

§1 - Note to §§2-8
§§2-4, 6-8 -
C.27:7-44.10 to
27:7-44.15
§5 -
C.18A:7G-5.1
§9 - Note to §§1-8

P.L. 2007, CHAPTER 308, *approved January 13, 2008*
Assembly, No. 856

1 **AN ACT** concerning certain highway entry or exit ramps and
2 schools and supplementing Title 27 of the Revised Statutes and
3 Title 18A of the New Jersey Statutes.

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

7
8 1. This act shall be known and may be cited as "Terrell James'
9 Law."

10
11 2. The Legislature finds and declares that:

12 a. The safety of the State's school children is of paramount
13 importance.

14 b. Given the school facilities needs of Abbott districts, as
15 defined pursuant to section 3 of P.L.1996, c.138 (C.18A:7F-3),
16 particular sensitivity is required for the safety of children attending
17 schools in those districts.

18 c. The Department of Transportation must exercise the utmost
19 care when considering any proposal to plan, design, or construct a
20 highway entry or exit ramp within 1,000 feet of a school.

21 d. A local board of education, and the New Jersey Economic
22 Development Authority in the case of a school to be constructed by
23 the authority pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.), or a
24 board of a nonpublic school must also exercise the utmost care
25 when considering any proposal to plan, design, or construct a
26 school within 1,000 feet of a highway entry or exit ramp.

27
28 3. As used in this act:

29 "Department" means the Department of Transportation.

30 "Highway" means a highway which is designated part of the
31 Interstate System as provided in Title 23 of the United States Code,
32 or is a limited access highway as defined in section 1 of P.L.1945,
33 c.83 (C.27:7A-1).

34 "School" means a public or nonpublic school containing any of
35 the grades kindergarten through 12.

36
37 4. a. A new entry or exit ramp shall not be constructed as part
38 of a highway project if a school is located or is being constructed
39 within 1,000 feet of the proposed location of the entry or exit ramp,

1 unless, during the planning and design of the project, the
2 department determines that the construction is required and that
3 there is no feasible or prudent alternative.

4 b. Prior to making the determination required pursuant to
5 subsection a. of this section, the department shall, as part of its
6 community outreach efforts to identify a preferred alternative
7 design for the highway project, notify the local board of education
8 in whose district the school is located or being constructed, and in
9 the case of a school being constructed by the New Jersey Economic
10 Development Authority, the authority, or in the case of a nonpublic
11 school, the board thereof, the Department of Education and the
12 members of the Legislature representing the district in which the
13 school is located or being constructed, that the department is
14 considering the construction of an entry or exit ramp within 1,000
15 feet of the school. The preferred alternative design for the highway
16 project shall not be selected until the members of the Legislature
17 notified pursuant to this subsection have been afforded the
18 opportunity to submit comments to the department. If the
19 department subsequently determines that the construction of the
20 entry or exit ramp is required and that there is no feasible or prudent
21 alternative, pedestrian safety issues shall be included as part of the
22 environmental review undertaken by the department pursuant to
23 State and federal laws, rules and regulations. When the public
24 forum is held as part of the environmental review of the proposed
25 highway project, the department shall present its plan for any entry
26 or exit ramp and the safety measures, consistent with the
27 recommendations of the study required pursuant to section 7 of this
28 act, that are to be included in the highway project.

29 c. An entry or exit ramp for a highway shall not be reconstructed
30 if a school is located or being constructed within 1,000 feet of the
31 location of the ramp unless the department shall take steps to
32 minimize the public safety hazards of the reconstructed ramp,
33 consistent with the recommendations contained in the study
34 required pursuant to section 7 of this act.

35
36 5. a. A school shall not be constructed within 1,000 feet of an
37 existing entry or exit ramp of a highway unless, during the planning
38 and design of the proposed school, the local board of education and,
39 in the case of a school to be constructed by the New Jersey
40 Economic Development Authority, the authority, or, in the case of a
41 nonpublic school, the board thereof, determines that there is no
42 feasible or prudent alternative. Prior to making this determination,
43 the local board of education and, in the case of a school to be
44 constructed by the New Jersey Economic Development Authority,
45 the authority, or, in the case of a nonpublic school, the board
46 thereof, shall notify the members of the Legislature representing the
47 district in which the school is proposed to be constructed and the
48 Departments of Transportation and Education that construction of a

