

39:4-8

**LEGISLATIVE HISTORY CHECKLIST**  
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(Municipal speed limits--  
amend approval)

**NJSA:** 39:4-8

**LAWS OF:** 1993 **CHAPTER:** 122

**BILL NO:** S311

**SPONSOR(S)** Connors and others

**DATE INTRODUCED:** February 10, 1992

**COMMITTEE:** **ASSEMBLY:** Transportation  
**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** March 8, 1993  
**SENATE:** October 29, 1992

**DATE OF APPROVAL:** May 28, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[FIRST REPRINT]

SENATE, No. 311

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1992

By Senators CONNORS, Rice, Girgenti,  
Scott, Ciesla and Kyrillos

1 AN ACT concerning the regulation of traffic by municipalities and  
2 amending R.S.39:4-8.

3

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

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  
15 the 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, the municipality may, by ordinance, without  
20 the approval of the Commissioner of Transportation, designate  
21 reasonable and safe speed limits and erect appropriate signs and  
22 designate any intersection as a stop or yield intersection and erect  
23 appropriate signs, provided that the municipal engineer shall,  
24 under his seal as a licensed professional engineer, certify to the  
25 [commissioner] municipal governing body that any designation or  
26 erection of signs: (1) has been approved by him after investigation  
27 by him of the circumstances, (2) appears to him to be in the  
28 interest of safety and the expedition of traffic on the public  
29 highways and (3) conforms to the current standards prescribed by  
30 the Manual of Uniform Traffic Control Devices for Streets and  
31 Highways, as adopted by the Commissioner of Transportation.  
32 [The municipal engineer shall submit to the commissioner,  
33 together with his certification, detailed information as to the  
34 location of streets, intersections and signs affected by any  
35 designation or erection of signs, a statement of the reasons for his  
36 decision, a certified copy of the adopted municipal ordinance,  
37 traffic count, accident and speed sampling data, when appropriate,  
38 and any other information as the commissioner may require.]

39 A certified copy of the adopted ordinance shall be transmitted  
40 by the clerk of the municipality to the commissioner <sup>1</sup>within 30  
41 days of adoption<sup>1</sup> . together with a copy of the engineer's

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:

<sup>1</sup> Assembly ATC committee amendments adopted March 4, 1993.

1 certification; a statement of the reasons for the engineer's  
2 decision; detailed information as to the location of streets,  
3 intersections and signs affected by any designation or erection of  
4 signs; and traffic count, accident and speed sampling data, when  
5 appropriate.

6 Nothing in this subsection shall allow municipalities to designate  
7 any intersection with any highway under State or county  
8 jurisdiction as a stop or yield intersection.

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

13 By ordinance or resolution:

14 (1) prohibit general parking;

15 (2) designate restricted parking under [section 1 of P.L.1977,  
16 c.202 (C.39:4-197.5) and] section 1 of P.L.1977, c.309  
17 (C.39:4-197.6);

18 (3) designate time limit parking; and

19 (4) install parking meters.

20 By ordinance, resolution or regulation:

21 (1) designate loading and unloading zones and taxi stands; [and]

22 (2) approve street closings for periods up to 48 continuous  
23 hours; and

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

26 Nothing in this subsection shall allow municipalities or counties  
27 to establish angle parking or to reinstate or add parking on any  
28 street, or approve the closure of streets for more than 48  
29 continuous hours, without the approval of the Commissioner of  
30 Transportation.

31 (cf: P.L.1983, c.227, s.1)

32 2. This act shall take effect immediately.

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37 Concerns designation of speed limits and stop or yield  
38 intersections for municipal streets.

1 reasons for the engineer's decision; detailed information as to the  
2 location of streets, intersections and signs affected by any  
3 designation or erection of signs; and traffic count, accident and  
4 speed sampling data, when appropriate.

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#### STATEMENT

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36 This bill requires a municipal engineer to submit to the  
37 governing body of a municipality the engineer's certification that  
38 the designation of a speed limit or a stop or yield intersection and  
39 the erection of appropriate signs, on a street entirely within the  
40 municipality, is in the best interests of safety and conforms to  
41 standards of the Manual of Uniform Traffic Control Devices for  
42 Streets and Highways. Under current law, this certification is  
43 made to the Commissioner of Transportation; however, since the  
44 law already permits the municipal governing body to take such  
45 action without the approval of the commissioner, the proper  
46 authority to receive the certification of the engineer is the  
47 governing body of the municipality. The bill requires the clerk of  
48 the municipality to transmit a copy of the municipal engineer's  
49 certification, as well as a copy of the adopted ordinance, to the  
50 commissioner.

51 In addition, the bill also clarifies the powers of municipalities to  
52 adopt ordinances, resolutions or regulations designating restricted  
53 parking for handicapped persons.

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 311**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 4, 1993

The Assembly Transportation and Communications Committee favorably reports Senate Bill No. 311 with committee amendments.

This amended bill requires a municipal engineer to submit to the governing body of a municipality the engineer's certification that the designation of a speed limit or a stop or yield intersection and the erection of appropriate signs, on a street entirely within the municipality, is in the best interests of safety and conforms to standards of the Manual of Uniform Traffic Control Devices for Streets and Highways. Under current law, this certification is made to the Commissioner of Transportation; however, since the law already permits the municipal governing body to take such action without the approval of the commissioner, the proper authority to receive the certification of the engineer is the governing body of the municipality. The bill requires the clerk of the municipality to transmit a copy of the municipal engineer's certification, as well as a copy of the adopted ordinance, within 30 days of adoption, to the commissioner.

In addition, the bill also clarifies the powers of municipalities to adopt ordinances, resolutions or regulations designating restricted parking for handicapped persons.

The committee adopted amendments to require the clerk of the municipality to forward a certified copy of the ordinance designating a speed limit or a stop or yield intersection within 30 days of adoption.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 311

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1992

The Senate Law and Public Safety Committee favorably reports Senate Bill No. 311.

This bill requires a municipal engineer to submit to the governing body of a municipality the engineer's certification that the designation of a speed limit or a stop or yield intersection and the erection of appropriate signs, on a street entirely within the municipality, is in the best interests of safety and conforms to standards of the Manual of Uniform Traffic Control Devices for Streets and Highways. Under current law, this certification is made to the Commissioner of Transportation; however, since the law already permits the municipal governing body to take such action without the approval of the commissioner, the proper authority to receive the certification of the engineer is the governing body of the municipality. The bill requires the clerk of the municipality to transmit a copy of the municipal engineer's certification, as well as a copy of the adopted ordinance, to the commissioner.

In addition, the bill also clarifies the powers of municipalities to adopt ordinances, resolutions or regulations designating restricted parking for handicapped persons.