

ASSEMBLY, No. 732

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GREGG

1 AN ACT concerning the rate of speed on certain highways and
2 amending P.L.1951, c.264, P.L.1952, c.16, and P.L.1991, c.252.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1951 c.264 (C.27:23-27) is amended to read as
8 follows:

9 3. A person operating a vehicle on any such turnpike project shall
10 operate it at a careful and prudent speed, having due regard to the
11 rights and safety of others and to the traffic, surface and width of the
12 highway, and any other conditions then existing; and no person shall
13 operate a vehicle on any such turnpike project at such a speed as to
14 endanger life, limb or property; provided, however, that it shall be
15 prima facie lawful for a driver of a vehicle to operate it at a speed not
16 exceeding a speed limit which is designated by the Authority as a
17 reasonable and safe speed limit, when appropriate signs giving notice
18 of such speed limit are erected at the roadside or otherwise posted for
19 the information of operators of vehicles.

20 No person shall operate a vehicle on any such turnpike project at
21 such a slow speed as to impede or block the normal and reasonable
22 movement of traffic except when reduced speed is necessary for safe
23 operation thereof.

24 No person shall operate a vehicle on any such turnpike project in
25 violation of any speed limit designated by regulation adopted by the
26 Authority as hereinafter provided.

27 Notwithstanding any speed limit designated by the Authority to the
28 contrary, it shall be prima facie lawful for a driver to operate a vehicle
29 at a rate of speed not exceeding 65 miles per hour on those portions
30 of the turnpike project where that rate of speed is permitted by federal
31 law.

32 (cf: P.L.1951, c.264, s.3)

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 2. Section 18 of P.L.1952, c.16 (C.27:12B-18) is amended to read
2 as follows:

3 18. (a) No vehicle shall be permitted to make use of any project
4 except upon the payment of such tolls as may from time to time be
5 prescribed by the Authority.

6 It is hereby declared to be unlawful for any person to refuse to pay,
7 or to evade or to attempt to evade the payment of such tolls.

8 (b) No vehicle shall be operated on any project carelessly or
9 recklessly, or in disregard of the rights or safety of others, or without
10 due caution or prudence, or in a manner so as to endanger
11 unreasonably or to be likely to endanger unreasonably persons or
12 property, or while the operator thereof is under the influence of
13 intoxicating liquors or any narcotic or habit-forming drug, nor shall
14 any vehicle be so constructed, equipped, lacking in equipment, loaded
15 or operated in such a condition of disrepair as to endanger
16 unreasonably or to be likely to endanger unreasonably persons or
17 property.

18 (c) A person operating a vehicle on any project shall operate it at
19 a careful and prudent speed, having due regard to the rights and safety
20 of others and to the traffic, surface and width of the highway, and any
21 other conditions then existing; and no person shall operate a vehicle on
22 any project at such a speed as to endanger life, limb or property;
23 provided, however, that it shall be prima facie lawful for a driver of a
24 vehicle to operate it at a speed not exceeding a speed limit which is
25 designated by the Authority as a reasonable and safe speed limit, when
26 appropriate signs giving notice of such speed limit are erected at the
27 roadside or otherwise posted for the information of operators of
28 vehicles. Notwithstanding any speed limit designated by the authority
29 to the contrary, it shall be prima facie lawful for a driver to operate a
30 vehicle at a rate of speed not exceeding 65 miles per hour on those
31 portions of the project where that rate of speed is permitted by federal
32 law.

33 (d) No person shall operate a vehicle on any project at such a slow
34 speed as to impede or block the normal and reasonable movement of
35 traffic except when reduced speed is necessary for safe operation
36 thereof.

37 (e) No person shall operate a vehicle on any project in violation of
38 any speed limit designated by regulation adopted by the Authority as
39 hereinafter provided.