1 school is being considered within 1,000 feet of the entry or exit
2 ramp of a highway. The legislators shall be afforded the
3 opportunity to submit comments to the local board of education,
4 and, in the case of a school being constructed by the New Jersey
5 Economic Development Authority, the authority, or the board of the
6 nonpublic school, as the case may be, and the Departments of
7 Transportation and Education. If the determination is subsequently
8 made that there is no feasible or prudent alternative, the
9 Department of Transportation shall be so notified and the
10 Department of Transportation shall review the proposed location of
11 the school, identify potential safety hazards, and make
12 recommendations to abate or minimize such hazards consistent with
13 the study required pursuant to section 7 of this act, or if the study is
14 not completed, consistent with such preliminary findings and
15 recommendations which may exist. The Department of
16 Transportation shall complete its review within 90 days of receiving
17 notification of the determination, and shall report its findings to the
18 local board of education and, in the case of a school being
19 constructed by the New Jersey Economic Development Authority,
20 to the authority, or to the board of the nonpublic school, the
21 Department of Education and the members of the Legislature
22 representing the legislative district in which the school is proposed
23 to be constructed.

24 b. As a condition of granting approval of a proposed school
25 facilities project, the Department of Education shall require a local
26 board of education to include with a board's application for
27 approval: (1) a certification that the proposed school is not within
28 1,000 feet of an entry or exit ramp of a highway; or (2) a response
29 to each item of advice to mitigate safety hazards that the
30 Department of Transportation has issued based on the Department
31 of Transportation's review of the school project.

32

33 6. For the purpose of determining the distance between a
34 highway ramp and a school pursuant to sections 4 and 5 of this act,
35 the distance of 1,000 feet between a school and a highway entry or
36 exit ramp shall be measured along the roadway from the school
37 property line closest to the proposed ramp to the beginning of the
38 full lane width of a deceleration lane or the end of the full lane
39 width of an acceleration lane. The distance of 1,000 feet shall be
40 measured along the center line of the traveled way of the roadway
41 not the straight line distance between two points.

42

43 7. a. The department, in consultation with the Department of
44 Education, shall conduct a statewide study to identify public safety
45 hazards posed by highway entry or exit ramps located within 1,000
46 feet of a school. The study shall include recommendations to abate
47 such safety hazards for existing ramps and recommendations to
48 avoid or minimize such safety hazards when designing or

1 reconstructing ramps. In addition, the study shall include specific
2 recommendations to abate student pedestrian safety hazards at
3 highway entry or exit ramps located within 1,000 feet of a school
4 that is planned for continued use or expansion. No later than two
5 years after the effective date of this act, the study required by this
6 subsection shall be transmitted to the President of the Senate, the
7 Speaker of the General Assembly, the members of the Legislature,
8 the metropolitan planning organizations designated within the State,
9 and the Administrator of the Federal Highway Administration.

10 b. Requests to fund improvements that address safety hazards at
11 highway entry or exit ramps shall be included, to the extent eligible,
12 in the report of proposed projects to be financed by the New Jersey
13 Transportation Trust Fund Authority and required to be submitted
14 annually pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) by
15 the Commissioner of Transportation.

16

17 8. This act shall not apply to highway projects for which
18 preliminary design has been completed and for which
19 environmental work has commenced on or before the effective date
20 of this act.

21

22 9. This act shall take effect immediately, except that sections 5
23 and 6 shall take effect 180 days after enactment, and section 4 shall
24 take effect on the date the study is transmitted as required by
25 section 7 of this act.

26

27

28

29

30 _____
31 Concerns location of certain highway entry or exit ramps and
schools.

ASSEMBLY, No. 856

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman CRAIG A. STANLEY

District 28 (Essex)

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Concerns location of certain highway entry or exit ramps and schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain highway entry or exit ramps and
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3 Title 18A of the New Jersey Statutes.

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14 b. Given the school facilities needs of Abbott districts, as
15 defined pursuant to section 3 of P.L.1996, c.138 (C.18A:7F-3),
16 particular sensitivity is required for the safety of children attending
17 schools in those districts.

18 c. The Department of Transportation must exercise the utmost
19 care when considering any proposal to plan, design, or construct a
20 highway entry or exit ramp within 1,000 feet of a school.

