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SENATE, No. 1122

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 14, 2008

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Senator SEAN T. KEAN

District 11 (Monmouth)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Co-Sponsored by:

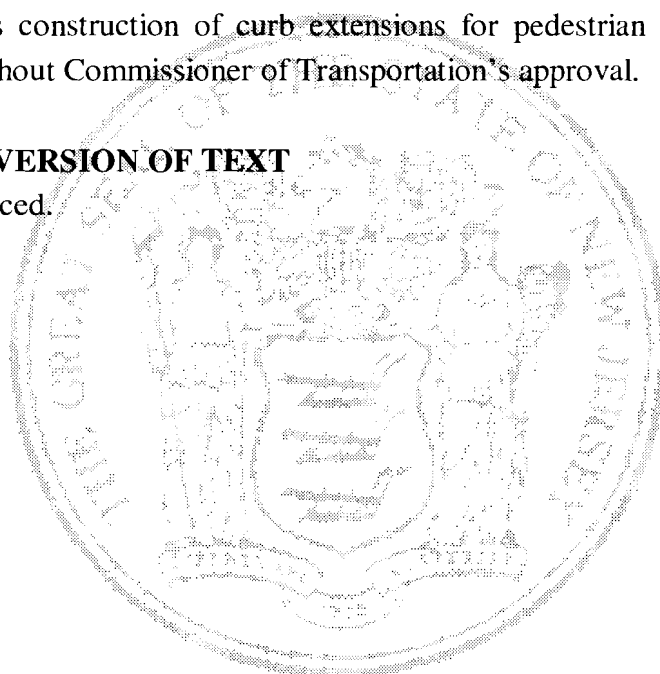
Senator Van Drew

SYNOPSIS

Authorizes construction of curb extensions for pedestrian safety on local roadways without Commissioner of Transportation's approval.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/22/2009)

1 AN ACT concerning pedestrian safety, amending R.S.39:1-1 and
2 R.S.39:4-138, and supplementing chapter 4 of Title 39 of the
3 Revised Statutes.

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

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

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

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

14 "Authorized emergency vehicles" means vehicles of the fire
15 department, police vehicles and such ambulances and other vehicles
16 as are approved by the chief administrator when operated in
17 response to an emergency call.

18 "Automobile" includes all motor vehicles except motorcycles.

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

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

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

32 "Chief Administrator" or "Administrator" means the Chief
33 Administrator of the New Jersey Motor Vehicle Commission.

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

40 "Commission" means the New Jersey Motor Vehicle
41 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
42 4).

43 "Commissioner" means the Commissioner of Transportation of
44 this State.

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

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

15 "Curb extension" or "bulbout" means a horizontal extension of
16 the sidewalk into the street which results in a narrower roadway
17 section.

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

21 "Deputy Chief Administrator" means the deputy chief
22 administrator of the commission.

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

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

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

38 "Flammable liquid" means any liquid having a flash point below
39 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
40 pounds.

41 "Gross weight" means the combined weight of a vehicle and a
42 load thereon.

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

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

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

6 "Inside lane" means the lane nearest the center line of the
7 roadway.

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

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

14 "Leased limousine" means any limousine subject to regulation in
15 the State which:

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

19 b. Is leased or rented for a period of one year or more
20 following registration.

21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:

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

26 b. Is leased or rented for a period of one year or more
27 following registration.

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

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

39 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
40 as defined in 49 CFR s. 571.3(b), whose attainable speed is more
41 than 20 miles per hour but not more than 25 miles per hour on a
42 paved level surface and which is not powered by gasoline or diesel
43 fuel and complies with federal safety standards as set forth in 49
44 CFR s. 571.500.

45 "Magistrate" means any municipal court and the Superior Court,
46 and any officer having the powers of a committing magistrate and
47 the chief administrator.

1 "Manufacturer" means a person engaged in the business of
2 manufacturing or assembling motor vehicles, who will, under
3 normal business conditions during the year, manufacture or
4 assemble at least 10 new motor vehicles.

