

**SENATE, No. 2080**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Provides for lower speed limits on certain residential access streets.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/19/2020)**

1 AN ACT pertaining to speed limits on residential access streets and  
2 amending R.S.39:4-98.

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

6  
7 1. R.S.39:4-98 is amended to read as follows:

8 39:4-98. Rates of speed. Subject to the provisions of  
9 R.S.39:4-96 and R.S.39:4-97 and except in those instances where a  
10 lower speed is specified in this chapter, it shall be prima facie  
11 lawful for the driver of a vehicle to drive it at a speed not exceeding  
12 the following:

13 a. (1) Twenty-five miles per hour, when passing through a  
14 school zone during recess, when the presence of children is clearly  
15 visible from the roadway, or while children are going to or leaving  
16 school, during opening or closing hours;

17 (2) Twenty-five miles per hour on certain portions of Route 130  
18 in Burlington City, Burlington County, as provided by paragraphs  
19 (1) and (2) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-  
20 98.12);

21 (3) Thirty-five miles per hour on certain portions of Route 130  
22 in Burlington City, Burlington County, as provided by paragraphs  
23 (3) and (4) of subsection a. of section 3 of P.L.2019, c.5 (C.39:4-  
24 98.12);

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

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

29 c. Fifty miles per hour in all other locations, except as  
30 otherwise provided in the "Sixty-Five MPH Speed Limit  
31 Implementation Act," pursuant to P.L.1997, c.415 (C.39:4-  
32 98.3 et al.).

33 Whenever it shall be determined upon the basis of an engineering  
34 and traffic investigation that any speed hereinbefore set forth is  
35 greater or less than is reasonable or safe under the conditions found  
36 to exist at any intersection or other place or upon any part of a  
37 highway, the Commissioner of Transportation, with reference to  
38 State highways, may by regulation and municipal or county  
39 authorities, with reference to highways under their jurisdiction, may  
40 by ordinance, in the case of municipal authorities, or by ordinance  
41 or resolution, in the case of county authorities, subject to the  
42 approval of the Commissioner of Transportation, except as  
43 otherwise provided in R.S.39:4-8, designate a reasonable and safe  
44 speed limit thereat which, subject to the provisions of R.S.39:4-96  
45 and R.S.39:4-97, shall be prima facie lawful at all times or at such

**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 times as may be determined, when appropriate signs giving notice  
2 thereof are erected at such intersection, or other place or part of the  
3 highway. Appropriate signs giving notice of the speed limits  
4 authorized under the provisions of paragraph (1) of subsection b.  
5 and subsection c. of this section may be erected if the commissioner  
6 or the municipal or county authorities, as the case may be, so  
7 determine they are necessary. Appropriate signs giving notice of  
8 the speed limits authorized under the provisions of subsection a.  
9 and paragraph (2) of subsection b. of this section shall be erected by  
10 the commissioner or the municipal or county authorities, as  
11 appropriate.

12 Upon request from a community association or a majority of the  
13 residents in a neighborhood, with the approval of the appropriate  
14 governing body, the Commissioner of Transportation shall  
15 designate a speed limit of no more than 15 or 20 miles per hour on  
16 all residential access streets, as defined in N.J.A.C.5:21-4.1, within  
17 that community or neighborhood, provided the majority of the  
18 streets within that community or neighborhood do not have  
19 sidewalks and the commissioner or the community association erect  
20 appropriate signs giving notice thereof.

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

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

41 The Commissioner of Transportation shall cause the erection and  
42 maintenance of signs at such points of entrance to the State as are  
43 deemed advisable, setting forth the lawful rates of speed, the  
44 wording of which shall be within the commissioner's discretion.  
45 (cf: P.L.2019, c.5, s.4)

46  
47 2. This act shall take effect on the first day of the seventh  
48 month following enactment.

STATEMENT

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3       This bill would require the Commissioner of Transportation to  
4 designate a speed limit of not more than 15 or 20 miles per hour on  
5 all residential access streets within a community or neighborhood,  
6 upon the request of a community association or a majority of the  
7 residents in a neighborhood, with the approval of the appropriate  
8 governing body. The bill is limited to communities or  
9 neighborhoods in which a majority of the streets do not have  
10 sidewalks. The bill also requires the commissioner or community  
11 association to erect signs giving notice of the reduced speed limit.  
12       The bill specifies that “residential access street” would have the  
13 meaning used in the New Jersey Administrative Code. Under the  
14 code, residential access streets are the lowest order of residential  
15 streets, not including rural streets. These streets provide access to  
16 properties without acting as through streets. They are designed to  
17 carry the least amount of traffic at the lowest speed, and are  
18 generally found in residential developments.