40 (f) All persons operating vehicles upon any project must at all
41 times comply with any lawful order, signal or direction by voice or
42 hand of any police officer engaged in the direction of traffic upon such
43 project. When traffic on a project is controlled by traffic lights, signs
44 or by mechanical or electrical signals, such lights, signs and signals
45 shall be obeyed unless a police officer directs otherwise.

46 (g) All persons operating vehicles upon any project, or seeking to

1 do so, must at all times comply with regulations, not inconsistent with
2 the other sections of this act, adopted by the Authority concerning
3 types, weights and sizes of vehicles permitted to use such project, and
4 with regulations adopted by the Authority for or prohibiting the
5 parking of vehicles, concerning the making of turns and the use of
6 particular traffic lanes, together with any and all other regulations
7 adopted by the Authority to control traffic and prohibit acts hazardous
8 in their nature or tending to impede or block the normal and
9 reasonable flow of traffic upon such project; provided, however, that
10 prior to the adoption of any regulation for the control of traffic on any
11 such project, including the designation of any speed limits, the
12 Authority shall investigate and consider the need for and desirability
13 of such regulation for the safety of persons and property, including the
14 Authority's property, and the contribution which any such regulation
15 would make toward the efficient and safe handling of traffic and use
16 of such project, and shall determine that such regulation is necessary
17 or desirable to accomplish such purposes or one or some of them, and
18 that upon or prior to the effective date of any such regulation and
19 during its continuance, notice thereof shall be given to the drivers of
20 vehicles by appropriate signs erected at the roadside or otherwise
21 posted. The Authority is hereby authorized and empowered to make,
22 adopt and promulgate regulations referred to in this section in
23 accordance with the provisions hereof. Regulations adopted by the
24 Authority pursuant to the provisions of this section shall insofar as
25 practicable, having due regard to the features of the project and the
26 characteristics of traffic thereon, be consistent with the provisions of
27 Title 39 of the Revised Statutes applicable to similar subjects. The
28 Authority shall have power to amend, supplement or repeal any
29 regulation adopted by it under the provisions of this section. No
30 regulation and no amendment or supplement thereto or repealer
31 thereof adopted by the Authority shall take effect until it is filed with
32 the Secretary of State, by the filing of a copy thereof certified by the
33 secretary of the Authority.

34 (h) The operator of any vehicle upon a project involved in an
35 accident resulting in injury or death to any person or damage to any
36 property shall immediately stop such vehicle at the scene of the
37 accident, render such assistance as may be needed, and give his name,
38 address, and operator's license and registration number to the person
39 injured and to any officer or witness of the injury and shall make a
40 report of such accident in accordance with law.

41 (i) No person shall transport in or upon any project, any dynamite,
42 nitroglycerin, black powder, fireworks, blasting caps or other
43 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
44 turpentine, formaldehyde or other inflammable or combustible liquids,
45 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
46 magnesium, nitro-cellulose film, peroxides or other readily

1 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
2 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
3 carbolic acid, potassium cyanide, tear gas, lewisite or any other
4 poisonous substances, liquids or gases, or any compressed gas, or any
5 radioactive article, substance or material, at such time or place or in
6 such manner or condition as to endanger unreasonably or as to be
7 likely to endanger unreasonably persons or property.

8 (j) If the violation of any provision of this section or the violation
9 of any regulation adopted by the Authority under the provisions of this
10 section, would have been a violation of law or ordinance if committed
11 on any public road, street or highway in the municipality in which such
12 violation occurred, it shall be tried and punished in the same manner
13 as if it had been committed in such municipality.

14 (k) Notwithstanding the provisions of paragraph (j) of this section,
15 if the violation within the State of the provisions of paragraph (i) of
16 this section shall result in injury or death to a person or persons or
17 damage to property in excess of the value of five thousand dollars
18 (\$5,000.00), such violation shall constitute a high misdemeanor.