5 "Metal tire" means every tire the surface of which in contact with
6 the highway is wholly or partly of metal or other hard nonresilient
7 material.

8 "Mid-block crosswalk" means a crosswalk located away from an
9 intersection, distinctly indicated by lines or markings on the
10 surface.

11 "Motorized bicycle" means a pedal bicycle having a helper motor
12 characterized in that either the maximum piston displacement is less
13 than 50 cc. or said motor is rated at no more than 1.5 brake
14 horsepower or is powered by an electric drive motor and said
15 bicycle is capable of a maximum speed of no more than 25 miles
16 per hour on a flat surface.

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

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

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

28 "Motorized scooter" means a miniature motor vehicle and
29 includes, but is not limited to, pocket bikes, super pocket bikes,
30 scooters, mini-scooters, sport scooters, mini choppers, mini
31 motorcycles, motorized skateboards and other vehicles with motors
32 not manufactured in compliance with Federal Motor Vehicle Safety
33 Standards and which have no permanent Federal Safety
34 Certification stickers affixed to the vehicle by the original
35 manufacturer. This term shall not include: electric personal
36 assistive mobility devices, motorized bicycles or low-speed
37 vehicles; or motorized wheelchairs, mobility scooters or similar
38 mobility assisting devices used by persons with physical
39 disabilities, or persons whose ambulatory mobility has been
40 impaired by age or illness.

41 "Motorized skateboard" means a skateboard that is propelled
42 otherwise than by muscular power.

43 "Motorized wheelchair" means any motor-driven wheelchair
44 utilized to increase the independent mobility, in the activities of
45 daily living, of an individual who has limited or no ambulation
46 abilities, and includes mobility scooters manufactured specifically
47 for such purposes and designed primarily for indoor use.

1 "Noncommercial truck" means every motor vehicle designed
2 primarily for transportation of property, and which is not a
3 "commercial vehicle."

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

8 "Omnibus" includes all motor vehicles used for the
9 transportation of passengers for hire, except commuter vans and
10 vehicles used in ridesharing arrangements and school buses, if the
11 same are not otherwise used in the transportation of passengers for
12 hire.

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

15 "Outside lane" means the lane nearest the curb or outer edge of
16 the roadway.

17 "Owner" means a person who holds the legal title of a vehicle, or
18 if a vehicle is the subject of an agreement for the conditional sale or
19 lease thereof with the right of purchase upon performance of the
20 conditions stated in the agreement and with an immediate right of
21 possession vested in the conditional vendee or lessee, or if a
22 mortgagor of a vehicle is entitled to possession, then the conditional
23 vendee, lessee or mortgagor shall be deemed the owner for the
24 purpose of this subtitle.

25 "Parking" means the standing or waiting on a street, road or
26 highway of a vehicle not actually engaged in receiving or
27 discharging passengers or merchandise, unless in obedience to
28 traffic regulations or traffic signs or signals.

29 "Passenger automobile" means all automobiles used and
30 designed for the transportation of passengers, other than omnibuses
31 and school buses.

32 "Pedestrian" means a person afoot.

33 "Person" includes natural persons, firms, copartnerships,
34 associations, and corporations.

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

37 "Pole trailer" means every vehicle without motive power
38 designed to be drawn by another vehicle and attached to the towing
39 vehicle by means of a reach, or pole, or by being boomed or
40 otherwise secured to the towing vehicle, and ordinarily used for
41 transporting long or irregularly shaped loads, such as poles, pipes,
42 or structural members capable, generally, of sustaining themselves
43 as beams between the supporting connections.

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

46 "Railroad train" means a steam engine, electric or other motor,
47 with or without cars coupled thereto, operated upon rails, except
48 street cars.

1 "Recreation vehicle" means a self-propelled or towed vehicle
2 equipped to serve as temporary living quarters for recreational,
3 camping or travel purposes and used solely as a family or personal
4 conveyance.

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

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

15 "Right-of-way" means the privilege of the immediate use of the
16 highway.

