

ASSEMBLY, No. 2123

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman AUGUSTINE

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

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 Devices for Streets and Highways, as adopted by the Commissioner of
2 Transportation.

3 A certified copy of the adopted ordinance or resolution, as
4 appropriate, shall be transmitted by the clerk of the municipality or
5 county, as appropriate, to the commissioner within 30 days of
6 adoption, together with a copy of the engineer's certification; a
7 statement of the reasons for the engineer's decision; detailed
8 information as to the location of streets, intersections and signs
9 affected by any designation or erection of signs or placement of
10 markings; and traffic count, accident and speed sampling data, when
11 appropriate.

12 Nothing in this subsection shall allow municipalities to designate
13 any intersection with any highway under State or county jurisdiction
14 as a stop or yield intersection or counties to designate any intersection
15 with any highway under State or municipal jurisdiction as a stop or
16 yield intersection.

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

21 By ordinance or resolution:

22 (1) prohibit general parking;
23 (2) designate restricted parking under section 1 of P.L.1977, c.309
24 (C.39:4-197.6);
25 (3) designate time limit parking; and
26 (4) install parking meters.

27 By ordinance, resolution or regulation:

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

33 Nothing in this subsection shall allow municipalities or counties to
34 establish angle parking or to reinstate or add parking on any street, or
35 approve the closure of streets for more than 48 continuous hours,
36 without the approval of the Commissioner of Transportation.

37 d. A municipality may, by ordinance, in any street in a central
38 business district under its jurisdiction, install or place an in-street
39 pedestrian crossing right-of-way sign at a marked crosswalk or
40 unmarked crosswalk at an intersection. The installation shall be
41 subject to guidelines that shall be issued by the Commissioner of
42 Transportation after consultation with the Director of the Office of
43 Highway Traffic Safety in the Department of Law and Public Safety.
44 The guidelines shall be aimed at ensuring safety to both pedestrians
45 and motorists including, but not limited to, the proper method of sign
46 installation, dimensions, composition of material, proper placement

points and maintenance. A claim against a municipality for damage or
injury under this subsection for a wrongful act or omission shall be
dismissed if the municipality is deemed to have conformed to the
guidelines required hereunder.

5 (cf: P.L.1995, c.412, s.1)

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7 2. This act shall take effect on the first day of the sixth month after
8 enactment.

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STATEMENT

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This bill is designed to improve the safety of pedestrians in central business districts who cross streets either at marked crosswalks or unmarked crosswalks at intersections. It authorizes municipalities to place pedestrian warning signs in the streets at locations under their jurisdiction. Crosswalk warning signs appear to cause drivers to be more conscious of pedestrians and concerned about their safety.

19 Municipalities could install such signs at their own discretion but
20 must comply with safety-related guidelines to be issued by the
21 Commissioner of Transportation after consulting with the Director of
22 the Office of Highway Traffic Safety. These guidelines would clarify
23 the conditions under which the signs could be used. They would cover
24 subjects such as the proper method of installation, dimensions,
25 material composition, proper placement points and maintenance of the
26 signs. A municipality would be held harmless against any litigation
27 involving wrongful acts or omissions if its use of the signs complied
28 with the State's guidelines.

According to recent news reports, between 1992 and 1994, pedestrian accidents in the State accounted for about 25 to 30 percent of all traffic fatalities. The national average was 14 percent.

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36 Permits municipalities to install in-street pedestrian right-of-way signs
37 under State guidelines.