

ASSEMBLY, No. 727

STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

SYNOPSIS

Permits municipalities to install speed bumps and speed humps on certain streets.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A727 BODINE

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1 AN ACT permitting municipalities to install speed bumps and speed
2 humps on certain streets and amending R.S.39:4-8.

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

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

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

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

43 A certified copy of the adopted ordinance or resolution, as

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

Matter underlined thus is new matter.

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

17 Nothing in this subsection shall allow municipalities to designate
18 any intersection with any highway under State or county jurisdiction
19 as a stop or yield intersection or counties to designate any intersection
20 with any highway under State or municipal jurisdiction as a stop or
21 yield intersection.

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

26 By ordinance or resolution:

- 27 (1) prohibit or restrict general parking;
28 (2) designate restricted parking under section 1 of P.L.1977, c.309
29 (C.39:4-197.6);
30 (3) designate time limit parking;
31 (4) install parking meters.

32 By ordinance, resolution or regulation:

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

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

42 d. A municipality or county may, by ordinance or resolution, as
43 appropriate, in any street under its jurisdiction, install or place an
44 in-street pedestrian crossing right-of-way sign at a marked crosswalk
45 or unmarked crosswalk at an intersection. The installation shall be
46 subject to guidelines that shall be issued by the Commissioner of

1 Transportation after consultation with the Director of the Office of
2 Highway Traffic Safety in the Department of Law and Public Safety.
3 The guidelines shall be aimed at ensuring safety to both pedestrians
4 and motorists including, but not limited to, the proper method of sign
5 installation, dimensions, composition of material, proper placement
6 points and maintenance. A certified copy of the adopted ordinance or
7 resolution shall be transmitted to the commissioner within 30 days of
8 adoption. The commissioner, at his discretion, may invalidate the
9 provisions of the ordinance or resolution within 90 days of receipt of
10 the certified copy if he reviews it and finds that the provisions of the
11 ordinance or resolution are inconsistent with the guidelines issued
12 pursuant to this subsection. A claim against the State or a
13 municipality or county for damage or injury under this subsection for
14 a wrongful act or omission shall be dismissed if the municipality or
15 county is deemed to have conformed to the guidelines required
16 hereunder.

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

34 f. A municipality may, by ordinance, without the approval of the
35 commissioner, designate any totally self-contained street including
36 one-way streets connecting to county and State roads as a speed bump
37 street or a speed hump street and provide for the installation of speed
38 bumps or speed humps thereon to encourage, for the purpose of public
39 safety, the slow movement of vehicular traffic thereon, if, the
40 municipal engineer shall, under his seal as a licensed professional
41 engineer, certify to the commissioner that: (1) the installation of speed
42 bumps or speed humps is in the interest of the safety and well being of
43 the residents of the designated street, and (2) the municipality will
44 provide for the erection of appropriate signs giving adequate warning
45 and notice of the installation and existence of speed bumps and speed
46 humps on the designated street. Together with his certification, the

1 municipal engineer shall also submit to the commissioner, detailed
2 information as to the location of the designated streets, a statement of
3 the reasons for his decision, a certified copy of the adopted municipal
4 ordinance and traffic count. A municipality shall maintain a record of
5 all certifications on file and the municipal engineer shall also submit
6 any other pertinent information for the commissioner's recording
7 purposes.

8 (cf: P.L.2001, c.342, s.2)

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10 2. This act shall take effect immediately.

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STATEMENT

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15 This bill permits municipalities to install speed bumps and speed
16 humps on certain streets without securing the approval of the
17 Commissioner of the Department of Transportation.

18 Under the provisions of the bill, a municipality would be permitted
19 to install speed bumps or speed humps on any totally self-contained
20 street and one-way streets connecting to county and State roads under
21 its jurisdiction without the approval of the Commissioner of the
22 Department of Transportation. The municipal engineer would be
23 required to certify to the commissioner that the installation of the
24 speed bump or speed hump is in the interest of the safety and well
25 being of the public, and that the municipality will provide for the
26 erection of appropriate signs warning the driving public of the speed
27 bumps or speed humps. A municipality must maintain this certification
28 on file and the municipal engineer shall also submit any other pertinent
29 information for the commissioner's recording purposes.