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

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

26 "Safety zone" means the area or space officially set aside within
27 a highway for the exclusive use of pedestrians, which is so plainly
28 marked or indicated by proper signs as to be plainly visible at all
29 times while set apart as a safety zone.

30 "School bus" means every motor vehicle operated by, or under
31 contract with, a public or governmental agency, or religious or other
32 charitable organization or corporation, or privately operated for the
33 transportation of children to or from school for secular or religious
34 education, which complies with the regulations of the New Jersey
35 Motor Vehicle Commission affecting school buses, including
36 "School Vehicle Type I" and "School Vehicle Type II" as defined
37 below:

38 "School Vehicle Type I" means any vehicle designed to transport
39 16 or more passengers, including the driver, used to transport
40 enrolled children, and adults only when serving as chaperones, to or
41 from a school, school connected activity, day camp, summer day
42 camp, summer residence camp, nursery school, child care center,
43 preschool center or other similar places of education. Such vehicle
44 shall comply with the regulations of the New Jersey Motor Vehicle
45 Commission and either the Department of Education or the
46 Department of Human Services, whichever is the appropriate
47 supervising agency.

1 "School Vehicle Type II" means any vehicle designed to
2 transport less than 16 passengers, including the driver, used to
3 transport enrolled children, and adults only when serving as
4 chaperones, to or from a school, school connected activity, day
5 camp, summer day camp, summer residence camp, nursery school,
6 child care center, preschool center or other similar places of
7 education. Such vehicle shall comply with the regulations of the
8 New Jersey Motor Vehicle Commission and either the Department
9 of Education or the Department of Human Services, whichever is
10 the appropriate supervising agency.

11 "School zone" means that portion of a highway which is either
12 contiguous to territory occupied by a school building or is where
13 school crossings are established in the vicinity of a school, upon
14 which are maintained appropriate "school signs" in accordance with
15 specifications adopted by the chief administrator and in accordance
16 with law.

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

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

25 "Shipper" means any person who shall deliver, or cause to be
26 delivered, any commodity, produce or article for transportation as
27 the contents or load of a commercial motor vehicle. In the case of a
28 sealed ocean container, "shipper" shall not be construed to include
29 any person whose activities with respect to the shipment are limited
30 to the solicitation or negotiation of the sale, resale, or exchange of
31 the commodity, produce or article within that container.

32 "Shoulder" means that portion of the highway, exclusive of and
33 bordering the roadway, designed for emergency use but not
34 ordinarily to be used for vehicular travel.

35 "Sidewalk" means that portion of a highway intended for the use
36 of pedestrians, between the curb line or the lateral line of a
37 shoulder, or if none, the lateral line of the roadway and the adjacent
38 right-of-way line.

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

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

42 "Solid tire" means every tire of rubber or other resilient material
43 which does not depend upon compressed air for the support of the
44 load.

45 "Street" means the same as highway.

46 "Street car" means a car other than a railroad train, for
47 transporting persons or property and operated upon rails principally
48 within a municipality.

1 "Stop," when required, means complete cessation from
2 movement.

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

7 "Suburban business or residential district" means that portion of
8 highway and the territory contiguous thereto, where within any
9 1,320 feet along that highway there is land in use for business or
10 residential purposes and that land occupies more than 660 feet of
11 frontage on one side or collectively more than 660 feet of frontage
12 on both sides of that roadway.

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

17 "Trackless trolley" means every motor vehicle which is propelled
18 by electric power obtained from overhead trolley wires but not
19 operated upon rails.

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

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

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

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

32 "Truck tractor" means every motor vehicle designed and used
33 primarily for drawing other vehicles and not so constructed as to
34 carry a load other than a part of the weight of the vehicle and load
35 so drawn.

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

39 "Vehicle" means every device in, upon or by which a person or
40 property is or may be transported upon a highway, excepting
41 devices moved by human power or used exclusively upon stationary
42 rails or tracks or motorized bicycles.