21 d. A local board of education, and the New Jersey Economic
22 Development Authority in the case of a school to be constructed by
23 the authority pursuant to P.L.2000, c.72 (C.18A:7G-1 et al.), or a
24 board of a nonpublic school must also exercise the utmost care
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37 4. a. A new entry or exit ramp shall not be constructed as part
38 of a highway project if a school is located or is being constructed
39 within 1,000 feet of the proposed location of the entry or exit ramp,
40 unless, during the planning and design of the project, the
41 department determines that the construction is required and that
42 there is no feasible or prudent alternative.

43 b. Prior to making the determination required pursuant to
44 subsection a. of this section, the department shall, as part of its
45 community outreach efforts to identify a preferred alternative
46 design for the highway project, notify the local board of education
47 in whose district the school is located or being constructed, and in
48 the case of a school being constructed by the New Jersey Economic

1 Development Authority, the authority, or in the case of a nonpublic
2 school, the board thereof, the Department of Education and the
3 members of the Legislature representing the district in which the
4 school is located or being constructed, that the department is
5 considering the construction of an entry or exit ramp within 1,000
6 feet of the school. The preferred alternative design for the highway
7 project shall not be selected until the members of the Legislature
8 notified pursuant to this subsection have been afforded the
9 opportunity to submit comments to the department. If the
10 department subsequently determines that the construction of the
11 entry or exit ramp is required and that there is no feasible or prudent
12 alternative, pedestrian safety issues shall be included as part of the
13 environmental review undertaken by the department pursuant to
14 State and federal laws, rules and regulations. When the public
15 forum is held as part of the environmental review of the proposed
16 highway project, the department shall present its plan for any entry
17 or exit ramp and the safety measures, consistent with the
18 recommendations of the study required pursuant to section 7 of this
19 act, that are to be included in the highway project.

20 c. An entry or exit ramp for a highway shall not be reconstructed
21 if a school is located or being constructed within 1,000 feet of the
22 location of the ramp unless the department shall take steps to
23 minimize the public safety hazards of the reconstructed ramp,
24 consistent with the recommendations contained in the study
25 required pursuant to section 7 of this act.

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27 5. a. A school shall not be constructed within 1,000 feet of an
28 existing entry or exit ramp of a highway unless, during the planning
29 and design of the proposed school, the local board of education and,
30 in the case of a school to be constructed by the New Jersey
31 Economic Development Authority, the authority, or, in the case of a
32 nonpublic school, the board thereof, determines that there is no
33 feasible or prudent alternative. Prior to making this determination,
34 the local board of education and, in the case of a school to be
35 constructed by the New Jersey Economic Development Authority,
36 the authority, or, in the case of a nonpublic school, the board
37 thereof, shall notify the members of the Legislature representing the
38 district in which the school is proposed to be constructed and the
39 Departments of Transportation and Education that construction of a
40 school is being considered within 1,000 feet of the entry or exit
41 ramp of a highway. The legislators shall be afforded the
42 opportunity to submit comments to the local board of education,
43 and, in the case of a school being constructed by the New Jersey
44 Economic Development Authority, the authority, or the board of the
45 nonpublic school, as the case may be, and the Departments of
46 Transportation and Education. If the determination is subsequently
47 made that there is no feasible or prudent alternative, the
48 Department of Transportation shall be so notified and the

1 Department of Transportation shall review the proposed location of
2 the school, identify potential safety hazards, and make
3 recommendations to abate or minimize such hazards consistent with
4 the study required pursuant to section 7 of this act, or if the study is
5 not completed, consistent with such preliminary findings and
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7 Transportation shall complete its review within 90 days of receiving
8 notification of the determination, and shall report its findings to the
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13 representing the legislative district in which the school is proposed
14 to be constructed.

15 b. As a condition of granting approval of a proposed school
16 facilities project, the Department of Education shall require a local
17 board of education to include with a board's application for
18 approval: (1) a certification that the proposed school is not within
19 1,000 feet of an entry or exit ramp of a highway; or (2) a response
20 to each item of advice to mitigate safety hazards that the
21 Department of Transportation has issued based on the Department
22 of Transportation's review of the school project.

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24 6. For the purpose of determining the distance between a
25 highway ramp and a school pursuant to sections 4 and 5 of this act,
26 the distance of 1,000 feet between a school and a highway entry or
27 exit ramp shall be measured along the roadway from the school
28 property line closest to the proposed ramp to the beginning of the
29 full lane width of a deceleration lane or the end of the full lane
30 width of an acceleration lane. The distance of 1,000 feet shall be
31 measured along the center line of the traveled way of the roadway
32 not the straight line distance between two points.

