

SENATE, No. 608

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Requires posted speed limit on certain limited access highways be based on speed at which 85 percent of vehicles are traveling; designated as Speed Limit Sanity Act.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning speed limits on certain limited access
2 highways, designated as Speed Limit Sanity Act, amending
3 R.S.39:4-98, supplementing Titles 27 and 39 of the Revised
4 Statutes, and repealing sections 2 through 8 of P.L.1997, c.415.

5

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

8

9 1. R.S.39:4-98 is amended to read as follows:

10 39:4-98. Rates of speed. Subject to the provisions of
11 R.S.39:4-96 and R.S.39:4-97 and except in those instances where a
12 lower speed is specified in this chapter, it shall be prima facie
13 lawful for the driver of a vehicle to drive it at a speed not exceeding
14 the following:

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

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

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

23 c. Fifty miles per hour in all other locations, except as
24 otherwise provided **[in the "Sixty-Five MPH Speed Limit**
25 **Implementation Act," pursuant to section 2 of P.L.1997, c.415**
26 **(C.39:4-98.3 et al.)]** pursuant to sections 2 through 8 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).

28 Whenever it shall be determined upon the basis of an engineering
29 and traffic investigation that any speed hereinbefore set forth is
30 greater or less than is reasonable or safe under the conditions found
31 to exist at any intersection or other place or upon any part of a
32 highway, the Commissioner of Transportation, with reference to
33 State highways, may by regulation and municipal or county
34 authorities, with reference to highways under their jurisdiction, may
35 by ordinance, in the case of municipal authorities, or by ordinance
36 or resolution, in the case of county authorities, subject to the
37 approval of the Commissioner of Transportation, except as
38 otherwise provided in R.S.39:4-8, designate a reasonable and safe
39 speed limit thereat which, subject to the provisions of R.S.39:4-96
40 **[and]** , R.S.39:4-97, and pursuant to sections 2 through 8 of
41 P.L. , c. (C.) (pending before the Legislature as this bill),
42 shall be prima facie lawful at all times or at such times as may be
43 determined, when appropriate signs giving notice thereof are
44 erected at such intersection, or other place or part of the highway.
45 Appropriate signs giving notice of the speed limits authorized under

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 the provisions of paragraph (1) of subsection b. and subsection c. of
2 this section may be erected if the commissioner or the municipal or
3 county authorities, as the case may be, so determine they are
4 necessary. Appropriate signs giving notice of the speed limits
5 authorized under the provisions of subsection a. and paragraph (2)
6 of subsection b. of this section shall be erected by the commissioner
7 or the municipal or county authorities, as appropriate.

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

20 The driver of every vehicle shall, consistent with the
21 requirements of this section, drive at an appropriate reduced speed
22 when approaching and crossing an intersection or railway grade
23 crossing, when approaching and going around a curve, when
24 approaching a hill crest, when traveling upon any narrow or
25 winding roadway, and when special hazard exists with respect to
26 pedestrians or other traffic or by reason of weather or highway
27 conditions.

28 The Commissioner of Transportation shall cause the erection and
29 maintenance of signs, at [such] points of entrance to the State as are
30 deemed advisable, setting forth the lawful rates of speed, the
31 wording of which shall be within **[his]** the discretion of the
32 commissioner.

33 (cf: P.L.2009, c.258, s.1)

34

35 2. (New section) a. Notwithstanding the provisions of
36 R.S.39:4-104, the fine for any violation of R.S.39:4-98 on any
37 highway, where the speed limit has not been set based on a traffic
38 engineering study and speed survey required pursuant to sections 3
39 through 8 of P.L. c. (C.) (pending before the Legislature as
40 this bill), shall be \$20 for each offense and no other penalty shall
41 apply for the violation, except as provided for in subsection b. of
42 this section, until the speed limit is set based on a traffic
43 engineering study and speed survey for the highway.

44 Except as provided in subsection b. of this section, motor vehicle
45 penalty points or automobile insurance eligibility points pursuant to
46 section 26 of P.L.1990, c.8 (C.17:33B-14) shall not be assessed for
47 a violation of R.S.39:4-98 on any highway where the speed limit
48 has not been set based on a traffic engineering study or speed

1 survey required pursuant to sections 3 through 8 of
2 P.L. c. (C.) (pending before the Legislature as this bill).

