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[Third Reprint]

SENATE, No. 1234

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman RONALD S. DANCER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

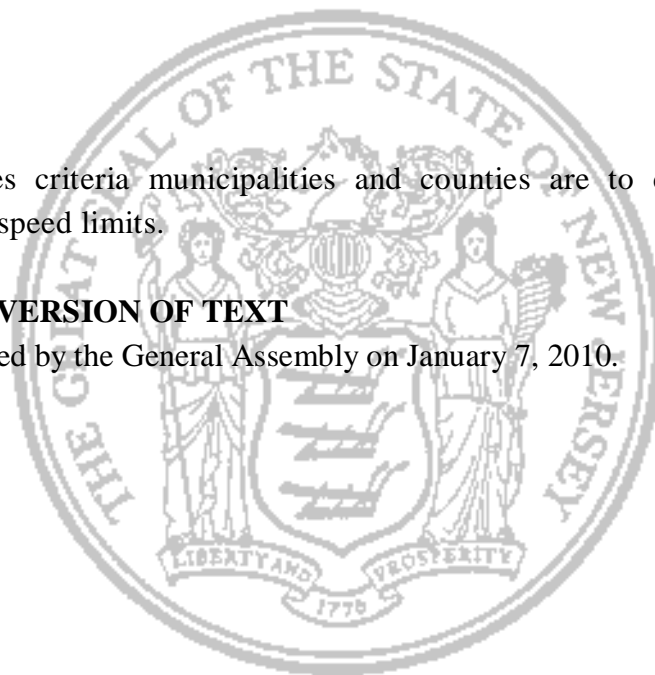
Assemblymen Gusciora, Diegnan, Rumana, L.Smith, Amodeo, Rudder and Rumpf

SYNOPSIS

Establishes criteria municipalities and counties are to consider when establishing speed limits.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 7, 2010.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning ²**[municipal streets]** the establishment of speed
2 limits by municipalities and counties² and amending ²**[R.S.39:4-**
3 **8]** R.S.49:4-98².

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

7
8 ¹**[1. R.S.39:4-8 is amended to read as follows:**

9 39:4-8. a. Except as otherwise provided in this section, no
10 ordinance or resolution concerning, regulating or governing traffic
11 or traffic conditions, adopted or enacted by any board or body
12 having jurisdiction over highways, shall be of any force or effect
13 unless the same is approved by the Commissioner of
14 Transportation, according to law. The commissioner shall not be
15 required to approve any such ordinance, resolution or regulation,
16 unless, after investigation by him, the same shall appear to be in the
17 interest of safety and the expedition of traffic on the public
18 highways.

19 **[b. In the case of totally self-contained streets under municipal**
20 **jurisdiction which have no direct connection with any street in any**
21 **other municipality, or in the case of totally self-contained streets**
22 **under county jurisdiction which have no direct connection with any**
23 **street in any other county, the municipality or county may, by**
24 **ordinance or resolution, as appropriate, without the approval of the**
25 **Commissioner of Transportation, designate parking restrictions, no**
26 **passing zones, mid-block crosswalks and crosswalks at**
27 **intersections, except that in the case of any streets under municipal**
28 **jurisdiction, the municipality may, by ordinance, designate**
29 **reasonable and safe speed limits and in the case of totally self-**
30 **contained streets under county jurisdiction which have no direct**
31 **connection with any street in any other county, the county may, by**
32 **ordinance or resolution, as appropriate, designate reasonable and**
33 **safe speed limits, and erect appropriate signs, designate any**
34 **intersection as a stop or yield intersection and erect appropriate**
35 **signs and place longitudinal pavement markings delineating the**
36 **separation of traffic flows and the edge of the pavement, provided**
37 **that the municipal or county engineer shall, under his seal as a**
38 **licensed professional engineer, certify to the municipal or county**
39 **governing body, as appropriate, that any designation or erection of**
40 **signs or placement of markings: (1) has been approved by him after**
41 **investigation by him of the circumstances, (2) appears to him to be**
42 **in the interest of safety and the expedition of traffic on the public**
43 **highways and (3) conforms to the current standards prescribed by**

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹**Senate STR committee amendments adopted May 8, 2008.**

²**Assembly ATR committee amendments adopted January 4, 2010.**

³**Assembly floor amendments adopted January 7, 2010.**

1 the Manual of Uniform Traffic Control Devices for Streets and
2 Highways, as adopted by the Commissioner of Transportation.】

3 b. (1) A municipality may, without the approval of the
4 Commissioner of Transportation, do the following by ordinance or
5 resolution, as appropriate:

6 (a) designate parking restrictions, no passing zones, mid-block
7 crosswalks, and crosswalks at intersections, and erect appropriate
8 signs and install appropriate markings, on streets under municipal
9 jurisdiction which are totally self-contained within that municipality
10 and have no direct connection with any street in any other
11 municipality;

12 (b) designate reasonable and safe speed limits and erect
13 appropriate signs, on any street under municipal jurisdiction;

14 (c) designate any intersection as a stop or yield intersection and
15 erect appropriate signs, on streets under municipal jurisdiction
16 which are totally self-contained within that municipality and have
17 no direct connection with any street in any other municipality; and

18 (d) designate any intersection as a stop intersection and erect
19 appropriate signs, on streets under municipal jurisdiction if that
20 intersection is located within 500 feet of a school, or of a
21 playground or youth recreational facility and the street on which the
22 stop sign will be erected is contiguous to that school, or playground
23 or youth recreational facility. The municipal engineer shall certify
24 to the following in regard to the designated site in which a stop
25 intersection is being designated: (i) that both intersecting streets are
26 under municipal jurisdiction; (ii) that the intersection is within 500
27 feet of a school, or of a playground or youth recreational facility as
28 defined herein; and (iii) that the intersection is on a street
29 contiguous to a school, or playground or youth recreational facility.
30 A claim against a municipality for damage or injury under this
31 subparagraph for a wrongful act or omission shall be dismissed if
32 the municipality is deemed to have conformed to the provisions
33 contained in this subparagraph.