43 (cf: P.L. 2005, c.273, s.1)

44

45 2. R.S.39:4-138 is amended to read as follows:

46 39:4-138. Except when necessary to avoid conflict with other
47 traffic or in compliance with the directions of a traffic or police

1 officer or traffic sign or signal, no operator of a vehicle shall stand
2 or park the vehicle in any of the following places:

- 3 a. Within an intersection;
- 4 b. On a crosswalk;
- 5 c. Between a safety zone and the adjacent curb or within at
6 least 20 feet of a point on the curb immediately opposite the end of
7 a safety zone;
- 8 d. In front of a public or private driveway;
- 9 e. (1) Within 25 feet of the nearest crosswalk or side line of a
10 street or intersecting highway, except at alleys; or
11 (2) Within 10 feet of the nearest crosswalk or side line of a
12 street or intersecting highway, if a curb extension or bulbout has
13 been constructed at that crosswalk;
- 14 f. On a sidewalk;
- 15 g. In any appropriately marked "No Parking" space established
16 pursuant to the duly promulgated regulations of the Commissioner
17 of Transportation;
- 18 h. Within 50 feet of a "stop" sign;
- 19 i. Within 10 feet of a fire hydrant;
- 20 j. Within 50 feet of the nearest rail of a railroad crossing;
- 21 k. Within 20 feet of the driveway entrance to any fire station
22 and on the side of a street opposite the entrance to any fire station
23 within 75 feet of said entrance, when properly signposted;
- 24 l. Alongside or opposite any street excavation or obstruction
25 when stopping, standing, or parking would obstruct traffic, when
26 properly signposted;
- 27 m. On the roadway side of any vehicle stopped or parked at the
28 edge or curb of a street;
- 29 n. Upon any bridge or other elevated structure upon a highway,
30 or within a highway tunnel or underpass, or on the immediate
31 approaches thereto except where space for parking is provided;
- 32 o. In any space on public or private property appropriately
33 marked for vehicles for the physically handicapped pursuant to
34 P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et
35 seq.) or any other applicable law unless the vehicle is authorized by
36 law to be parked therein and a handicapped person is either the
37 driver or a passenger in that vehicle. State, county or municipal law
38 enforcement officers or parking enforcement authority officers shall
39 enforce the parking restrictions on spaces appropriately marked for
40 vehicles for the physically handicapped on both public and private
41 property.

42 No person shall move a vehicle not lawfully under his control
43 into any such prohibited area or away from a curb such distance as
44 is unlawful.

45 (cf: P.L. 1989,c.201,s.1)

46
47 3. (New section) A county, municipality, or the board of
48 directors or the board of trustees of any corporation or other

1 institution of a public or semipublic nature, not for pecuniary profit,
2 having control over private roads subject to the provisions of Title
3 39, may construct, without the approval of the Commissioner, a
4 curb extension or a bulbout on any street under its jurisdiction.

5
6 4. This act shall take effect immediately.

7
8
9 *Sponsor's* STATEMENT

10
11 This bill would permit counties, municipalities and the boards of
12 directors, or trustees, of any corporation having jurisdiction over a
13 self contained street subject to Title 39, to construct a curb
14 extension, or bulbout, without the approval of the Commissioner of
15 Transportation. A curb extension, or bulbout, is a horizontal
16 extension of the sidewalk into the street resulting in a narrower
17 roadway section.

18 Curb extensions improve pedestrian safety in a number of ways.
19 They reduce the distance a pedestrian must walk to cross a street
20 which, in turn, reduces the amount of time a pedestrian is actually
21 on the roadway. The narrower crossing area improves the ability of
22 both motorists and pedestrians to see one another. Finally, curb
23 extensions force motorists to slow down when making turns, further
24 enhancing pedestrian and motor vehicle safety.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 1122

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Senate Bill No. 1122.

As reported, this bill authorizes counties, municipalities, and the boards of directors or trustees of any non-profit corporation having control over private roads, to construct a curb extension or bulbout, on streets under their jurisdiction without the approval of the Commissioner of Transportation. A curb extension, or bulbout, is a horizontal extension of the sidewalk into the street resulting in a narrower roadway section.

