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

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

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

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

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

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

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

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

Whenever it shall be determined upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, the Commissioner of Transportation, with reference to State highways, may by regulation and municipal or county authorities, with reference to highways under their jurisdiction, may by ordinance, in the case of municipal authorities, or by ordinance or resolution, in the case of county authorities, subject to the approval of the Commissioner of Transportation, except as otherwise provided in R.S.39:4-8, designate a reasonable and safe speed limit thereat which, subject to the provisions of R.S.39:4-96 [and] R.S.39:4-97, and pursuant to sections 2 through 8 of P.L., c. (C. ) (pending before the Legislature as this bill), shall be prima facie lawful at all times or at such times as may be determined, when appropriate signs giving notice thereof are erected at such intersection, or other place or part of the highway. 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.
the provisions of paragraph (1) of subsection b. and subsection c. of this section may be erected if the commissioner or the municipal or county authorities, as the case may be, so determine they are necessary. Appropriate signs giving notice of the speed limits authorized under the provisions of subsection a. and paragraph (2) of subsection b. of this section shall be erected by the commissioner or the municipal or county authorities, as appropriate.

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

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

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

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

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

Except as provided in subsection b. of this section, motor vehicle penalty points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall not be assessed for a violation of R.S.39:4-98 on any highway where the speed limit has not been set based on a traffic engineering study or speed
survey required pursuant to sections 3 through 8 of P.L. c. (C.) (pending before the Legislature as this bill).

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

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

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

- “Commissioner” means the Commissioner of Transportation.
- “Department” means New Jersey Department of Transportation.
- “Eligible limited access highway” means a public highway as defined in section 3 of P.L.1984, c.73 (C.27:1B-3) that is a limited access highway under the jurisdiction of the State. A public highway under the jurisdiction of a county or municipality shall not be an eligible limited access highway.
- “Headway” means the difference between the time when the front bumper of a vehicle arrives at a point on the highway and the time the front bumper of the next vehicle arrives at the same point, as measured in seconds.
- “Limited access highway” means a public highway especially designed for through traffic, over which abutters have no easement or right of light, air, or direct access by reason of the fact that their property abuts upon that limited access highway.
- “Traffic engineering study” means the comprehensive analysis and evaluation of available pertinent information that has been performed in accordance with traffic engineering practices, including an analysis of the current speed distribution of free-flowing vehicles, to decide upon the design, operation, or installation of a traffic control device. A traffic engineering study is performed and documented by a traffic engineer or by an individual working under the supervision of a traffic engineer.
- “Traffic engineer” means a licensed professional engineer with the education, knowledge or certification in the application of the appropriate principles, provisions, and practices of traffic or traffic operations engineering. Certification includes but is not limited to the Professional Traffic Operations Engineer (PTOE) certificate sponsored by the Transportation Professional Certification Board, Inc., and promulgated by the Institute of Transportation Engineers.

4. (New section) a. Within four months following the effective date of P.L. , c. (C. ) (pending before the
Legislature as this bill), the commissioner shall determine through traffic engineering speed surveys the speed at which vehicles are traveling on every eligible limited access highway. The commissioner shall determine representative sections of the eligible limited access highways where traffic engineering speed surveys shall be conducted. The location of the traffic engineering speed surveys shall be representative of the segment or segments of the eligible limited access highway where a speed limit will be posted, as determined by a traffic engineer. The traffic engineering speed surveys shall be conducted:

1. Using a headway measurement of at least four seconds on the eligible limited access highway;
2. In an unobtrusive and inconspicuous manner; and
3. On a straight section of roadway under good conditions, which shall include clear weather and dry pavement that is absent construction, maintenance, visible law enforcement activity, or other temporary traffic events that restrict the natural flow of traffic.

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

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

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

d. Any official traffic control device established pursuant to this section shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways.
e. Documentation defining the methods and procedures used to
conduct traffic engineering speed surveys pursuant to this section,
the traffic engineering speed survey results, and a complete list of
the posted speed limits for all segments of all eligible limited access
highways shall be published in a dedicated section of the
department’s website that is freely and directly accessible by the
public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in an unobtrusive and inconspicuous manner; and

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

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

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

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

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

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

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

10. This act shall take effect immediately.

STATEMENT

This bill, designated as the Speed Limit Sanity Act, requires the New Jersey Department of Transportation (DOT), the New Jersey Turnpike Authority (NJTA), and the South Jersey Transportation Authority...
Authority (SJTA) to determine through traffic engineering speed
surveys the speed at which vehicles are traveling on every eligible
limited access highway under their jurisdiction. An “eligible
limited access highway” is defined to mean a public highway
especially designed for through traffic, over which abutters have no
easement or right of light, air, or direct access by reason of the fact
that their property abuts upon that limited access highway, and
which is under the jurisdiction of the DOT, the NJTA, or the SJTA.
The posted speed limit for any segment of an eligible limited
access highway is to be set at the 85th percentile speed of the
highway, as determined by the traffic engineering survey, rounded
to the next highest five miles per hour. In addition to traffic
engineering studies conducted pursuant to the bill, the DOT, NJTA,
and SJTA are allowed to use traffic engineering studies that have
been conducted within the two year period prior to the effective
date of the bill. The posted speed limit is to be reevaluated through
a traffic engineering speed survey not less than once every 10 years
and any time the limited access highway is substantially altered.
Under the bill, the fine for a speeding violation on any highway
where the speed limit has not been based on a traffic engineering
study and speed survey is $20 for each offense, until the speed limit
is set based on a traffic engineering study and speed survey for the
highway. Motor vehicle penalty points or automobile insurance
eligibility points are not to be assessed for a speeding violation on
any highway where the speed limit has not been based on a traffic
engineering study and speed survey until the speed limit is set based
on a traffic engineering study and speed survey for the highway.
However, the fines and penalties for a violation of a driving under
the influence, refusal of a breath alcohol test, operating a motor
vehicle after consuming alcohol while under the legal age to
consume alcohol, use of a wireless telephone while driving, or a
motor vehicle offense in an area of highway construction, repair, or
designated safe area, are to be assessed in addition to the fine of
$20 when those violations are committed in combination with a
speeding violation.

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