

ASSEMBLY, No. 2796

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblymen MORAN and CONNORS

1 AN ACT concerning motor vehicle speed limits and amending
2 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:*

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

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

17 (2) Twenty-five miles an hour in the vicinity of a park or
18 recreational facility when authorized by the Commissioner or by an
19 ordinance or resolution enacted or adopted by a county or
20 municipality, notwithstanding the provisions of subsection a. of
21 R.S.39:4-8;

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

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

26 c. Fifty miles an hour in all other locations.

27 Whenever it shall be determined upon the basis of an engineering
28 and traffic investigation that any speed hereinbefore set forth is greater
29 or less than is reasonable or safe under the conditions found to exist
30 at any intersection or other place or upon any part of a highway, the
31 Commissioner of Transportation, with reference to State highways,
32 may by regulation and municipal or county authorities, with reference
33 to highways under their jurisdiction, may by ordinance, in the case of
34 municipal authorities, or by ordinance or resolution, in the case of

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 county authorities, subject to the approval of the Commissioner of
2 Transportation, except as otherwise provided in R.S.39:4-8, designate
3 a reasonable and safe speed limit thereat which, subject to the
4 provisions of R.S.39:4-96 and R.S.39:4-97, shall be prima facie lawful
5 at all times or at such times as may be determined, when appropriate
6 signs giving notice thereof are erected at such intersection, or other
7 place or part of the highway. Appropriate signs giving notice of the
8 speed limits authorized under the provisions of paragraph (1) of
9 subsection b. and subsection c. of this section may be erected if the
10 commissioner or the municipal or county authorities, as the case may
11 be, so determine they are necessary. Appropriate signs giving notice
12 of the speed limits authorized under the provisions of subsection a. and
13 paragraph (2) of subsection b. of this section shall be erected by the
14 commissioner or the municipal or county authorities, as appropriate.

15 The Commissioner of Transportation, with reference to State
16 highways, may by regulation and municipal or county authorities, with
17 reference to highways under their jurisdiction, may, by ordinance or
18 resolution as appropriate, reduce the 35 mile an hour speed limit
19 established in a suburban business or residential district pursuant to
20 P.L.1993, c.315 to 25 miles an hour, provided that appropriate signs
21 are posted giving notice of the reduced speed limit. Notwithstanding
22 the provisions of this section, R.S.39:4-8 or any other law to the
23 contrary, a county or municipality shall not be required to perform an
24 engineering and traffic investigation or to obtain the approval of the
25 Commissioner of Transportation in order to effect this reduction.

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

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

37 (cf: P.L.1993, c.315, s.2)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill would permit municipalities and counties to reduce the
45 statewide 35-mile-an-hour speed limit in suburban business and
46 residential districts without conducting a traffic study or obtaining

1 State approval. It would also permit local governments to establish
2 25-mile-an-hour speed limits near parks and recreational facilities.

3 P.L.1993, c.315 established a presumptive speed limit of 35 miles
4 an hour in "suburban business and residential districts." These
5 districts, as defined by the law, constitute a stretch of roadway where
6 within any 1,320 feet business or residential property occupies 600
7 feet of frontage on one side or a total of 600 feet on both sides of the
8 road. The speed limit established by this law permitted traffic to move
9 through areas of lower density faster than the existing 25 mile an hour
10 speed limit provided for standard business and residential districts.

11 However, the 35 mile an hour speed limit has proven burdensome
12 for those municipalities which have determined that a lower speed
13 limit is desirable in the interest of resident safety. The law allows a
14 municipality to establish a speed limit lower than 35 miles an hour in
15 such areas. However, this involves the expense of performing
16 engineering and traffic studies and of seeking approval from the State
17 Commissioner of Transportation. Moreover, staffing reductions at the
18 Department of Transportation have constrained the ability of the
19 department to perform a timely review and evaluation of municipal
20 requests for reduced speed limits.

21 To relieve this situation, this bill would allow a municipality or
22 county to reduce the 35-mile-an-hour speed limit in suburban business
23 and residential districts to 25 miles an hour. The municipality or
24 county could lower such a speed limit by ordinance or resolution, as
25 appropriate for the particular form of government, as long as
26 appropriate signs were posted to notify the public of the new speed
27 limit. The municipality would not be required to perform an
28 engineering and traffic investigation or to obtain the approval of the
29 State Commissioner of Transportation in order to reduce the speed
30 limit.

31 The bill also permits the establishment of 25-mile-an-hour speed
32 limits in the vicinity of a park or recreational facility. These areas are
33 often frequented by children and the reduced speed limit is intended to
34 promote safety in the same manner as the 25-mile-an-hour limit in
35 school zones. A municipality or county would be authorized to
36 establish these speed limits without prior approval from the
37 Commissioner of Transportation.

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42 Amends law regarding motor vehicle speed limits.