The bill prohibits motor vehicles from standing or parking within 10 feet of the nearest crosswalk or sideline of a street or intersecting highway, if a curb extension or bulbout has been constructed at that crosswalk.

As reported, Senate Bill No. 1122 is identical to Assembly Bill No. 2905, which was also released by the committee today.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1122

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2008

The Senate Transportation Committee reports favorably Senate Bill No. 1122.

This bill authorizes counties, municipalities, and the boards of directors or trustees of any non-profit corporation having control over private roads, to construct a curb extension or bulbout, on streets under their jurisdiction without the approval of the Commissioner of Transportation. A curb extension, or bulbout, is a horizontal extension of the sidewalk into the street resulting in a narrower roadway section.

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ASSEMBLY, No. 2905

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED JUNE 5, 2008

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Wagner

SYNOPSIS

Authorizes construction of curb extensions for pedestrian safety on local roadways without Commissioner of Transportation's approval.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/22/2009)

1 AN ACT concerning pedestrian safety, amending R.S.39:1-1 and
2 R.S.39:4-138, and supplementing chapter 4 of Title 39 of the
3 Revised Statutes.

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

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

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

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

14 "Authorized emergency vehicles" means vehicles of the fire
15 department, police vehicles and such ambulances and other vehicles
16 as are approved by the chief administrator when operated in
17 response to an emergency call.

18 "Automobile" includes all motor vehicles except motorcycles.

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

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

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

32 "Chief Administrator" or "Administrator" means the Chief
33 Administrator of the New Jersey Motor Vehicle Commission.

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

40 "Commission" means the New Jersey Motor Vehicle
41 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-
42 4).

43 "Commissioner" means the Commissioner of Transportation of
44 this State.

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Matter underlined thus is new matter.

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2 capacity of not less than seven nor more than 15 adult passengers,
3 in which seven or more persons commute on a daily basis to and
4 from work and which vehicle may also be operated by the driver or
5 other designated persons for their personal use.

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

15 "Curb extension" or "bulbout" means a horizontal extension of
16 the sidewalk into the street which results in a narrower roadway
17 section.

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

21 "Deputy Chief Administrator" means the deputy chief
22 administrator of the commission.

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

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

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

38 "Flammable liquid" means any liquid having a flash point below
39 200 degrees Fahrenheit, and a vapor pressure not exceeding 40
40 pounds.

41 "Gross weight" means the combined weight of a vehicle and a
42 load thereon.

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

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

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

6 "Inside lane" means the lane nearest the center line of the
7 roadway.

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

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

14 "Leased limousine" means any limousine subject to regulation in
15 the State which:

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

19 b. Is leased or rented for a period of one year or more
20 following registration.

21 "Leased motor vehicle" means any motor vehicle subject to
22 registration in this State which:

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

26 b. Is leased or rented for a period of one year or more
27 following registration.

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

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

39 "Low-speed vehicle" means a four-wheeled low-speed vehicle,
40 as defined in 49 CFR s. 571.3(b), whose attainable speed is more
41 than 20 miles per hour but not more than 25 miles per hour on a
42 paved level surface and which is not powered by gasoline or diesel
43 fuel and complies with federal safety standards as set forth in 49
44 CFR s. 571.500.

45 "Magistrate" means any municipal court and the Superior Court,
46 and any officer having the powers of a committing magistrate and
47 the chief administrator.

1 "Manufacturer" means a person engaged in the business of
2 manufacturing or assembling motor vehicles, who will, under
3 normal business conditions during the year, manufacture or
4 assemble at least 10 new motor vehicles.

5 "Metal tire" means every tire the surface of which in contact with
6 the highway is wholly or partly of metal or other hard nonresilient
7 material.

8 "Mid-block crosswalk" means a crosswalk located away from an
9 intersection, distinctly indicated by lines or markings on the
10 surface.

