; but this  
13 promising trend ended in 2002 when the number of pedestrian deaths  
14 in the State increased 26 percent from 2001;

15 c. the 183 pedestrian fatalities in 2002 constitute 23 percent of all  
16 traffic-related deaths in the State, the highest rate since 1993; and

17 d. therefore, it is fitting and appropriate that this State assess the  
18 safety of its intersections and take steps to increase the safety of its  
19 pedestrians.

20

21 2. (New section) The Commissioner of Transportation shall  
22 identify intersections where accidents involving pedestrians occur  
23 frequently. If an intersection identified by the commissioner is  
24 controlled by a traffic control signal, the commissioner shall prohibit  
25 drivers from making right turns upon "Stop" or "Caution" signals at  
26 the intersection. If an intersection identified by the commissioner is  
27 controlled by a traffic control signal and under municipal or county  
28 authority, the commissioner shall request that the relevant authority  
29 prohibit drivers from making right turns upon "Stop" or "Caution"  
30 signals at the intersection.

31

32 3. (New Section) The Commissioner of Transportation or  
33 appropriate county or municipal authority shall post signs that read  
34 "Yield to Pedestrians, It is the law" at all designated crosswalks. The  
35 signs shall be of a form and design designated by the commissioner.

36

37 4. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to read  
38 as follows:

39 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of  
40 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the  
41 commissioner may, pursuant to appropriations or authorizations being  
42 made from time to time by the Legislature according to law, allocate  
43 to counties and municipalities funds for the planning, acquisition,

**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 engineering, construction, reconstruction, repair, resurfacing and  
2 rehabilitation of public highways and the planning, acquisition,  
3 engineering, construction, reconstruction, repair, maintenance and  
4 rehabilitation of public transportation projects and of other  
5 transportation projects which a county or municipality may be  
6 authorized by law to undertake. In the case of a county or municipality  
7 for which an allocation has been made for the federal fiscal year  
8 beginning October 1, 1983, of an amount of federal aid for the federal  
9 aid urban system, as defined in 23 U.S.C. s.103, the amount of State  
10 aid allocated under this section in any fiscal year shall not be less than  
11 the amount of federal aid so allocated, together with the amount of  
12 matching funds required under federal law. No allocation shall be  
13 made to a county or municipality without certification by the  
14 commissioner: (1) that there exists with respect to that county or  
15 municipality a comprehensive plan, or plans, which he has approved,  
16 for the effective allocation, utilization and coordination of available  
17 federal and State transportation aid, and (2) that the county or  
18 municipality has agreed that State aid provided under this section is  
19 provided in lieu of federal aid for the federal aid urban system program  
20 and that any federal aid for the federal aid urban system program  
21 attributable to the area will be programmed by the Department of  
22 Transportation for projects of regional significance. In any year in  
23 which insufficient funds have been appropriated to meet the minimum  
24 county allocations established in this section, or if no appropriation is  
25 provided, the commissioner shall determine on a prorated basis the  
26 amount of the deficiency for each county having a minimum allocation  
27 and allocate from funds available under the federal aid urban system  
28 program sufficient funds to meet the minimum allocations.

29 b. The commissioner shall, pursuant to appropriations or  
30 authorizations being made from time to time by the Legislature  
31 according to law and pursuant to the provisions of subsection d. of  
32 this section, allocate at his discretion State aid to municipalities for  
33 public highways under their jurisdiction and for emergency  
34 transportation projects, except that the amount to be appropriated for  
35 this program shall be 15% of the amount appropriated pursuant to the  
36 provisions of paragraph (2) of subsection d. of this section.

37 c. The commissioner shall, pursuant to appropriations or  
38 authorizations being made from time to time by the Legislature  
39 according to law and pursuant to the provisions of subsection d. of  
40 this section, allocate State aid to municipalities for public highways  
41 under their jurisdiction, except that the amount to be appropriated for  
42 this purpose shall be 85% of the amount appropriated pursuant to the  
43 provisions of paragraph (2) of subsection d. of this section. The  
44 amount to be appropriated shall be allocated on the basis of the  
45 following distribution factor:

$$DF = \frac{Pc}{Ps} + \frac{Cm}{Sm}$$

where, DF equals the distribution factor

Pc equals county population

Ps equals State population

Cm equals municipal road mileage within the county

Sm equals municipal road mileage within the State.