19 (l) Except as provided in paragraph (j) or (k) of this section, any
20 violation of any of the provisions of this section, including but not
21 limited to those regarding the payment of tolls, and any violation of
22 any regulation adopted by the Authority under the provisions of this
23 section shall be punishable by a fine not exceeding two hundred dollars
24 (\$200.00) or by imprisonment not exceeding thirty days or by both
25 such fine and imprisonment. Such a violation shall be tried in a
26 summary way and shall be within the jurisdiction of and may be
27 brought in the Superior Court or municipal court where the offense
28 was committed. The rules of the Supreme Court shall govern the
29 practice and procedure in such proceedings. Proceedings under this
30 section may be instituted on any day of the week, and the institution
31 of the proceedings on a Sunday or a holiday shall be no bar to the
32 successful prosecution thereof. Any process served on a Sunday or a
33 holiday shall be as valid as if served on any other day of the week.
34 When imposing any penalty under the provisions of this paragraph the
35 court having jurisdiction shall be guided by the appropriate provisions
36 of any statute fixing uniform penalties for violation of provisions of the
37 motor vehicle and traffic laws contained in Title 39 of the Revised
38 Statutes.

39 (m) In any prosecution for violating a regulation of the Authority
40 adopted pursuant to the provisions of this section copies of any such
41 regulation when authenticated under the seal of the Authority by its
42 secretary or assistant secretary shall be evidence in like manner and
43 equal effect as the original.

44 (n) No resolution or ordinance heretofore or hereafter adopted by
45 the governing body of any county or municipality for the control and
46 regulation of traffic shall be applicable to vehicles while upon any

1 project operated by the Authority.

2 (o) In addition to any punishment or penalty provided by other
3 paragraphs of this section, every registration certificate and every
4 license certificate to drive motor vehicles may be suspended or
5 revoked and any person may be prohibited from obtaining a driver's
6 license or a registration certificate and the reciprocity privileges of a
7 nonresident may be suspended or revoked by the Director of the
8 Division of Motor Vehicles for a violation of any of the provisions of
9 this section, after due notice in writing of such proposed suspension,
10 revocation or prohibition and the ground thereof, and otherwise in
11 accordance with the powers, practice and procedure established by
12 those provisions of Title 39 of the Revised Statutes applicable to such
13 suspension, revocation or prohibition.

14 (p) Except as otherwise provided by this section or by any
15 regulation of the Authority made in accordance with the provisions
16 hereof, the requirements of Title 39 of the Revised Statutes applicable
17 to persons using, driving or operating vehicles on the public highways
18 of this State and to vehicles so used, driven or operated shall be
19 applicable to persons using, driving or operating vehicles on any
20 project and to vehicles so used, driven or operated.

21 (cf: P.L.1991, c.91, s.303)

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23 3. Section 21 of P.L.1991, c.252, (C.27:25A-21) is amended to
24 read as follows:

25 21. a. Except as otherwise provided in subsection a. of section 19
26 of this act, no vehicle shall be permitted to make use of any
27 expressway project except upon the payment of the tolls as may from
28 time to time be prescribed by the authority. It shall be unlawful for
29 any person to refuse to pay, or to evade or to attempt to evade the
30 payment of the tolls.

31 b. No vehicle shall be operated on any project carelessly or
32 recklessly, or in disregard of the rights or safety of others, or without
33 due caution or prudence, or in a manner so as to endanger
34 unreasonably or to be likely to endanger unreasonably persons or
35 property, while the operator thereof is under the influence of
36 intoxicating liquors or any narcotic or habit-forming drug, nor shall
37 any vehicle be so constructed, equipped, lacking in equipment, loaded
38 or operated in such a condition of disrepair as to endanger
39 unreasonably or to be likely to endanger unreasonably persons or
40 property.