3 b. Notwithstanding the provisions of subsection a. of this
4 section, the fine and penalties for a motor vehicle offense provided
5 in the following sections of statutory law, when committed in
6 combination with a violation of R.S.39:4-98, shall be in addition to
7 the fine established pursuant to subsection a. of this section:

- 8 R.S.39:4-50;
- 9 Section 2 of P.L.1981, c.512 (C.39:4-50.4a);
- 10 Section 1 of P.L.1992, c.189 (C.39:4-50.14);
- 11 Section 1 of P.L.2003, c.310 (C.39:4-97.3); and
- 12 Section 1 of P.L.1993, c. 332 (C.39:4-203.5).

13
14 3. (New section) As used in sections 3 and 4 of
15 P.L. c. (C.) (pending before the Legislature as this bill):

16 "Commissioner" means the Commissioner of Transportation.

17 "Department" means New Jersey Department of Transportation.

18 "Eligible limited access highway" means a public highway as
19 defined in section 3 of P.L.1984, c.73 (C.27:1B-3) that is a limited
20 access highway under the jurisdiction of the State. A public
21 highway under the jurisdiction of a county or municipality shall not
22 be an eligible limited access highway.

23 "Headway" means the difference between the time when the
24 front bumper of a vehicle arrives at a point on the highway and the
25 time the front bumper of the next vehicle arrives at the same point,
26 as measured in seconds.

27 "Limited access highway" means a public highway especially
28 designed for through traffic, over which abutters have no easement
29 or right of light, air, or direct access by reason of the fact that their
30 property abuts upon that limited access highway.

31 "Traffic engineering study" means the comprehensive analysis
32 and evaluation of available pertinent information that has been
33 performed in accordance with traffic engineering practices,
34 including an analysis of the current speed distribution of free-
35 flowing vehicles, to decide upon the design, operation, or
36 installation of a traffic control device. A traffic engineering study
37 is performed and documented by a traffic engineer or by an
38 individual working under the supervision of a traffic engineer.

39 "Traffic engineer" means a licensed professional engineer with
40 the education, knowledge or certification in the application of the
41 appropriate principles, provisions, and practices of traffic or traffic
42 operations engineering. Certification includes but is not limited to
43 the Professional Traffic Operations Engineer (PTOE) certificate
44 sponsored by the Transportation Professional Certification Board,
45 Inc., and promulgated by the Institute of Transportation Engineers.

46
47 4. (New section) a. Within four months following the
48 effective date of P.L. , c. (C.) (pending before the

1 Legislature as this bill), the commissioner shall determine through
2 traffic engineering speed surveys the speed at which vehicles are
3 traveling on every eligible limited access highway. The
4 commissioner shall determine representative sections of the eligible
5 limited access highways where traffic engineering speed surveys
6 shall be conducted. The location of the traffic engineering speed
7 surveys shall be representative of the segment or segments of the
8 eligible limited access highway where a speed limit will be posted,
9 as determined by a traffic engineer. The traffic engineering speed
10 surveys shall be conducted:

11 (1) using a headway measurement of at least four seconds on the
12 on the eligible limited access highway;

13 (2) in an unobtrusive and inconspicuous manner; and

14 (3) on a straight section of roadway under good conditions,
15 which shall include clear weather and dry pavement that is absent
16 construction, maintenance, visible law enforcement activity, or
17 other temporary traffic events that restrict the natural flow of
18 traffic.

19 b. (1) At the conclusion of the documented traffic
20 engineering study, including the related speed survey required by
21 subsection a. of this section, the commissioner shall use the results
22 of the study to set, by written order, the speed limit for an eligible
23 limited access highway, or any portion thereof, at the 85th
24 percentile speed of the highway, rounded to the next highest five
25 miles per hour and may not reduce the limit for any other factors to
26 less than the 67th percentile speed, rounded to the next highest five
27 miles per hour.