11 "Motorized bicycle" means a pedal bicycle having a helper motor
12 characterized in that either the maximum piston displacement is less
13 than 50 cc. or said motor is rated at no more than 1.5 brake
14 horsepower or is powered by an electric drive motor and said
15 bicycle is capable of a maximum speed of no more than 25 miles
16 per hour on a flat surface.

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

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

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

28 "Motorized scooter" means a miniature motor vehicle and
29 includes, but is not limited to, pocket bikes, super pocket bikes,
30 scooters, mini-scooters, sport scooters, mini choppers, mini
31 motorcycles, motorized skateboards and other vehicles with motors
32 not manufactured in compliance with Federal Motor Vehicle Safety
33 Standards and which have no permanent Federal Safety
34 Certification stickers affixed to the vehicle by the original
35 manufacturer. This term shall not include: electric personal
36 assistive mobility devices, motorized bicycles or low-speed
37 vehicles; or motorized wheelchairs, mobility scooters or similar
38 mobility assisting devices used by persons with physical
39 disabilities, or persons whose ambulatory mobility has been
40 impaired by age or illness.

41 "Motorized skateboard" means a skateboard that is propelled
42 otherwise than by muscular power.

43 "Motorized wheelchair" means any motor-driven wheelchair
44 utilized to increase the independent mobility, in the activities of
45 daily living, of an individual who has limited or no ambulation
46 abilities, and includes mobility scooters manufactured specifically
47 for such purposes and designed primarily for indoor use.

1 "Noncommercial truck" means every motor vehicle designed
2 primarily for transportation of property, and which is not a
3 "commercial vehicle."

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

8 "Omnibus" includes all motor vehicles used for the
9 transportation of passengers for hire, except commuter vans and
10 vehicles used in ridesharing arrangements and school buses, if the
11 same are not otherwise used in the transportation of passengers for
12 hire.

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

15 "Outside lane" means the lane nearest the curb or outer edge of
16 the roadway.

17 "Owner" means a person who holds the legal title of a vehicle, or
18 if a vehicle is the subject of an agreement for the conditional sale or
19 lease thereof with the right of purchase upon performance of the
20 conditions stated in the agreement and with an immediate right of
21 possession vested in the conditional vendee or lessee, or if a
22 mortgagor of a vehicle is entitled to possession, then the conditional
23 vendee, lessee or mortgagor shall be deemed the owner for the
24 purpose of this subtitle.

25 "Parking" means the standing or waiting on a street, road or
26 highway of a vehicle not actually engaged in receiving or
27 discharging passengers or merchandise, unless in obedience to
28 traffic regulations or traffic signs or signals.

29 "Passenger automobile" means all automobiles used and
30 designed for the transportation of passengers, other than omnibuses
31 and school buses.

32 "Pedestrian" means a person afoot.

33 "Person" includes natural persons, firms, copartnerships,
34 associations, and corporations.

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

37 "Pole trailer" means every vehicle without motive power
38 designed to be drawn by another vehicle and attached to the towing
39 vehicle by means of a reach, or pole, or by being boomed or
40 otherwise secured to the towing vehicle, and ordinarily used for
41 transporting long or irregularly shaped loads, such as poles, pipes,
42 or structural members capable, generally, of sustaining themselves
43 as beams between the supporting connections.

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

46 "Railroad train" means a steam engine, electric or other motor,
47 with or without cars coupled thereto, operated upon rails, except
48 street cars.

1 "Recreation vehicle" means a self-propelled or towed vehicle
2 equipped to serve as temporary living quarters for recreational,
3 camping or travel purposes and used solely as a family or personal
4 conveyance.

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

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

15 "Right-of-way" means the privilege of the immediate use of the
16 highway.

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

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

26 "Safety zone" means the area or space officially set aside within
27 a highway for the exclusive use of pedestrians, which is so plainly
28 marked or indicated by proper signs as to be plainly visible at all
29 times while set apart as a safety zone.