34 (2) A county may, without the approval of the Commissioner of
35 Transportation, do the following by ordinance or resolution, as
36 appropriate, on streets which are totally self-contained within the
37 county and have no direct connection with any street in any other
38 county:

39 (a) designate parking restrictions, no passing zones, mid-block
40 crosswalks, and crosswalks at intersections and erect appropriate
41 signs;

42 (b) designate reasonable and safe speed limits and erect
43 appropriate signs;

44 (c) designate any intersection as a stop or yield intersection and
45 erect appropriate signs; and

46 (d) place longitudinal pavement marking delineating the
47 separation of traffic flows and the edge of the pavement and erect
48 appropriate signs.

1 (3) Except with respect to subparagraph (d) of paragraph 1 of
2 this subsection, the municipal or county engineer shall, under his
3 seal as a licensed professional engineer, certify to the governing
4 body of the municipality or county, as appropriate, that any
5 designation or erections of signs or placement or makings has been
6 approved by the engineer after investigation of the circumstances,
7 appears to the engineer to be in the interest of safety and the
8 expedition of traffic on the public highways and conforms to the
9 current standards prescribed by the Manual of Uniform Traffic
10 Control Devices for Streets and Highways, as adopted by the
11 commissioner.

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

30 Nothing in this subsection shall allow municipalities to designate
31 any intersection with any highway under State or county
32 jurisdiction as a stop or yield intersection or counties to designate
33 any intersection with any highway under State or municipal
34 jurisdiction as a stop or yield intersection.

35 When designating reasonable and safe speed limits for a street
36 under its jurisdiction pursuant to this subsection, a municipality or
37 county shall consider, but not be limited to, the following criteria:
38 residential density; the presence, or lack, of sidewalks; the
39 prevalence of entry and exit ways for business and commercial
40 establishments; whether school children walk adjacent to the street
41 on their way to and from school; and the proximity of recreational
42 or park areas, schools, community residences, family day care
43 homes, child care centers, assisted living facilities or senior
44 communities. Nothing in this paragraph shall substitute for traffic
45 count, accident and speed sampling data as appropriate.

46 c. Subject to the provisions of R.S.39:4-138, in the case of any
47 street under municipal or county jurisdiction, a municipality or
48 county may, without the approval of the Commissioner of

1 Transportation, do the following:

2 By ordinance or resolution:

3 (1) prohibit or restrict general parking;

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

6 (3) designate time limit parking;

7 (4) install parking meters.

8 By ordinance, resolution or regulation:

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

10 (2) approve street closings for periods up to 48 continuous
11 hours; and

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

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

18 d. A municipality or county may, by ordinance or resolution, as
19 appropriate, in any street under its jurisdiction, install or place an
20 in-street pedestrian crossing right-of-way sign at a marked
21 crosswalk or unmarked crosswalk at an intersection. The
22 installation shall be subject to guidelines that shall be issued by the
23 Commissioner of Transportation after consultation with the Director
24 of the Office of Highway Traffic Safety in the Department of Law
25 and Public Safety. The guidelines shall be aimed at ensuring safety
26 to both pedestrians and motorists including, but not limited to, the
27 proper method of sign installation, dimensions, composition of
28 material, proper placement points and maintenance. A certified
29 copy of the adopted ordinance or resolution shall be transmitted to
30 the commissioner within 30 days of adoption. The commissioner,
31 at his discretion, may invalidate the provisions of the ordinance or
32 resolution within 90 days of receipt of the certified copy if he
33 reviews it and finds that the provisions of the ordinance or
34 resolution are inconsistent with the guidelines issued pursuant to
35 this subsection. A claim against the State or a municipality or
36 county for damage or injury under this subsection for a wrongful act
37 or omission shall be dismissed if the municipality or county is
38 deemed to have conformed to the guidelines required hereunder.

39 e. A municipality or county may, by resolution, in any street
40 under its jurisdiction, designate stops, stations or stands for
41 omnibuses. The designation shall be subject to guidelines that shall
42 be issued by the Commissioner of Transportation. The guidelines
43 shall be aimed at ensuring safety to both pedestrians and motorists
44 including, but not limited to, the proper method of sign installation,
45 dimensions, composition of material, proper placement points and
46 maintenance. A certified copy of the adopted resolution shall be
47 transmitted to the commissioner within 30 days of adoption. The
48 commissioner, at his discretion, may invalidate the provisions of the

1 ordinance or resolution within 90 days of receipt of the certified
2 copy if he reviews it and finds that the provisions of the ordinance
3 or resolution are inconsistent with the guidelines issued pursuant to
4 this subsection. A claim against the State or a municipality or
5 county for damage or injury under this subsection for a wrongful act
6 or omission shall be dismissed if the municipality or county is
7 deemed to have conformed to the guidelines required hereunder.

8 (cf: P.L.2004, c.169.)¹

9

10 ²[¹1. R.S.39:4-8 is amended to read as follows:

11 39:4-8. a. Except as otherwise provided in this section, no
12 ordinance or resolution concerning, regulating or governing traffic
13 or traffic conditions, adopted or enacted by any board or body
14 having jurisdiction over highways, shall be of any force or effect
15 unless the same is approved by the Commissioner of
16 Transportation, according to law. The commissioner shall not be
17 required to approve any such ordinance, resolution or regulation,
18 unless, after investigation by him, the same shall appear to be in the
19 interest of safety and the expedition of traffic on the public
20 highways.