After the amount of aid has been allocated based on the above formula, the commissioner shall determine priority for the funding of municipal projects within each county, based upon criteria relating to volume of traffic, safety considerations, growth potential, readiness to obligate funds and local taxing capacity. In addition to the above criteria used in determining priority of funding of municipal projects in each county, the commissioner shall consider whether a project is intended to remedy hazardous conditions for pedestrians or as identified for the purposes of providing transportation pursuant to N.J.S.18A:39-1.2 for school pupils.

For the purposes of this subsection, (1) "population" means the official population count as reported by the New Jersey Department of Labor; and (2) "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the department.

d. There shall be appropriated at least \$30,000,000.00 in each fiscal year for the purposes provided herein and in subsections b. and c. of this section. (1) Of that appropriation, the commissioner shall allocate \$5,000,000.00 as State aid to any municipality qualifying for aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall allocate the aid to each municipality in the same proportion that the municipality receives aid under P.L.1978, c.14. (2) The remaining amount of the appropriation shall be allocated pursuant to the provisions of subsections b. and c. of this section. (cf: P.L.1995, c.99, s.1)

5. This act shall take effect immediately, except that section 3 shall take effect on the first day of the fifth month following enactment.

#### STATEMENT

This bill would require the Commissioner of Transportation to identify intersections with frequent pedestrian accidents and ban the practice of turning right on red at those intersections. The bill would also require the commissioner or appropriate county or municipal authority to post signs reading "Yield to Pedestrians, It is the law" at



**S251 CONIGLIO, SARLO**

5

1 all designated crosswalks. The form and design of the signs shall be  
2 designated by the commissioner. Finally, the bill would require the  
3 commissioner to consider whether a project is intended to remedy  
4 hazardous conditions for pedestrians in determining priority of  
5 discretionary aid for municipal road projects.

6 Under current law, authorities are given discretion in deciding  
7 whether to allow drivers to turn right on red at a particular  
8 intersection, and authority over the wording of traffic signs is left to  
9 the Department of Transportation.

10 The purpose of this bill is to protect pedestrians at dangerous  
11 intersections.

# ASSEMBLY TRANSPORTATION COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 251**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: SEPTEMBER 13, 2004

The Assembly Transportation Committee reports favorably and with committee amendments Senate Bill No. 251 (1R).

As amended, this bill would require the Commissioner of Transportation to identify intersections controlled by a traffic control signal where making a right turn on "stop" or "caution" signals presents demonstrated pedestrian safety problems and ban the practice of turning right on "stop" or "caution" signals at those intersections under State jurisdiction. The commissioner would request county and municipal authorities to adopt the same prohibition on intersections under their jurisdiction. The bill would also require the commissioner to post yield signs making reference to State law at all crosswalks at intersections that have demonstrated pedestrian safety problems and that are not controlled by a traffic control signal and to request such postings of county and municipal authorities at such intersections. The signs are to conform to the "Manual on Uniform Traffic Control Devices."

The bill would also require the commissioner to consider whether a project is intended to improve pedestrian safety in determining priority of discretionary aid for municipal road projects. Finally, the bill modifies the current definition of crosswalks and defines a "mid-block crosswalk."

The purpose of this bill is to protect pedestrians at dangerous intersections.

### COMMITTEE AMENDMENTS

The committee amended the bill to clarify that the provisions of section 2 of the bill refer to signalized intersections and that the provisions of section 3 of the bill refer to unsignalized intersections.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 251**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2004

The Senate Transportation Committee reports favorably Senate Bill No. 251 with committee amendments.

This amended bill would require the Commissioner of Transportation to identify intersections where there are demonstrated pedestrian safety problems or a high frequency of crashes involving pedestrians and ban the practice of turning right on "stop" or "caution" signals at those intersections. The bill would also require the commissioner to post yield signs making reference to State law at all crosswalks at identified intersections and to request such postings of county and municipal authorities, except those at signalized intersections. The signs are to conform to the Manual on Uniform Traffic Control Devices. The bill would require the commissioner to consider whether a project is intended to improve pedestrian safety in determining priority of discretionary aid for municipal road projects. Finally, the bill modifies the current definition of crosswalks and defines a "mid-block crosswalk."

The purpose of this bill is to protect pedestrians at dangerous intersections.

The committee amended the bill to clarify the provisions relating to placement of yield signs, criteria for municipal aid projects and the definition of crosswalks and "mid-block crosswalks."