30 "School bus" means every motor vehicle operated by, or under
31 contract with, a public or governmental agency, or religious or other
32 charitable organization or corporation, or privately operated for the
33 transportation of children to or from school for secular or religious
34 education, which complies with the regulations of the New Jersey
35 Motor Vehicle Commission affecting school buses, including
36 "School Vehicle Type I" and "School Vehicle Type II" as defined
37 below:

38 "School Vehicle Type I" means any vehicle designed to transport
39 16 or more passengers, including the driver, used to transport
40 enrolled children, and adults only when serving as chaperones, to or
41 from a school, school connected activity, day camp, summer day
42 camp, summer residence camp, nursery school, child care center,
43 preschool center or other similar places of education. Such vehicle
44 shall comply with the regulations of the New Jersey Motor Vehicle
45 Commission and either the Department of Education or the
46 Department of Human Services, whichever is the appropriate
47 supervising agency.

1 "School Vehicle Type II" means any vehicle designed to
2 transport less than 16 passengers, including the driver, used to
3 transport enrolled children, and adults only when serving as
4 chaperones, to or from a school, school connected activity, day
5 camp, summer day camp, summer residence camp, nursery school,
6 child care center, preschool center or other similar places of
7 education. Such vehicle shall comply with the regulations of the
8 New Jersey Motor Vehicle Commission and either the Department
9 of Education or the Department of Human Services, whichever is
10 the appropriate supervising agency.

11 "School zone" means that portion of a highway which is either
12 contiguous to territory occupied by a school building or is where
13 school crossings are established in the vicinity of a school, upon
14 which are maintained appropriate "school signs" in accordance with
15 specifications adopted by the chief administrator and in accordance
16 with law.

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

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

25 "Shipper" means any person who shall deliver, or cause to be
26 delivered, any commodity, produce or article for transportation as
27 the contents or load of a commercial motor vehicle. In the case of a
28 sealed ocean container, "shipper" shall not be construed to include
29 any person whose activities with respect to the shipment are limited
30 to the solicitation or negotiation of the sale, resale, or exchange of
31 the commodity, produce or article within that container.

32 "Shoulder" means that portion of the highway, exclusive of and
33 bordering the roadway, designed for emergency use but not
34 ordinarily to be used for vehicular travel.

35 "Sidewalk" means that portion of a highway intended for the use
36 of pedestrians, between the curb line or the lateral line of a
37 shoulder, or if none, the lateral line of the roadway and the adjacent
38 right-of-way line.

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

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

42 "Solid tire" means every tire of rubber or other resilient material
43 which does not depend upon compressed air for the support of the
44 load.

45 "Street" means the same as highway.

46 "Street car" means a car other than a railroad train, for
47 transporting persons or property and operated upon rails principally
48 within a municipality.

1 "Stop," when required, means complete cessation from
2 movement.

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

7 "Suburban business or residential district" means that portion of
8 highway and the territory contiguous thereto, where within any
9 1,320 feet along that highway there is land in use for business or
10 residential purposes and that land occupies more than 660 feet of
11 frontage on one side or collectively more than 660 feet of frontage
12 on both sides of that roadway.

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

17 "Trackless trolley" means every motor vehicle which is propelled
18 by electric power obtained from overhead trolley wires but not
19 operated upon rails.

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

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

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

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

32 "Truck tractor" means every motor vehicle designed and used
33 primarily for drawing other vehicles and not so constructed as to
34 carry a load other than a part of the weight of the vehicle and load
35 so drawn.

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

39 "Vehicle" means every device in, upon or by which a person or
40 property is or may be transported upon a highway, excepting
41 devices moved by human power or used exclusively upon stationary
42 rails or tracks or motorized bicycles.