21 b. (1) A municipality may, without the approval of the
22 Commissioner of Transportation, do the following by ordinance or
23 resolution, as appropriate:

24 (a) designate parking restrictions, no passing zones, mid-block
25 crosswalks, and crosswalks at intersections, and erect appropriate
26 signs and install appropriate markings, on streets under municipal
27 jurisdiction which are totally self-contained within that municipality
28 and have no direct connection with any street in any other
29 municipality;

30 (b) designate reasonable and safe speed limits and erect
31 appropriate signs, on any street under municipal jurisdiction;

32 (c) designate any intersection as a stop or yield intersection and
33 erect appropriate signs, on streets under municipal jurisdiction
34 which are totally self-contained within that municipality and have
35 no direct connection with any street in any other municipality; and

36 (d) designate any intersection as a stop intersection and erect
37 appropriate signs, on streets under municipal jurisdiction if that
38 intersection is located within 500 feet of a school, or of a
39 playground or youth recreational facility and the street on which the
40 stop sign will be erected is contiguous to that school, or playground
41 or youth recreational facility. The municipal engineer shall certify
42 to the following in regard to the designated site in which a stop
43 intersection is being designated: (i) that both intersecting streets are
44 under municipal jurisdiction; (ii) that the intersection is within 500
45 feet of a school, or of a playground or youth recreational facility as
46 defined herein; and (iii) that the intersection is on a street
47 contiguous to a school, or playground or youth recreational facility.

48 A claim against a municipality for damage or injury under this

1 subparagraph for a wrongful act or omission shall be dismissed if
2 the municipality is deemed to have conformed to the provisions
3 contained in this subparagraph.

4 (2) A county may, without the approval of the Commissioner of
5 Transportation, do the following by ordinance or resolution, as
6 appropriate, on streets which are totally self-contained within the
7 county and have no direct connection with any street in any other
8 county:

9 (a) designate parking restrictions, no passing zones, mid-block
10 crosswalks, and crosswalks at intersections and erect appropriate
11 signs;

12 (b) designate reasonable and safe speed limits and erect
13 appropriate signs;

14 (c) designate any intersection as a stop or yield intersection and
15 erect appropriate signs; and

16 (d) place longitudinal pavement marking delineating the
17 separation of traffic flows and the edge of the pavement and erect
18 appropriate signs.

19 (3) Except with respect to subparagraph (d) of paragraph 1 of
20 this subsection, the municipal or county engineer shall, under his
21 seal as a licensed professional engineer, certify to the governing
22 body of the municipality or county, as appropriate, that any
23 designation or erections of signs or placement or makings has been
24 approved by the engineer after investigation of the circumstances,
25 appears to the engineer to be in the interest of safety and the
26 expedition of traffic on the public highways and conforms to the
27 current standards prescribed by the Manual of Uniform Traffic
28 Control Devices for Streets and Highways, as adopted by the
29 commissioner.

30 A certified copy of the adopted ordinance or resolution, as
31 appropriate, shall be transmitted by the clerk of the municipality or
32 county, as appropriate, to the commissioner within 30 days of
33 adoption, together with a copy of the engineer's certification; a
34 statement of the reasons for the engineer's decision; detailed
35 information as to the location of streets, intersections and signs
36 affected by any designation or erection of signs or placement of
37 markings; and traffic count, accident and speed sampling data,
38 when appropriate. The commissioner, at his discretion, may
39 invalidate the provisions of the ordinance or resolution within 90
40 days of receipt of the certified copy if he reviews it and finds that
41 the provisions of the ordinance or resolution are inconsistent with
42 the Manual of Uniform Traffic Control Devices for Streets or
43 Highways; are inconsistent with accepted engineering standards; are
44 not based on the results of an accurate traffic and engineering
45 survey; or place an undue traffic burden or impact on streets in an
46 adjoining municipality or negatively affect the flow of traffic on the
47 State highway system.

1 Nothing in this subsection shall allow municipalities to designate
2 any intersection with any highway under State or county
3 jurisdiction as a stop or yield intersection or counties to designate
4 any intersection with any highway under State or municipal
5 jurisdiction as a stop or yield intersection.

6 When designating reasonable and safe speed limits for a street
7 under its jurisdiction pursuant to this subsection, a municipality or
8 county shall consider, but not be limited to, the following criteria:
9 residential density; the presence, or lack, of sidewalks; the
10 prevalence of entry and exit ways for business and commercial
11 establishments; whether school children walk adjacent to the street
12 on their way to and from school; and the proximity of recreational
13 or park areas, schools, community residences, family day care
14 homes, child care centers, assisted living facilities or senior
15 communities. Nothing in this paragraph shall substitute for traffic
16 count, accident, and speed sampling data as appropriate.

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

21 By ordinance or resolution:

- 22 (1) prohibit or restrict general parking;
- 23 (2) designate restricted parking under section 1 of P.L.1977,
24 c.309 (C.39:4-197.6);
- 25 (3) designate time limit parking;
- 26 (4) install parking meters.

27 By ordinance, resolution or regulation:

- 28 (1) designate loading and unloading zones and taxi stands;
- 29 (2) approve street closings for periods up to 48 continuous
30 hours; and
- 31 (3) designate restricted parking under section 1 of P.L.1977,
32 c.202 (C.39:4-197.5);

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

37 d. A municipality or county may, by ordinance or resolution, as
38 appropriate, in any street under its jurisdiction, install or place an
39 in-street pedestrian crossing right-of-way sign at a marked
40 crosswalk or unmarked crosswalk at an intersection. The
41 installation shall be subject to guidelines that shall be issued by the
42 Commissioner of Transportation after consultation with the Director
43 of the Office of Highway Traffic Safety in the Department of Law
44 and Public Safety. The guidelines shall be aimed at ensuring safety
45 to both pedestrians and motorists including, but not limited to, the
46 proper method of sign installation, dimensions, composition of
47 material, proper placement points and maintenance. A certified
48 copy of the adopted ordinance or resolution shall be transmitted to

1 the commissioner within 30 days of adoption. The commissioner,
2 at his discretion, may invalidate the provisions of the ordinance or
3 resolution within 90 days of receipt of the certified copy if he
4 reviews it and finds that the provisions of the ordinance or
5 resolution are inconsistent with the guidelines issued pursuant to
6 this subsection. A claim against the State or a municipality or
7 county for damage or injury under this subsection for a wrongful act
8 or omission shall be dismissed if the municipality or county is
9 deemed to have conformed to the guidelines required hereunder.