41 c. A person operating a vehicle on any project shall operate at a
42 careful and prudent speed, having due regard to the rights and safety
43 of others and to the traffic, surface and width of the highway, and any
44 other conditions then existing; and no person shall operate a vehicle on
45 any project at a speed as to endanger life, limb or property; except that
46 it shall be prima facie lawful for a driver of a vehicle to operate it at a

1 speed not exceeding a speed limit which is designated by the authority
2 as a reasonable and safe speed limit, when appropriate signs giving
3 notice of that speed limit are erected at the roadside or otherwise
4 posted for the information of operators of vehicles. Notwithstanding
5 any speed limit designated by the authority to the contrary, it shall be
6 prima facie lawful for a driver to operate at a rate of speed not
7 exceeding 65 miles per hour on those portions of the project where
8 that rate of speed is permitted by federal law.

9 d. No person shall operate a vehicle on any project at a slow speed
10 as to impede or block the normal and reasonable movement of traffic
11 except when reduced speed is necessary for safe operation thereof.

12 e. No person shall operate a vehicle on any project in violation of
13 any speed limit designated by regulation adopted by the authority.

14 f. All persons operating vehicles upon any project must at all times
15 comply with any lawful order, signal or direction by voice or hand of
16 any police officer engaged in the direction of traffic upon such project.
17 When traffic on a project is controlled by traffic lights, signs or by
18 mechanical or electrical signals, those lights, signs and signals shall be
19 obeyed unless a police officer directs otherwise.

20 g. All persons operating vehicles upon any project, or seeking to
21 do so, must at all times comply with regulations, not inconsistent with
22 the other sections of this act, adopted by the authority concerning
23 types, weights and sizes of vehicles permitted to use the project, and
24 with regulations adopted by the authority for or prohibiting the
25 parking of vehicles, concerning the making of turns and the use of
26 particular traffic lanes, together with any and all other regulations
27 adopted by the authority to control traffic and prohibit acts hazardous
28 in their nature or tending to impede or block the normal and
29 reasonable flow of traffic upon the project; except that prior to the
30 adoption of any regulation for the control of traffic on any project,
31 including the designation of any speed limits, the authority shall
32 investigate and consider the need for and desirability of the regulation
33 for the safety of persons and property, including the authority's
34 property, and the contribution which that regulation would make
35 toward the efficient and safe handling of traffic and use of the project,
36 and shall determine that the regulation is necessary or desirable to
37 accomplish the purposes or one or some of them, and that upon or
38 prior to the effective date of the regulation and during its continuance,
39 notice thereof shall be given to the drivers of vehicles by appropriate
40 signs erected at the roadside or otherwise posted. The authority may
41 adopt regulations referred to in this section in accordance with the
42 provisions hereof and in accordance with the provisions of the
43 "Administrative Procedure Act." Regulations adopted by the authority
44 pursuant to the provisions of this section shall insofar as practicable,
45 having due regard to the features of the project and the characteristics
46 of traffic thereon and except as to maximum or minimum speed limits,

1 be consistent with the provisions of Title 39 of the Revised Statutes
2 applicable to similar subjects. The authority shall have power to
3 amend, supplement or repeal any regulation adopted by it under the
4 provisions of this section. No regulation and no amendment or
5 supplement thereto or repealer thereof adopted by the authority shall
6 take effect until it is filed with the Office of Administrative Law, by
7 the filing of a copy thereof certified by the secretary of the authority.

8 h. The operator of any vehicle upon a project involved in an
9 incident resulting in injury or death to any person or damage to any
10 property shall immediately stop the vehicle at the scene of the incident,
11 render assistance as may be needed, and give his name, address, and
12 operator's license and motor vehicle registration number to the person
13 injured and to any officer or witness of the injury and shall make a
14 report of the incident in accordance with law.

15 i. No person shall transport in or upon any expressway project, any
16 dynamite, nitroglycerin, black powder, fireworks, blasting caps or
17 other explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
18 turpentine, formaldehyde or other inflammable or combustible liquids,
19 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
20 magnesium, nitro-cellulose film, peroxides or other readily
21 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
22 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
23 carbolic acid, potassium cyanide, tear gas, lewisite or any other
24 poisonous substances, liquids or gases, or any compressed gas, or any
25 radioactive article, substance or material, at a time or place or in a
26 manner or condition as to endanger unreasonably or as to be likely to
27 endanger unreasonably persons or property.