43 (cf: P.L. 2005, c.273, s.1)

44

45 2. R.S.39:4-138 is amended to read as follows:

46 39:4-138. Except when necessary to avoid conflict with other
47 traffic or in compliance with the directions of a traffic or police

1 officer or traffic sign or signal, no operator of a vehicle shall stand
2 or park the vehicle in any of the following places:

- 3 a. Within an intersection;
- 4 b. On a crosswalk;
- 5 c. Between a safety zone and the adjacent curb or within at
6 least 20 feet of a point on the curb immediately opposite the end of
7 a safety zone;
- 8 d. In front of a public or private driveway;
- 9 e. (1) Within 25 feet of the nearest crosswalk or side line of a
10 street or intersecting highway, except at alleys; or
11 (2) Within 10 feet of the nearest crosswalk or side line of a
12 street or intersecting highway, if a curb extension or bulbout has
13 been constructed at that crosswalk;
- 14 f. On a sidewalk;
- 15 g. In any appropriately marked "No Parking" space established
16 pursuant to the duly promulgated regulations of the Commissioner
17 of Transportation;
- 18 h. Within 50 feet of a "stop" sign;
- 19 i. Within 10 feet of a fire hydrant;
- 20 j. Within 50 feet of the nearest rail of a railroad crossing;
- 21 k. Within 20 feet of the driveway entrance to any fire station
22 and on the side of a street opposite the entrance to any fire station
23 within 75 feet of said entrance, when properly signposted;
- 24 l. Alongside or opposite any street excavation or obstruction
25 when stopping, standing, or parking would obstruct traffic, when
26 properly signposted;
- 27 m. On the roadway side of any vehicle stopped or parked at the
28 edge or curb of a street;
- 29 n. Upon any bridge or other elevated structure upon a highway,
30 or within a highway tunnel or underpass, or on the immediate
31 approaches thereto except where space for parking is provided;
- 32 o. In any space on public or private property appropriately
33 marked for vehicles for the physically handicapped pursuant to
34 P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et
35 seq.) or any other applicable law unless the vehicle is authorized by
36 law to be parked therein and a handicapped person is either the
37 driver or a passenger in that vehicle. State, county or municipal law
38 enforcement officers or parking enforcement authority officers shall
39 enforce the parking restrictions on spaces appropriately marked for
40 vehicles for the physically handicapped on both public and private
41 property.

42 No person shall move a vehicle not lawfully under his control
43 into any such prohibited area or away from a curb such distance as
44 is unlawful.

45 (cf: P.L. 1989,c.201,s.1)

46
47 3. (New section) A county, municipality, or the board of
48 directors or the board of trustees of any corporation or other

1 institution of a public or semipublic nature, not for pecuniary profit,
2 having control over private roads subject to the provisions of Title
3 39, may construct, without the approval of the Commissioner, a
4 curb extension or a bulbout on any street under its jurisdiction.

5
6 4. This act shall take effect immediately.

7
8 *Sponsor's* STATEMENT
9

10
11 This bill authorizes counties, municipalities, and the boards of
12 directors or trustees of any non-profit corporation having control
13 over private roads, to construct a curb extension or bulbout, on
14 streets under their jurisdiction without the approval of the
15 Commissioner of Transportation. A curb extension, or bulbout, is a
16 horizontal extension of the sidewalk into the street resulting in a
17 narrower roadway section.

18 The bill prohibits motor vehicles from standing or parking within
19 10 feet of the nearest crosswalk or sideline of a street or intersecting
20 highway, if a curb extension or bulbout has been constructed at that
21 crosswalk.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2905

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably Assembly Bill No. 2905.

As reported, this bill authorizes counties, municipalities, and the boards of directors or trustees of any non-profit corporation having control over private roads, to construct a curb extension or bulbout, on streets under their jurisdiction without the approval of the Commissioner of Transportation. A curb extension, or bulbout, is a horizontal extension of the sidewalk into the street resulting in a narrower roadway section.

The bill prohibits motor vehicles from standing or parking within 10 feet of the nearest crosswalk or sideline of a street or intersecting highway, if a curb extension or bulbout has been constructed at that crosswalk.

As reported, Assembly Bill No. 2905 is identical to Senate Bill No. 1122, which was also released by the committee today.