10 e. A municipality or county may, by resolution, in any street
11 under its jurisdiction, designate stops, stations or stands for
12 omnibuses. The designation shall be subject to guidelines that shall
13 be issued by the Commissioner of Transportation. The guidelines
14 shall be aimed at ensuring safety to both pedestrians and motorists
15 including, but not limited to, the proper method of sign installation,
16 dimensions, composition of material, proper placement points and
17 maintenance. A certified copy of the adopted resolution shall be
18 transmitted to the commissioner within 30 days of adoption. The
19 commissioner, at his discretion, may invalidate the provisions of the
20 ordinance or resolution within 90 days of receipt of the certified
21 copy if he reviews it and finds that the provisions of the ordinance
22 or resolution are inconsistent with the guidelines issued pursuant to
23 this subsection. A claim against the State or a municipality or
24 county for damage or injury under this subsection for a wrongful act
25 or omission shall be dismissed if the municipality or county is
26 deemed to have conformed to the guidelines required hereunder.¹

27 (cf: P.L.2004, c.169, s.1)]²

28

29 ²1. R.S.39:4-98 is amended to read as follows:

30 39:4-98. Rates of speed. Subject to the provisions of R.S.39:4-
31 96 and R.S.39:4-97 and except in those instances where a lower
32 speed is specified in this chapter, it shall be prima facie lawful for
33 the driver of a vehicle to drive it at a speed not exceeding the
34 following:

35 a. Twenty-five miles per hour, when passing through a school
36 zone during recess, when the presence of children is clearly visible
37 from the roadway, or while children are going to or leaving school,
38 during opening or closing hours;

39 b. (1) Twenty-five miles per hour in any business or residential
40 district;

41 (2) Thirty-five miles per hour in any suburban business or
42 residential district;

43 c. Fifty miles per hour in all other locations, except as
44 otherwise provided in the "Sixty-Five MPH Speed Limit
45 Implementation Act," pursuant to section 2 of P.L.1997, c.415
46 (C.39:4-98.3 et al.).

47 Whenever it shall be determined upon the basis of an engineering
48 and traffic investigation that any speed hereinbefore set forth is

1 greater or less than is reasonable or safe under the conditions found
2 to exist at any intersection or other place or upon any part of a
3 highway, the Commissioner of Transportation, with reference to
4 State highways, may by regulation and municipal or county
5 authorities, with reference to highways under their jurisdiction, may
6 by ordinance, in the case of municipal authorities, or by ordinance
7 or resolution, in the case of county authorities, subject to the
8 approval of the Commissioner of Transportation, except as
9 otherwise provided in R.S.39:4-8, designate a reasonable and safe
10 speed limit thereat which, subject to the provisions of R.S.39:4-96
11 and R.S.39:4-97, shall be prima facie lawful at all times or at such
12 times as may be determined, when appropriate signs giving notice
13 thereof are erected at such intersection, or other place or part of the
14 highway. Appropriate signs giving notice of the speed limits
15 authorized under the provisions of paragraph (1) of subsection b.
16 and subsection c. of this section may be erected if the commissioner
17 or the municipal or county authorities, as the case may be, so
18 determine they are necessary. Appropriate signs giving notice of
19 the speed limits authorized under the provisions of subsection a.
20 and paragraph (2) of subsection b. of this section shall be erected by
21 the commissioner or the municipal or county authorities, as
22 appropriate.

23 When designating reasonable and safe speed limits for a street
24 under its jurisdiction pursuant to this subsection, ³as part of an
25 engineering and traffic investigation,³ a municipality or county
26 shall consider, but not be limited to, the following criteria:
27 residential density; the presence, or lack, of sidewalks; the
28 prevalence of entry and exit ways for business and commercial
29 establishments; whether school children walk adjacent to the street
30 on their way to and from school; and the proximity of recreational
31 or park areas, schools, community residences, family day care
32 homes, child care centers, assisted living facilities or senior
33 communities. Nothing in this paragraph shall substitute for traffic
34 count, accident, and speed sampling data as appropriate.

35 The driver of every vehicle shall, consistent with the
36 requirements of this section, drive at an appropriate reduced speed
37 when approaching and crossing an intersection or railway grade
38 crossing, when approaching and going around a curve, when
39 approaching a hill crest, when traveling upon any narrow or
40 winding roadway, and when special hazard exists with respect to
41 pedestrians or other traffic or by reason of weather or highway
42 conditions.

43 The Commissioner of Transportation shall cause the erection and
44 maintenance of signs at such points of entrance to the State as are
45 deemed advisable, setting forth the lawful rates of speed, the
46 wording of which shall be within his discretion.²

47 (cf: P.L.1997, c.415, s.1)

- 1 2. This act shall take effect immediately.

SENATE, No. 1234

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED FEBRUARY 21, 2008

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

SYNOPSIS

Outlines criteria municipalities are to consider when establishing speed limits for local streets.

CURRENT VERSION OF TEXT

As introduced.