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

**LEGISLATIVE FISCAL ESTIMATE**  
[First Reprint]  
**SENATE, No. 251**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MARCH 25, 2004

**SUMMARY**

**Synopsis:** Requires DOT to ban right turn on red at unsafe intersections, erect signs at crosswalks and consider pedestrian safety when distributing discretionary aid.

**Type of Impact:** Expenditure increase to State and local General Funds.

**Agencies Affected:** Department of Transportation, State municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>		Indeterminate, but positive.	
<b>Local Cost</b>		Indeterminate, but positive.	

\* Data are unavailable to specify the cost of this proposal.

**BILL DESCRIPTION**

Senate Bill No. 251 (1R) of 2004 would require the Commissioner of Transportation to identify intersections where there are demonstrated pedestrian safety problems or a high frequency of crashes involving pedestrians and ban the practice of turning right on "stop" or "caution" signals at those intersections. The bill would also require the commissioner to post yield signs making reference to State law at all crosswalks at identified intersections and to request such postings of county and municipal authorities, except those at signalized intersections. The signs are to conform to the Manual on Uniform Traffic Control Devices. The bill would require the commissioner to consider whether a project is intended to improve pedestrian safety in determining priority of discretionary aid for municipal road projects. Finally, the bill modifies the current definition of crosswalks and defines a "mid-block crosswalk."

**FISCAL ANALYSIS**

**EXECUTIVE BRANCH**

None received.

**OFFICE OF LEGISLATIVE SERVICES**

While there are certain to be costs associated with this bill, at this time there is insufficient data available to specify the cost to DOT and municipalities. The important unknowns include the definitions of "high" accident rates for pedestrians, and the number, type, and cost of signs. A statewide survey of the intersections would need to be undertaken, for the 100,000 intersections in the state, with up to 4 crossings per intersection, and some midblock crossings statewide. Upon completion of the survey and determination of which of these would require signage under the proposal, DOT would need to assess its current signage. For many intersections, signage already exists. After determination that some intersections may require additional signage or removal and replacement of current signs to comply with the wording proposed, the resulting activity will have some cost, probably over \$200 per sign.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark Trease*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**LEGISLATIVE FISCAL ESTIMATE**  
 [Second Reprint]  
**SENATE, No. 251**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MAY 24, 2005

**SUMMARY**

**Synopsis:** Requires DOT to ban right turn on red at unsafe intersections, erect signs at crosswalks and consider pedestrian safety when distributing discretionary aid.

**Type of Impact:** Expenditure increase to State and local General Funds.

**Agencies Affected:** Department of Transportation, State municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>		Indeterminate, but positive.	
<b>Local Cost</b>		Indeterminate, but positive.	

! Data are unavailable to specify the cost of this proposal.

**BILL DESCRIPTION**

Senate Bill No. 251 [2R] of 2004 proposes to require the Commissioner, Department of Transportation (DOT) to identify intersections controlled by a traffic control signal where making a right turn on "stop" or "caution" signals presents demonstrated pedestrian safety problems and to ban the practice of turning right on "stop" or "caution" signals at those intersections under State jurisdiction. The commissioner would request county and municipal authorities to adopt the same prohibition on intersections under their jurisdiction. The bill would also require the commissioner to post yield signs making reference to State law at all crosswalks at intersections that have demonstrated pedestrian safety problems and that are not controlled by a traffic control signal and to request such postings of county and municipal authorities at such intersections. The signs are to conform to the "Manual on Uniform Traffic Control Devices."

The bill would also require the commissioner to consider whether a project is intended to improve pedestrian safety in determining priority of discretionary aid for municipal road projects.

Finally, the bill modifies the current definition of crosswalks and defines a "mid-block crosswalk."

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

While there are certain to be costs associated with this bill, at this time there is insufficient data available to specify the cost to DOT and municipalities. The important unknowns include the definitions of which intersections represent a pedestrian safety problem, and the number, type, and cost of signs. A statewide survey of the intersections would need to be undertaken, for the 100,000 intersections in the state, with up to 4 crossings per intersection, and some mid-block crossings statewide. Upon completion of the survey and determination of which of these would require signage under the proposal, DOT would need to assess its current signage. For many intersections, signage already exists. After determination that some intersections may require additional signage or removal and replacement of current signs to comply with the wording proposed, the resulting activity will have some cost, probably over \$200 per sign.

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