

SENATE, No. 179

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators RICE and GIRGENTI

1 AN ACT concerning municipal traffic control and amending
2 R.S.39:4-8.

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

6
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], the municipality may, by ordinance, without the
20 approval of the Commissioner of Transportation, designate reasonable
21 and safe speed limits and erect appropriate signs and designate any
22 intersection as a stop or yield intersection and erect appropriate signs,
23 provided that the municipal engineer shall, under his seal as a licensed
24 professional engineer, certify to the municipal governing body that any
25 designation or erection of signs: (1) has been approved by him after
26 investigation by him of the circumstances, (2) appears to him to be in
27 the interest of safety and the expedition of traffic on the public
28 highways and (3) conforms to the current standards prescribed by the
29 Manual of Uniform Traffic Control Devices for Streets and Highways,
30 as adopted by the Commissioner of Transportation.

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

6 Nothing in this subsection shall allow municipalities to designate
7 any intersection with any highway under State or county jurisdiction
8 as a stop or yield intersection.

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

13 By ordinance or resolution:

- 14 (1) prohibit general parking;
15 (2) designate restricted parking under section 1 of P.L.1977, c.309
16 (C.39:4-197.6);
17 (3) designate time limit parking; and
18 (4) install parking meters.

19 By ordinance, resolution or regulation:

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

25 Nothing in this subsection shall allow municipalities or counties to
26 establish angle parking or to reinstate or add parking on any street, or
27 approve the closure of streets for more than 48 continuous hours,
28 without the approval of the Commissioner of Transportation.
29 (cf: P.L.1993, c.122, s.1)

30
31 2. This act shall take effect on the first day of the third month
32 following enactment.

33

34

35

STATEMENT

36

37 This bill would permit a municipality, by ordinance, to designate
38 reasonable and safe speed limits and erect stop signs on streets under
39 its jurisdiction, without the prior approval of the State Commissioner
40 of Transportation. The municipal engineer would be required to
41 certify that the proposed sign would serve the interests of safety and
42 conform to standards prescribed by the Manual of Uniform Traffic
43 Control Devices for Streets and Highways. A copy of the adopted
44 ordinance, the engineer's certification and supporting data would have
45 to be submitted to the Commissioner of Transportation. Under
46 current law, a municipality may erect a stop sign without State

- 1 approval only on a street totally self-contained within the municipality.
- 2
- 3
- 4 _____
- 5
- 6 Permits municipality to erect certain stop signs without State approval.