S1234 SINGER

2

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
9 or traffic conditions, adopted or enacted by any board or body
10 having jurisdiction over highways, shall be of any force or effect
11 unless the same is approved by the Commissioner of
12 Transportation, according to law. The commissioner shall not be
13 required to approve any such ordinance, resolution or regulation,
14 unless, after investigation by him, the same shall appear to be in the
15 interest of safety and the expedition of traffic on the public
16 highways.

17 **[**b. In the case of totally self-contained streets under municipal
18 jurisdiction which have no direct connection with any street in any
19 other municipality, or in the case of totally self-contained streets
20 under county jurisdiction which have no direct connection with any
21 street in any other county, the municipality or county may, by
22 ordinance or resolution, as appropriate, without the approval of the
23 Commissioner of Transportation, designate parking restrictions, no
24 passing zones, mid-block crosswalks and crosswalks at
25 intersections, except that in the case of any streets under municipal
26 jurisdiction, the municipality may, by ordinance, designate
27 reasonable and safe speed limits and in the case of totally self-
28 contained streets under county jurisdiction which have no direct
29 connection with any street in any other county, the county may, by
30 ordinance or resolution, as appropriate, designate reasonable and
31 safe speed limits, and erect appropriate signs, designate any
32 intersection as a stop or yield intersection and erect appropriate
33 signs and place longitudinal pavement markings delineating the
34 separation of traffic flows and the edge of the pavement, provided
35 that the municipal or county engineer shall, under his seal as a
36 licensed professional engineer, certify to the municipal or county
37 governing body, as appropriate, that any designation or erection of
38 signs or placement of markings: (1) has been approved by him after
39 investigation by him of the circumstances, (2) appears to him to be
40 in the interest of safety and the expedition of traffic on the public
41 highways and (3) conforms to the current standards prescribed by
42 the Manual of Uniform Traffic Control Devices for Streets and
43 Highways, as adopted by the Commissioner of Transportation.]

44 b. (1) A municipality may, without the approval of the

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

Matter underlined thus is new matter.

S1234 SINGER

1 Commissioner of Transportation, do the following by ordinance or
2 resolution, as appropriate:

3 (a) designate parking restrictions, no passing zones, mid-block
4 crosswalks, and crosswalks at intersections, and erect appropriate
5 signs and install appropriate markings, on streets under municipal
6 jurisdiction which are totally self-contained within that municipality
7 and have no direct connection with any street in any other
8 municipality;

9 (b) designate reasonable and safe speed limits and erect
10 appropriate signs, on any street under municipal jurisdiction;

11 (c) designate any intersection as a stop or yield intersection and
12 erect appropriate signs, on streets under municipal jurisdiction
13 which are totally self-contained within that municipality and have
14 no direct connection with any street in any other municipality; and

15 (d) designate any intersection as a stop intersection and erect
16 appropriate signs, on streets under municipal jurisdiction if that
17 intersection is located within 500 feet of a school, or of a
18 playground or youth recreational facility and the street on which the
19 stop sign will be erected is contiguous to that school, or playground
20 or youth recreational facility. The municipal engineer shall certify
21 to the following in regard to the designated site in which a stop
22 intersection is being designated: (i) that both intersecting streets are
23 under municipal jurisdiction; (ii) that the intersection is within 500
24 feet of a school, or of a playground or youth recreational facility as
25 defined herein; and (iii) that the intersection is on a street
26 contiguous to a school, or playground or youth recreational facility.

27 A claim against a municipality for damage or injury under this
28 subparagraph for a wrongful act or omission shall be dismissed if
29 the municipality is deemed to have conformed to the provisions
30 contained in this subparagraph.

31 (2) A county may, without the approval of the Commissioner of
32 Transportation, do the following by ordinance or resolution, as
33 appropriate, on streets which are totally self-contained within the
34 county and have no direct connection with any street in any other
35 county:

36 (a) designate parking restrictions, no passing zones, mid-block
37 crosswalks, and crosswalks at intersections and erect appropriate
38 signs;

39 (b) designate reasonable and safe speed limits and erect
40 appropriate signs;

41 (c) designate any intersection as a stop or yield intersection and
42 erect appropriate signs; and

43 (d) place longitudinal pavement marking delineating the
44 separation of traffic flows and the edge of the pavement and erect
45 appropriate signs.

46 (3) Except with respect to subparagraph (d) of paragraph 1 of
47 this subsection, the municipal or county engineer shall, under his
48 seal as a licensed professional engineer, certify to the governing

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1 body of the municipality or county, as appropriate, that any
2 designation or erections of signs or placement or makings has been
3 approved by the engineer after investigation of the circumstances,
4 appears to the engineer to be in the interest of safety and the
5 expedition of traffic on the public highways and conforms to the
6 current standards prescribed by the Manual of Uniform Traffic
7 Control Devices for Streets and Highways, as adopted by the
8 commissioner.

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

27 Nothing in this subsection shall allow municipalities to designate
28 any intersection with any highway under State or county
29 jurisdiction as a stop or yield intersection or counties to designate
30 any intersection with any highway under State or municipal
31 jurisdiction as a stop or yield intersection.

32 When designating reasonable and safe speed limits for a street
33 under its jurisdiction pursuant to this subsection, a municipality or
34 county shall consider, but not be limited to, the following criteria:
35 residential density; the presence, or lack, of sidewalks; the
36 prevalence of entry and exit ways for business and commercial
37 establishments; whether school children walk adjacent to the street
38 on their way to and from school; and the proximity of recreational
39 or park areas, schools, community residences, family day care
40 homes, child care centers, assisted living facilities or senior
41 communities. Nothing in this paragraph shall substitute for traffic
42 count, accident and speed sampling data as appropriate.

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

47 By ordinance or resolution:

- 48 (1) prohibit or restrict general parking;

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

3 (3) designate time limit parking;

4 (4) install parking meters.