28 j. If the violation of any provision of this section or the violation
29 of any regulation adopted by the authority under the provisions of this
30 section would have been a violation of law or ordinance if committed
31 on any public road, street or highway in the municipality in which the
32 violation occurred, it shall be tried and punished in the same manner
33 as if it had been committed in that municipality.

34 k. Notwithstanding the provisions of subsection j. of this section,
35 if the violation of the provisions of subsection i. of this section shall
36 result in injury or death to a person or persons or damage to property
37 in excess of the value of \$5,000, that violation shall constitute a crime
38 of the third degree.

39 l. Except as provided in subsection j. or k. of this section, any
40 violation of any of the provisions of this section, including but not
41 limited to those regarding the payment of tolls, and any violation of
42 any regulation adopted by the authority under the provisions of this
43 section shall be punishable by a fine not exceeding \$500 or by
44 imprisonment not exceeding 30 days or by both. A violation shall be
45 tried in a summary way and shall be within the jurisdiction of and may
46 be brought in the Special Civil Part of the Law Division of the

1 Superior Court or any municipal court in the county where the offense
2 was committed. Proceedings under this section may be instituted on
3 any day of the week, and the institution of the proceedings on a
4 Sunday or a holiday shall be no bar to the successful prosecution
5 thereof. Any process served on a Sunday, or a holiday shall be as
6 valid as if served on any other day of the week. When imposing any
7 penalty under the provisions of this subsection the court having
8 jurisdiction shall be guided by the appropriate provisions of any statute
9 fixing uniform penalties for violation of provisions of the motor
10 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

11 m. In any prosecution for violating a regulation of the authority
12 adopted pursuant to the provisions of this section, copies of that
13 regulation when authenticated under the seal of the authority by its
14 secretary or assistant secretary shall be evidence in like manner and
15 equal effect as the original.

16 n. No resolution or ordinance adopted by the governing body of
17 any county or municipality for the control and regulation of traffic
18 shall be applicable to vehicles while upon any expressway project
19 operated by the authority.

20 o. In addition to any punishment or penalty provided by other
21 subsections of this section, every registration certificate and every
22 license certificate to drive motor vehicles may be suspended or
23 revoked and any person may be prohibited from obtaining a driver's
24 license or a registration certificate and the reciprocity privileges of a
25 nonresident may be suspended or revoked by the Director of the
26 Division of Motor Vehicles for a violation of any of the provisions of
27 this section, after due notice in writing of the proposed suspension,
28 revocation or prohibition and the ground thereof, all otherwise in
29 accordance with the powers, practice and procedure established by the
30 provisions of Title 39 of the Revised Statutes applicable to the
31 suspension, revocation or prohibition.

32 p. Except as otherwise provided by this section or by any
33 regulation of the authority adopted in accordance with the provisions
34 of this section, the requirements of Title 39 of the Revised Statutes
35 applicable to persons using, driving or operating vehicles on the public
36 highways of this State and to vehicles so used, driven or operated shall
37 be applicable to persons using, driving or operating vehicles on any
38 expressway project and to vehicles so used, driven or operated.

39 (cf: P.L.1991, c.252, s.21)

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41 4. This act shall take effect of the first day of the second month
42 following enactment.

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STATEMENT

This bill establishes a 65 mile per hour (mph) speed limit on those portions of the New Jersey Turnpike, the Garden State Parkway and the Atlantic City Expressway where permitted by federal law.

Under federal law, those portions of eligible interstate and non-interstate highways systems that run through non-urbanized areas may have 65 mph speed limits. Approximately 209 miles of New Jersey's toll roads would qualify for a 65 mph speed limit.

Establishes 65 mph speed limit for portions of State toll roads.