28 (2) In the event that a documented traffic engineering study,
29 including the related speed survey that is substantially similar to the
30 one required by subsection a. of this section has been conducted on
31 an eligible limited access highway within two years prior to the
32 effective date of P.L. , c. (C.) (pending before the
33 Legislature as this bill), the commissioner shall use the results of
34 the study to set, by written order, the speed limit for the eligible
35 limited access highway, or any portion thereof, at the 85th
36 percentile speed of the highway, rounded to the next highest five
37 miles per hour and may not reduce the limit for any other factors to
38 less than the 67th percentile speed, rounded to the next highest five
39 miles per hour.

40 c. The speed limit for any segment of an eligible limited access
41 highway shall be reevaluated through a traffic engineering speed
42 survey not less than once every 10 years, and any time the eligible
43 limited access highway is substantially altered, as determined by the
44 commissioner. The posted speed limit shall be adjusted at that time
45 to reflect the new data.

46 d. Any official traffic control device established pursuant to
47 this section shall conform to the Manual on Uniform Traffic Control
48 Devices for Streets and Highways.

1 e. Documentation defining the methods and procedures used to
2 conduct traffic engineering speed surveys pursuant to this section,
3 the traffic engineering speed survey results, and a complete list of
4 the posted speed limits for all segments of all eligible limited access
5 highways shall be published in a dedicated section of the
6 department's website that is freely and directly accessible by the
7 public.

8
9 5. (New section) As used in sections 5 and 6
10 P.L. c. (C.) (pending before the Legislature as this bill):

11 "Authority" means the New Jersey Turnpike Authority
12 established by section 3 of P.L.1948, c.454 (C.27:23-3).

13 "Eligible limited access highway" means a public highway as
14 defined in section 3 of P.L.1984, c.73 (C.27:1B-3) that is a limited
15 access highway under the jurisdiction of the authority.

16 "Headway" means the difference between the time when the
17 front bumper of a vehicle arrives at a point on the highway and the
18 time the front bumper of the next vehicle arrives at the same point,
19 as measured in seconds.

20 "Limited access highway" means a public highway especially
21 designed for through traffic, over which abutters have no easement
22 or right of light, air, or direct access by reason of the fact that their
23 property abuts upon that limited access highway.

24 "Traffic engineering study" means the comprehensive analysis
25 and evaluation of available pertinent information that has been
26 performed in accordance with traffic engineering practices,
27 including an analysis of the current speed distribution of free-
28 flowing vehicles, to decide upon the design, operation, or
29 installation of a traffic control device. A traffic engineering study
30 is performed and documented by a traffic engineer or by an
31 individual working under the supervision of a traffic engineer.

32 "Traffic engineer" means a licensed professional engineer with
33 the education, knowledge or certification in the application of the
34 appropriate principles, provisions, and practices of traffic or traffic
35 operations engineering. Certification includes but is not limited to
36 the Professional Traffic Operations Engineer (PTOE) certificate
37 sponsored by the Transportation Professional Certification Board,
38 Inc., and promulgated by the Institute of Transportation Engineers.

39
40 6. (New section) a. Within four months following the
41 effective date of P.L. , c. (C.) (pending before the
42 Legislature as this bill), the authority shall determine through traffic
43 engineering speed surveys the speed at which vehicles are traveling
44 on every eligible limited access highway. The authority shall
45 determine representative sections of the eligible limited access
46 highways where traffic engineering speed surveys shall be
47 conducted. The location of the traffic engineering speed surveys
48 shall be representative of the segment or segments of the eligible

1 limited access highway where a speed limit will be posted, as
2 determined by a traffic engineer. The traffic engineering speed
3 surveys shall be conducted:

4 (1) using a headway measurement of at least four seconds on the
5 eligible limited access highway;

6 (2) in an unobtrusive and inconspicuous manner; and

7 (3) on a straight section of roadway under good conditions,
8 which shall include clear weather and dry pavement which is absent
9 construction, maintenance, visible law enforcement activity, or
10 other temporary traffic events that restrict the natural flow of
11 traffic.

12 b. (1) At the conclusion of the documented traffic
13 engineering study, including the related speed survey required by
14 subsection a. of this section, the authority shall use the results of the
15 study to set, by written order, the speed limit for an eligible limited
16 access highway, or any portion thereof, at the 85th percentile speed
17 of the highway, rounded to the next highest five miles per hour and
18 may not reduce the limit for any other factors to less than the 67th
19 percentile speed, rounded to the next highest five miles per hour.