33
34 7. a. The department, in consultation with the Department of
35 Education, shall conduct a statewide study to identify public safety
36 hazards posed by highway entry or exit ramps located within 1,000
37 feet of a school. The study shall include recommendations to abate
38 such safety hazards for existing ramps and recommendations to
39 avoid or minimize such safety hazards when designing or
40 reconstructing ramps. In addition, the study shall include specific
41 recommendations to abate student pedestrian safety hazards at
42 highway entry or exit ramps located within 1,000 feet of a school
43 that is planned for continued use or expansion. No later than two
44 years after the effective date of this act, the study required by this
45 subsection shall be transmitted to the President of the Senate, the
46 Speaker of the General Assembly, the members of the Legislature,
47 the metropolitan planning organizations designated within the State,
48 and the Administrator of the Federal Highway Administration.

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2 highway entry or exit ramps shall be included, to the extent eligible,
3 in the report of proposed projects to be financed by the New Jersey
4 Transportation Trust Fund Authority and required to be submitted
5 annually pursuant to section 22 of P.L.1984, c.73 (C.27:1B-22) by
6 the Commissioner of Transportation.

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9 preliminary design has been completed and for which
10 environmental work has commenced on or before the effective date
11 of this act.

12
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14 and 6 shall take effect 180 days after enactment, and section 4 shall
15 take effect on the date the study is transmitted as required by
16 section 7 of this act.

17
18
19 STATEMENT

20
21 This bill is named "Terrell James' Law," in memory of 8-year-
22 old Terrell James who was killed in a tragic accident that occurred
23 near the Belmont-Runyon Elementary School in Newark, New
24 Jersey on March 10, 1997.

25 This bill prohibits the construction of an entry or exit ramp on a
26 highway which is designated part of the Interstate System or is a
27 limited access highway if a public or nonpublic school, having any
28 of the grades kindergarten through 12, is located or is being
29 constructed within 1,000 feet of the proposed ramp, except if there
30 is no feasible or prudent alternative.

31 If the Department of Transportation determines that a ramp must
32 be constructed within 1,000 feet of such a school site, the
33 department must notify the local board of education in whose
34 district the school is located or being constructed and the New
35 Jersey Economic Development Authority in the case of a school
36 being constructed by the authority, or in the case of a nonpublic
37 school, the board of that school, the Department of Education, and
38 the members of the Legislature representing the district in which the
39 school is located or being constructed. The preferred alternative
40 design for the entry or exit ramp will not be selected until those
41 members of the Legislature have been afforded the opportunity to
42 submit comments on the proposed ramp. In addition, pedestrian
43 safety issues must be included as part of the environmental review
44 undertaken by the Department of Transportation pursuant to State
45 and federal laws. When the public forum is held as part of the
46 environmental review, the department must present its plan for any
47 ramp and safety measures.

48 The bill also provides that an entry or exit ramp may not be

1 reconstructed if a school is located or being constructed within
2 1,000 feet unless the Department of Transportation takes steps to
3 minimize the public safety hazards of the reconstructed ramp.

4 The bill also prohibits the construction of a public or nonpublic
5 school within 1,000 feet of an existing highway entry or exit ramp,
6 except if it is determined that there is no feasible or prudent
7 alternative. Prior to making that determination, the local school
8 board, and in the case of a school to be constructed by the New
9 Jersey Economic Development Authority, the authority, or, in the
10 case of a nonpublic school, the board of that school, notifies the
11 members of the Legislature representing the district in which the
12 proposed school is located and the Departments of Transportation
13 and Education. Those legislators will be afforded an opportunity to
14 submit comments on the proposed school to the school board, and
15 in the case of a school being constructed by the New Jersey
16 Economic Development Authority, the authority, or to the board of
17 the nonpublic school, and the Departments of Transportation and
18 Education. If a determination is subsequently made that there is no
19 feasible or prudent alternative, the Department of Transportation
20 will be notified, will review the proposed school project, and report
21 its findings to the local school board, and in the case of a school
22 being constructed by the New Jersey Economic Development
23 Authority, the authority, the board of the nonpublic school, the
24 Department of Education, and the legislators representing the
25 district in which the proposed school project is located.

26 The bill further requires the Departments of Transportation and
27 Education to jointly conduct and then to submit within two years
28 after the bill is enacted a statewide study that identifies and makes
29 recommendations to abate public safety hazards posed by highway
30 entry or exit ramps located within 1,000 feet of a school.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 856

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2006

The Assembly Education Committee favorably reports Assembly Bill No. 856.