5 By ordinance, resolution or regulation:

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

7 (2) approve street closings for periods up to 48 continuous
8 hours; and

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

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

15 d. A municipality or county may, by ordinance or resolution, as
16 appropriate, in any street under its jurisdiction, install or place an
17 in-street pedestrian crossing right-of-way sign at a marked
18 crosswalk or unmarked crosswalk at an intersection. The
19 installation shall be subject to guidelines that shall be issued by the
20 Commissioner of Transportation after consultation with the Director
21 of the Office of Highway Traffic Safety in the Department of Law
22 and Public Safety. The guidelines shall be aimed at ensuring safety
23 to both pedestrians and motorists including, but not limited to, the
24 proper method of sign installation, dimensions, composition of
25 material, proper placement points and maintenance. A certified
26 copy of the adopted ordinance or resolution shall be transmitted to
27 the commissioner within 30 days of adoption. The commissioner,
28 at his discretion, may invalidate the provisions of the ordinance or
29 resolution within 90 days of receipt of the certified copy if he
30 reviews it and finds that the provisions of the ordinance or
31 resolution are inconsistent with the guidelines issued pursuant to
32 this subsection. A claim against the State or a municipality or
33 county for damage or injury under this subsection for a wrongful act
34 or omission shall be dismissed if the municipality or county is
35 deemed to have conformed to the guidelines required hereunder.

36 e. A municipality or county may, by resolution, in any street
37 under its jurisdiction, designate stops, stations or stands for
38 omnibuses. The designation shall be subject to guidelines that shall
39 be issued by the Commissioner of Transportation. The guidelines
40 shall be aimed at ensuring safety to both pedestrians and motorists
41 including, but not limited to, the proper method of sign installation,
42 dimensions, composition of material, proper placement points and
43 maintenance. A certified copy of the adopted resolution shall be
44 transmitted to the commissioner within 30 days of adoption. The
45 commissioner, at his discretion, may invalidate the provisions of the
46 ordinance or resolution within 90 days of receipt of the certified
47 copy if he reviews it and finds that the provisions of the ordinance
48 or resolution are inconsistent with the guidelines issued pursuant to

1 this subsection. A claim against the State or a municipality or
2 county for damage or injury under this subsection for a wrongful act
3 or omission shall be dismissed if the municipality or county is
4 deemed to have conformed to the guidelines required hereunder.
5 (cf: P.L.2004, c.169.)

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7 2. This act shall take effect immediately.

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STATEMENT

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12 This bill outlines some of the criteria a municipality or county is
13 to consider when establishing a reasonable and safe speed limit for
14 one of its streets. Among those criteria are: residential density; the
15 presence, or lack, of sidewalks; the prevalence of entry and exit
16 ways for business and commercial establishments; whether school
17 children walk adjacent to the street on their way to and from school;
18 and the proximity of recreational or park areas, schools, community
19 residences, family day care homes, child care centers, assisted
20 living facilities or senior communities. Nothing in this bill is to
21 substitute for traffic count, accident and speed sampling data as
22 appropriate, as provided in R.S.39:4-8 in the submission to the
23 Commissioner of Transportation of the proposed ordinance and
24 supporting material.

25 In 1999, the Legislature amended R.S.39:4-8 to give
26 municipalities greater discretion in establishing reasonable and safe
27 speed limits for the streets under their jurisdiction. While affording
28 this greater discretion, the Legislature did not statutorily set forth
29 any criteria a municipality should consider in determining what
30 constituted a reasonable and safe speed limit for a particular street.
31 This bill sets forth such criteria.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1234

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 2008

The Senate Transportation Committee reports favorably Senate Bill No. 1234 with committee amendments.

This amended bill outlines some of the criteria a municipality or county is to consider when establishing a reasonable and safe speed limit for one of its streets. Among those criteria are: residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; and the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities or senior communities. Nothing in this bill is to substitute for traffic count, accident, and speed sampling data as appropriate, as provided in R.S.39:4-8 in the submission to the Commissioner of Transportation of the proposed ordinance and supporting material.

The committee adopted a technical amendment to the bill providing for the most current version of the law in the text of the bill.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1234

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Senate Bill No. 1234(1R).

As reported, the amended bill establishes some of the criteria a municipality or county is to consider when establishing a reasonable and safe speed limit for one of its streets. Among those criteria are: residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; and the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities or senior communities. Nothing in this bill is to substitute for traffic count, accident, and speed sampling data as appropriate.

As reported, Senate Bill No. 1234(1R) as amended is identical to Assembly Bill No. 537 which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amendments incorporate the bill's provisions into the appropriate statute and remove outdated provisions of law. The committee made a technical amendment to the bill's title and synopsis to reflect that counties are also to consider the established criteria.

STATEMENT TO
[Second Reprint]
SENATE, No. 1234

with Assembly Floor Amendments
(Proposed by Assemblyman DANCER)

ADOPTED: JANUARY 7, 2010

This amendment clarifies that the consideration of the factors stipulated in the bill in designating reasonable and safe speed limits shall be part of the required engineering and traffic investigation done by municipal or county authorities with reference to streets under their jurisdiction.