20 (2) In the event that a documented traffic engineering study,
21 including the related speed survey that is substantially similar to the
22 one required by subsection a. of this section has been conducted on
23 an eligible limited access highway within two years prior to the
24 effective date of P.L. , c. (C.) (pending before the
25 Legislature as this bill), the authority shall use the results of the
26 study to set, by written order, the speed limit for the eligible limited
27 access highway, or any portion thereof, at the 85th percentile speed
28 of the highway, rounded to the next highest five miles per hour and
29 may not reduce the limit for any other factors to less than the 67th
30 percentile speed, rounded to the next highest five miles per hour.

31 c. The speed limit for any segment of an eligible limited access
32 highway shall be reevaluated through a traffic engineering speed
33 survey not less than once every 10 years, and any time the eligible
34 limited access highway is substantially altered, as determined by the
35 authority. The posted speed limit shall be adjusted at that time to
36 reflect the new data.

37 d. Any official traffic control device established pursuant to
38 this section shall conform to the Manual on Uniform Traffic Control
39 Devices for Streets and Highways.

40 e. Documentation defining the methods and procedures used to
41 conduct traffic engineering speed surveys pursuant to this section,
42 the traffic engineering speed survey results, and a complete list of
43 the posted speed limits for all segments of all eligible limited access
44 highways shall be published in a dedicated section of the authority's
45 website that is freely and directly accessible by the public.

46

47 7. (New section) As used in sections 7 and 8
48 P.L. c. (C.) (pending before the Legislature as this bill):

1 “Authority” means the South Jersey Transportation Authority
2 established by section 4 of P.L.1991, c.252 (C.27:25A-4).

3 “Eligible limited access highway” means a public highway as
4 defined in section 3 of P.L.1984, c.73 (C.27:1B-3) that is a limited
5 access highway under the jurisdiction of the authority.

6 “Headway” means the difference between the time when the
7 front bumper of a vehicle arrives at a point on the highway and the
8 time the front bumper of the next vehicle arrives at the same point,
9 as measured in seconds.

10 “Limited access highway” means a public highway especially
11 designed for through traffic, over which abutters have no easement
12 or right of light, air, or direct access by reason of the fact that their
13 property abuts upon that limited access highway.

14 “Traffic engineering study” means the comprehensive analysis
15 and evaluation of available pertinent information that has been
16 performed in accordance with traffic engineering practices,
17 including an analysis of the current speed distribution of free-
18 flowing vehicles, to decide upon the design, operation, or
19 installation of a traffic control device. A traffic engineering study
20 is performed and documented by a traffic engineer or by an
21 individual working under the supervision of a traffic engineer.

22 “Traffic engineer” means a licensed professional engineer with
23 the education, knowledge or certification in the application of the
24 appropriate principles, provisions, and practices of traffic or traffic
25 operations engineering. Certification includes but is not limited to
26 the Professional Traffic Operations Engineer (PTOE) certificate
27 sponsored by the Transportation Professional Certification Board,
28 Inc., and promulgated by the Institute of Transportation Engineers.

29

30 8. (New section) a. Within four months following the
31 effective date of P.L. , c. (C.) (pending before the
32 Legislature as this bill), the authority shall determine through traffic
33 engineering speed surveys the speed at which vehicles are traveling
34 on every eligible limited access highway. The authority shall
35 determine representative sections of the eligible limited access
36 highways where traffic engineering speed surveys shall be
37 conducted. The location of the traffic engineering speed surveys
38 shall be representative of the segment or segments of the eligible
39 limited access highway where a speed limit will be posted, as
40 determined by a traffic engineer. The traffic engineering speed
41 surveys shall be conducted:

42 (1) using a headway measurement of at least four seconds on the
43 eligible limited access highway;

44 (2) in an unobtrusive and inconspicuous manner; and

45 (3) on a straight section of roadway under good conditions,
46 which shall include clear weather and dry pavement which is absent
47 construction, maintenance, visible law enforcement activity, or

1 other temporary traffic events that restrict the natural flow of
2 traffic.