This bill is named "Terrell James' Law," in memory of 8-year-old Terrell James who was killed in a tragic accident that occurred near the Belmont-Runyon Elementary School in Newark, New Jersey on March 10, 1997.

This bill prohibits the construction of an entry or exit ramp on a highway which is designated part of the Interstate System or is a limited access highway if a public or nonpublic school, having any of the grades kindergarten through 12, is located or is being constructed within 1,000 feet of the proposed ramp, except if there is no feasible or prudent alternative.

If the Department of Transportation determines that a ramp must be constructed within 1,000 feet of such a school site, the department must notify the local board of education in whose district the school is located or being constructed and the New Jersey Economic Development Authority in the case of a school being constructed by the authority, or in the case of a nonpublic school, the board of that school, the Department of Education, and the members of the Legislature representing the district in which the school is located or being constructed. The preferred alternative design for the entry or exit ramp will not be selected until those members of the Legislature have been afforded the opportunity to submit comments on the proposed ramp. In addition, pedestrian safety issues must be included as part of the environmental review undertaken by the Department of Transportation pursuant to State and federal laws. When the public forum is held as part of the environmental review, the department must present its plan for any ramp and safety measures.

The bill also provides that an entry or exit ramp may not be reconstructed if a school is located or being constructed within 1,000 feet unless the Department of Transportation takes steps to minimize the public safety hazards of the reconstructed ramp.

The bill also prohibits the construction of a public or nonpublic school within 1,000 feet of an existing highway entry or exit ramp, except if it is determined that there is no feasible or prudent alternative. Prior to making that determination, the local school board, and in the case of a school to be constructed by the New Jersey

Economic Development Authority, the authority, or, in the case of a nonpublic school, the board of that school, notifies the members of the Legislature representing the district in which the proposed school is located and the Departments of Transportation and Education. Those legislators will be afforded an opportunity to submit comments on the proposed school to the school board, and in the case of a school being constructed by the New Jersey Economic Development Authority, the authority, or to the board of the nonpublic school, and the Departments of Transportation and Education. If a determination is subsequently made that there is no feasible or prudent alternative, the Department of Transportation will be notified, will review the proposed school project, and report its findings to the local school board, and in the case of a school being constructed by the New Jersey Economic Development Authority, the authority, the board of the nonpublic school, the Department of Education, and the legislators representing the district in which the proposed school project is located.

The bill further requires the Departments of Transportation and Education to jointly conduct and then to submit within two years after the bill is enacted a statewide study that identifies and makes recommendations to abate public safety hazards posed by highway entry or exit ramps located within 1,000 feet of a school.

The bill provides that: sections 5 and 6 (provisions prohibiting the construction of a school within 1,000 feet of an existing entry or exit ramp) take effect within 180 days of the date of the bill's enactment; and that section 4 (prohibiting the construction of a new entry or exit ramp or the reconstruction of an existing entry or exit ramp) takes effect on the date the study, required by section 7 of the bill, (to identify public safety hazards posed by highway entry or exit ramps located within 1,000 feet of a school) is transmitted to the President of the Senate, the Speaker of the General Assembly and others. That report is to be transmitted within two years of the date of the bill's enactment.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 856

STATE OF NEW JERSEY

DATED: JUNE 14, 2007

The Senate Transportation Committee reports favorably Assembly Bill No. 856.

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The bill also provides that an entry or exit ramp may not be reconstructed if a school is located or being constructed within 1,000 feet unless the Department of Transportation takes steps to minimize the public safety hazards of the reconstructed ramp.

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The bill further requires the Departments of Transportation and Education to jointly conduct and then to submit within two years after the bill is enacted a statewide study that identifies and makes recommendations to abate public safety hazards posed by highway entry or exit ramps located within 1,000 feet of a school.

The bill provides that: sections 5 and 6 (provisions prohibiting the construction of a school within 1,000 feet of an existing entry or exit ramp) take effect within 180 days of the date of the bill's enactment; and that section 4 (prohibiting the construction of a new entry or exit ramp or the reconstruction of an existing entry or exit ramp) takes effect on the date the study, required by section 7 of the bill, (to identify public safety hazards posed by highway entry or exit ramps located within 1,000 feet of a school) is transmitted to the President of the Senate, the Speaker of the General Assembly and others. That report is to be transmitted within two years of the date of the bill's enactment.