ASSEMBLY, No. 537

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

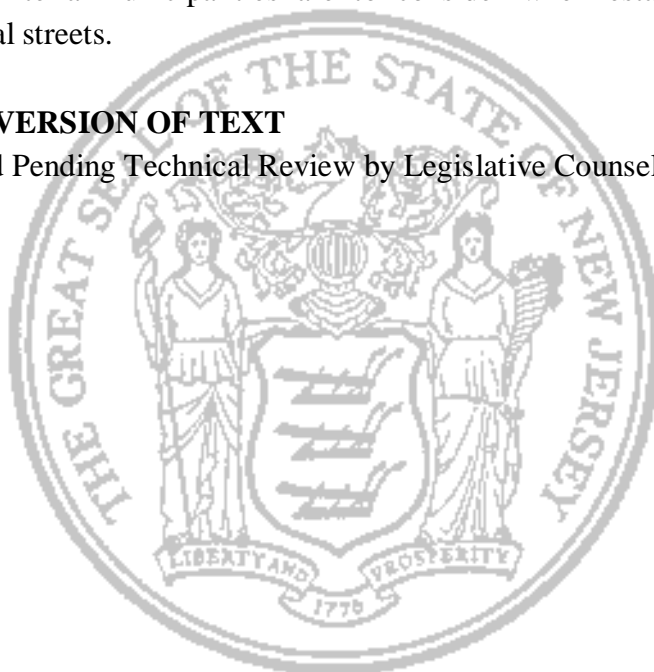
Assemblymen Gusciora, Diegnan, Rumana, L.Smith, Amodeo, Rudder and Rumpf

SYNOPSIS

Outlines criteria municipalities are to consider when establishing speed limits for local streets.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/5/2010)

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
9 or traffic conditions, adopted or enacted by any board or body
10 having jurisdiction over highways, shall be of any force or effect
11 unless the same is approved by the Commissioner of
12 Transportation, according to law. The commissioner shall not be
13 required to approve any such ordinance, resolution or regulation,
14 unless, after investigation by him, the same shall appear to be in the
15 interest of safety and the expedition of traffic on the public
16 highways.

17 **[**b. In the case of totally self-contained streets under municipal
18 jurisdiction which have no direct connection with any street in any
19 other municipality, or in the case of totally self-contained streets
20 under county jurisdiction which have no direct connection with any
21 street in any other county, the municipality or county may, by
22 ordinance or resolution, as appropriate, without the approval of the
23 Commissioner of Transportation, designate parking restrictions, no
24 passing zones, mid-block crosswalks and crosswalks at
25 intersections, except that in the case of any streets under municipal
26 jurisdiction, the municipality may, by ordinance, designate
27 reasonable and safe speed limits and in the case of totally self-
28 contained streets under county jurisdiction which have no direct
29 connection with any street in any other county, the county may, by
30 ordinance or resolution, as appropriate, designate reasonable and
31 safe speed limits, and erect appropriate signs, designate any
32 intersection as a stop or yield intersection and erect appropriate
33 signs and place longitudinal pavement markings delineating the
34 separation of traffic flows and the edge of the pavement, provided
35 that the municipal or county engineer shall, under his seal as a
36 licensed professional engineer, certify to the municipal or county
37 governing body, as appropriate, that any designation or erection of
38 signs or placement of markings: (1) has been approved by him after
39 investigation by him of the circumstances, (2) appears to him to be
40 in the interest of safety and the expedition of traffic on the public
41 highways and (3) conforms to the current standards prescribed by
42 the Manual of Uniform Traffic Control Devices for Streets and
43 Highways, as adopted by the Commissioner of Transportation.]

44 b. (1) A municipality may, without the approval of the

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

Matter underlined thus is new matter.

1 Commissioner of Transportation, do the following by ordinance or
2 resolution, as appropriate:

3 (a) designate parking restrictions, no passing zones, mid-block
4 crosswalks, and crosswalks at intersections, and erect appropriate
5 signs and install appropriate markings, on streets under municipal
6 jurisdiction which are totally self-contained within that municipality
7 and have no direct connection with any street in any other
8 municipality;

9 (b) designate reasonable and safe speed limits and erect
10 appropriate signs, on any street under municipal jurisdiction;

11 (c) designate any intersection as a stop or yield intersection and
12 erect appropriate signs, on streets under municipal jurisdiction
13 which are totally self-contained within that municipality and have
14 no direct connection with any street in any other municipality; and

15 (d) designate any intersection as a stop intersection and erect
16 appropriate signs, on streets under municipal jurisdiction if that
17 intersection is located within 500 feet of a school, or of a
18 playground or youth recreational facility and the street on which the
19 stop sign will be erected is contiguous to that school, or playground
20 or youth recreational facility. The municipal engineer shall certify
21 to the following in regard to the designated site in which a stop
22 intersection is being designated: (i) that both intersecting streets are
23 under municipal jurisdiction; (ii) that the intersection is within 500
24 feet of a school, or of a playground or youth recreational facility as
25 defined herein; and (iii) that the intersection is on a street
26 contiguous to a school, or playground or youth recreational facility.
27 A claim against a municipality for damage or injury under this
28 subparagraph for a wrongful act or omission shall be dismissed if
29 the municipality is deemed to have conformed to the provisions
30 contained in this subparagraph.

31 (2) A county may, without the approval of the Commissioner of
32 Transportation, do the following by ordinance or resolution, as
33 appropriate, on streets which are totally self-contained within the
34 county and have no direct connection with any street in any other
35 county:

36 (a) designate parking restrictions, no passing zones, mid-block
37 crosswalks, and crosswalks at intersections and erect appropriate
38 signs;

39 (b) designate reasonable and safe speed limits and erect
40 appropriate signs;

41 (c) designate any intersection as a stop or yield intersection and
42 erect appropriate signs; and

43 (d) place longitudinal pavement marking delineating the
44 separation of traffic flows and the edge of the pavement and erect
45 appropriate signs.

46 (3) Except with respect to subparagraph (d) of paragraph 1 of
47 this subsection, the municipal or county engineer shall, under his
48 seal as a licensed professional engineer, certify to the governing

1 body of the municipality or county, as appropriate, that any
2 designation or erections of signs or placement or makings has been
3 approved by the engineer after investigation of the circumstances,
4 appears to the engineer to be in the interest of safety and the
5 expedition of traffic on the public highways and conforms to the
6 current standards prescribed by the Manual of Uniform Traffic
7 Control Devices for Streets and Highways, as adopted by the
8 commissioner.