3 b. (1) At the conclusion of the documented traffic
4 engineering study, including the related speed survey required by
5 subsection a. of this section, the authority shall use the results of the
6 study to set, by written order, the speed limit for an eligible limited
7 access highway, or any portion thereof, at the 85th percentile speed
8 of the highway, rounded to the next highest five miles per hour and
9 may not reduce the limit for any other factors to less than the 67th
10 percentile speed, rounded to the next highest five miles per hour.

11 (2) In the event that a documented traffic engineering study,
12 including the related speed survey that is substantially similar to the
13 one required by subsection a. of this section has been conducted on
14 an eligible limited access highway within two years prior to the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill), the authority shall use the results of the
17 study to set, by written order, the speed limit for the eligible limited
18 access highway, or any portion thereof, at the 85th percentile speed
19 of the highway, rounded to the next highest five miles per hour and
20 may not reduce the limit for any other factors to less than the 67th
21 percentile speed, rounded to the next highest five miles per hour.

22 c. The speed limit for any segment of an eligible limited access
23 highway shall be reevaluated through a traffic engineering speed
24 survey not less than once every 10 years, and any time the eligible
25 limited access highway is substantially altered, as determined by the
26 authority. The posted speed limit shall be adjusted at that time to
27 reflect the new data.

28 d. Any official traffic control device established pursuant to
29 this section shall conform to the Manual on Uniform Traffic Control
30 Devices for Streets and Highways.

31 e. Documentation defining the methods and procedures used to
32 conduct traffic engineering speed surveys pursuant to this section,
33 the traffic engineering speed survey results, and a complete list of
34 the posted speed limits for all segments of all eligible limited access
35 highways shall be published in a dedicated section of the authority's
36 website that is freely and directly accessible by the public.

37
38 9. Sections 2 through 8 of P.L.1997, c.415 (C.39:4-98.3 et seq.)
39 are repealed.

40
41 10. This act shall take effect immediately.

42
43
44 STATEMENT

45
46 This bill, designated as the Speed Limit Sanity Act, requires the
47 New Jersey Department of Transportation (DOT), the New Jersey
48 Turnpike Authority (NJTA), and the South Jersey Transportation

1 Authority (SJTA) to determine through traffic engineering speed
2 surveys the speed at which vehicles are traveling on every eligible
3 limited access highway under their jurisdiction. An "eligible
4 limited access highway" is defined to mean a public highway
5 especially designed for through traffic, over which abutters have no
6 easement or right of light, air, or direct access by reason of the fact
7 that their property abuts upon that limited access highway, and
8 which is under the jurisdiction of the DOT, the NJTA, or the SJTA.

9 The posted speed limit for any segment of an eligible limited
10 access highway is to be set at the 85th percentile speed of the
11 highway, as determined by the traffic engineering survey, rounded
12 to the next highest five miles per hour. In addition to traffic
13 engineering studies conducted pursuant to the bill, the DOT, NJTA,
14 and SJTA are allowed to use traffic engineering studies that have
15 been conducted within the two year period prior to the effective
16 date of the bill. The posted speed limit is to be reevaluated through
17 a traffic engineering speed survey not less than once every 10 years
18 and any time the limited access highway is substantially altered.

19 Under the bill, the fine for a speeding violation on any highway
20 where the speed limit has not been based on a traffic engineering
21 study and speed survey is \$20 for each offense, until the speed limit
22 is set based on a traffic engineering study and speed survey for the
23 highway. Motor vehicle penalty points or automobile insurance
24 eligibility points are not to be assessed for a speeding violation on
25 any highway where the speed limit has not been based on a traffic
26 engineering study and speed survey until the speed limit is set based
27 on a traffic engineering study and speed survey for the highway.
28 However, the fines and penalties for a violation of a driving under
29 the influence, refusal of a breath alcohol test, operating a motor
30 vehicle after consuming alcohol while under the legal age to
31 consume alcohol, use of a wireless telephone while driving, or a
32 motor vehicle offense in an area of highway construction, repair, or
33 designated safe area, are to be assessed in addition to the fine of
34 \$20 when those violations are committed in combination with a
35 speeding violation.

36 Finally, this bill repeals the "Sixty-Five MPH Speed Limit
37 Implementation Act."