

ASSEMBLY, No. 1674

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen PASCRELL and ARNONE

1 AN ACT concerning municipal traffic control and amending
2 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
20 under county jurisdiction which have no direct connection with any
21 street in any other county, the municipality or county may, by
22 ordinance or resolution, as appropriate, without the approval of the
23 Commissioner of Transportation, designate reasonable and safe speed
24 limits and erect appropriate signs, designate any intersection as a stop
25 or yield intersection and erect appropriate signs designate pedestrian
26 crossing areas and erect appropriate signs, and place longitudinal
27 pavement markings delineating the separation of traffic flows and the
28 edge of the pavement, provided that the municipal or county engineer
29 shall, under his seal as a licensed professional engineer, certify to the
30 municipal or county governing body, as appropriate, that any
31 designation or erection of signs or placement of markings: (1) has
32 been approved by him after investigation by him of the circumstances,
33 (2) appears to him to be in the interest of safety and the expedition of
34 traffic on the public highways and (3) conforms to the current

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 standards prescribed by the Manual of Uniform Traffic Control
2 Devices for Streets and Highways, as adopted by the Commissioner of
3 Transportation.

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

22 Nothing in this subsection shall allow municipalities to designate
23 any intersection with any highway under State or county jurisdiction
24 as a stop or yield intersection or counties to designate any intersection
25 with any highway under State or municipal jurisdiction as a stop or
26 yield intersection.

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

31 By ordinance or resolution:

- 32 (1) prohibit general parking;
33 (2) designate restricted parking under section 1 of P.L.1977, c.309
34 (C.39:4-197.6);
35 (3) designate time limit parking; and
36 (4) install parking meters.

37 By ordinance, resolution or regulation:

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

43 Nothing in this subsection shall allow municipalities or counties to
44 establish angle parking or to reinstate or add parking on any street, or
45 approve the closure of streets for more than 48 continuous hours,

1 without the approval of the Commissioner of Transportation.
2 (cf: P.L.1995, c.412, s.1)

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4 2. This act shall take effect on the first day of the third month
5 following enactment.

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STATEMENT

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10 This bill would permit a municipality, by ordinance, to designate
11 reasonable and safe speed limits and erect stop signs on streets under
12 its jurisdiction, without the prior approval of the State Commissioner
13 of Transportation. The municipal engineer is required to certify that
14 the proposed sign would serve the interests of safety and conform to
15 standards prescribed by the Manual of Uniform Traffic Control
16 Devices for Streets and Highways. In addition, a copy of the adopted
17 ordinance, the engineer's certification and supporting data must be
18 submitted to the Commissioner of Transportation. Under current law,
19 a municipality may erect a stop sign or designate speed limits without
20 State approval only on a street totally self-contained within the
21 municipality.

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Permits municipality to erect certain stop signs without State approval.