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

27 Nothing in this subsection shall allow municipalities to designate
28 any intersection with any highway under State or county
29 jurisdiction as a stop or yield intersection or counties to designate
30 any intersection with any highway under State or municipal
31 jurisdiction as a stop or yield intersection.

32 When designating reasonable and safe speed limits for a street
33 under its jurisdiction pursuant to this subsection, a municipality or
34 county shall consider, but not be limited to, the following criteria:
35 residential density; the presence, or lack, of sidewalks; the
36 prevalence of entry and exit ways for business and commercial
37 establishments; whether school children walk adjacent to the street
38 on their way to and from school; and the proximity of recreational
39 or park areas, schools, community residences, family day care
40 homes, child care centers, assisted living facilities or senior
41 communities. Nothing in this paragraph shall substitute for traffic
42 count, accident and speed sampling data as appropriate.

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

47 By ordinance or resolution:

48 (1) prohibit or restrict general parking;

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

3 (3) designate time limit parking;

4 (4) install parking meters.

5 By ordinance, resolution or regulation:

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

7 (2) approve street closings for periods up to 48 continuous
8 hours; and

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

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

15 d. A municipality or county may, by ordinance or resolution, as
16 appropriate, in any street under its jurisdiction, install or place an
17 in-street pedestrian crossing right-of-way sign at a marked
18 crosswalk or unmarked crosswalk at an intersection. The
19 installation shall be subject to guidelines that shall be issued by the
20 Commissioner of Transportation after consultation with the Director
21 of the Office of Highway Traffic Safety in the Department of Law
22 and Public Safety. The guidelines shall be aimed at ensuring safety
23 to both pedestrians and motorists including, but not limited to, the
24 proper method of sign installation, dimensions, composition of
25 material, proper placement points and maintenance. A certified
26 copy of the adopted ordinance or resolution shall be transmitted to
27 the commissioner within 30 days of adoption. The commissioner,
28 at his discretion, may invalidate the provisions of the ordinance or
29 resolution within 90 days of receipt of the certified copy if he
30 reviews it and finds that the provisions of the ordinance or
31 resolution are inconsistent with the guidelines issued pursuant to
32 this subsection. A claim against the State or a municipality or
33 county for damage or injury under this subsection for a wrongful act
34 or omission shall be dismissed if the municipality or county is
35 deemed to have conformed to the guidelines required hereunder.

36 e. A municipality or county may, by resolution, in any street
37 under its jurisdiction, designate stops, stations or stands for
38 omnibuses. The designation shall be subject to guidelines that shall
39 be issued by the Commissioner of Transportation. The guidelines
40 shall be aimed at ensuring safety to both pedestrians and motorists
41 including, but not limited to, the proper method of sign installation,
42 dimensions, composition of material, proper placement points and
43 maintenance. A certified copy of the adopted resolution shall be
44 transmitted to the commissioner within 30 days of adoption. The
45 commissioner, at his discretion, may invalidate the provisions of the
46 ordinance or resolution within 90 days of receipt of the certified
47 copy if he reviews it and finds that the provisions of the ordinance
48 or resolution are inconsistent with the guidelines issued pursuant to

1 this subsection. A claim against the State or a municipality or
2 county for damage or injury under this subsection for a wrongful act
3 or omission shall be dismissed if the municipality or county is
4 deemed to have conformed to the guidelines required hereunder.
5 (cf: P.L.2004, c.169.)

6

7 2. This act shall take effect immediately.

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STATEMENT

11

12 This bill outlines some of the criteria a municipality or county is
13 to consider when establishing a reasonable and safe speed limit for
14 one of its streets. Among those criteria are: residential density; the
15 presence, or lack, of sidewalks; the prevalence of entry and exit
16 ways for business and commercial establishments; whether school
17 children walk adjacent to the street on their way to and from school;
18 and the proximity of recreational or park areas, schools, community
19 residences, family day care homes, child care centers, assisted
20 living facilities or senior communities. Nothing in this bill is to
21 substitute for traffic count, accident and speed sampling data as
22 appropriate, as provided in R.S.39:4-8 in the submission to the
23 Commissioner of Transportation of the proposed ordinance and
24 supporting material.

25 In 1999, the Legislature amended R.S.39:4-8 to give
26 municipalities greater discretion in establishing reasonable and safe
27 speed limits for the streets under their jurisdiction. While affording
28 this greater discretion, the Legislature did not statutorily set forth
29 any criteria a municipality should consider in determining what
30 constituted a reasonable and safe speed limit for a particular street.
31 This bill sets forth such criteria.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 537

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 4, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with amendments Assembly Bill No. 537.

As reported, the amended bill establishes some of the criteria a municipality or county is to consider when establishing a reasonable and safe speed limit for one of its streets. Among those criteria are: residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; and the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities or senior communities. Nothing in this bill is to substitute for traffic count, accident, and speed sampling data as appropriate.

As reported, Assembly Bill No. 537 as amended is identical to Senate Bill No. 1234(1R), which was also amended and reported by the committee on this date.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments incorporate the bill's provisions into the appropriate statute and remove outdated provisions of law. The committee made a technical amendment to the bill's title and synopsis to reflect that counties are also to consider the established criteria.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 537

with Assembly Floor Amendments
(Proposed by Assemblyman DANCER)

ADOPTED: JANUARY 7, 2010

This amendment clarifies that the consideration of the factors stipulated in the bill in designating reasonable and safe speed limits shall be part of the required engineering and traffic investigation done by municipal or county authorities with reference to streets under their jurisdiction.