

SENATE, No. 1105

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1996

By Senator LaROSSA

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 unless the Authority
30 determines, based upon an engineering and traffic investigation, that
31 this speed is greater or less than is reasonable or safe under the

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 conditions found to exist on portions of the turnpike project.

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

3

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

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

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

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

21 (c) A person operating a vehicle on any project shall operate it at
22 a careful and prudent speed, having due regard to the rights and safety
23 of others and to the traffic, surface and width of the highway, and any
24 other conditions then existing; and no person shall operate a vehicle on
25 any project at such a speed as to endanger life, limb or property;
26 provided, however, that it shall be prima facie lawful for a driver of a
27 vehicle to operate it at a speed not exceeding a speed limit which is
28 designated by the Authority as a reasonable and safe speed limit, when
29 appropriate signs giving notice of such speed limit are erected at the
30 roadside or otherwise posted for the information of operators of
31 vehicles. Notwithstanding any speed limit designated by the Authority
32 to the contrary, it shall be prima facie lawful for a driver to operate a
33 vehicle at a rate of speed not exceeding 65 miles per hour unless the
34 Authority determines, based upon an engineering and traffic
35 investigation, that this rate of speed is greater or less than is
36 reasonable or safe under the conditions found to exist on portions of
37 the project.

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

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

45 (f) All persons operating vehicles upon any project must at all
46 times comply with any lawful order, signal or direction by voice or

1 hand of any police officer engaged in the direction of traffic upon such
2 project. When traffic on a project is controlled by traffic lights, signs
3 or by mechanical or electrical signals, such lights, signs and signals
4 shall be obeyed unless a police officer directs otherwise.

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

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

46 (i) No person shall transport in or upon any project, any dynamite,

1 nitroglycerin, black powder, fireworks, blasting caps or other
2 explosives, gasoline, alcohol, ether, liquid shellac, kerosene,
3 turpentine, formaldehyde or other inflammable or combustible liquids,
4 ammonium nitrate, sodium chlorate, wet hemp, powdered metallic
5 magnesium, nitro-cellulose film, peroxides or other readily
6 inflammable solids or oxidizing materials, hydrochloric acid, sulfuric
7 acid, or other corrosive liquids, prussic acid, phosgene, arsenic,
8 carbolic acid, potassium cyanide, tear gas, lewisite or any other
9 poisonous substances, liquids or gases, or any compressed gas, or any
10 radioactive article, substance or material, at such time or place or in
11 such manner or condition as to endanger unreasonably or as to be
12 likely to endanger unreasonably persons or property.

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

19 (k) Notwithstanding the provisions of paragraph (j) of this section,
20 if the violation within the State of the provisions of paragraph (i) of
21 this section shall result in injury or death to a person or persons or
22 damage to property in excess of the value of five thousand dollars
23 (\$5,000.00), such violation shall constitute a high misdemeanor.

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

44 (m) In any prosecution for violating a regulation of the Authority
45 adopted pursuant to the provisions of this section copies of any such
46 regulation when authenticated under the seal of the Authority by its

1 secretary or assistant secretary shall be evidence in like manner and
2 equal effect as the original.

3 (n) No resolution or ordinance heretofore or hereafter adopted by
4 the governing body of any county or municipality for the control and
5 regulation of traffic shall be applicable to vehicles while upon any
6 project operated by the Authority.

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

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

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

27

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

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

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

46 c. A person operating a vehicle on any project shall operate at a

1 careful and prudent speed, having due regard to the rights and safety
2 of others and to the traffic, surface and width of the highway, and any
3 other conditions then existing; and no person shall operate a vehicle on
4 any project at a speed as to endanger life, limb or property; except that
5 it shall be prima facie lawful for a driver of a vehicle to operate it at a
6 speed not exceeding a speed limit which is designated by the authority
7 as a reasonable and safe speed limit, when appropriate signs giving
8 notice of that speed limit are erected at the roadside or otherwise
9 posted for the information of operators of vehicles. Notwithstanding
10 any speed limit designated by the authority to the contrary, it shall be
11 prima facie lawful for a driver to operate at a rate of speed not
12 exceeding 65 miles per hour unless the authority determines, based
13 upon an engineering and traffic investigation, that this speed is greater
14 or less than is reasonable or safe under the conditions found to exist
15 on portions of the project.

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

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

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

27 g. All persons operating vehicles upon any project, or seeking to
28 do so, must at all times comply with regulations, not inconsistent with
29 the other sections of this act, adopted by the authority concerning
30 types, weights and sizes of vehicles permitted to use the project, and
31 with regulations adopted by the authority for or prohibiting the
32 parking of vehicles, concerning the making of turns and the use of
33 particular traffic lanes, together with any and all other regulations
34 adopted by the authority to control traffic and prohibit acts hazardous
35 in their nature or tending to impede or block the normal and
36 reasonable flow of traffic upon the project; except that prior to the
37 adoption of any regulation for the control of traffic on any project,
38 including the designation of any speed limits, the authority shall
39 investigate and consider the need for and desirability of the regulation
40 for the safety of persons and property, including the authority's
41 property, and the contribution which that regulation would make
42 toward the efficient and safe handling of traffic and use of the project,
43 and shall determine that the regulation is necessary or desirable to
44 accomplish the purposes or one or some of them, and that upon or
45 prior to the effective date of the regulation and during its continuance,
46 notice thereof shall be given to the drivers of vehicles by appropriate

1 signs erected at the roadside or otherwise posted. The authority may
2 adopt regulations referred to in this section in accordance with the
3 provisions hereof and in accordance with the provisions of the
4 "Administrative Procedure Act." Regulations adopted by the authority
5 pursuant to the provisions of this section shall insofar as practicable,
6 having due regard to the features of the project and the characteristics
7 of traffic thereon and except as to maximum or minimum speed limits,
8 be consistent with the provisions of Title 39 of the Revised Statutes
9 applicable to similar subjects. The authority shall have power to
10 amend, supplement or repeal any regulation adopted by it under the
11 provisions of this section. No regulation and no amendment or
12 supplement thereto or repealer thereof adopted by the authority shall
13 take effect until it is filed with the Office of Administrative Law, by
14 the filing of a copy thereof certified by the secretary of the authority.

15 h. The operator of any vehicle upon a project involved in an
16 incident resulting in injury or death to any person or damage to any
17 property shall immediately stop the vehicle at the scene of the incident,
18 render assistance as may be needed, and give his name, address, and
19 operator's license and motor vehicle registration number to the person
20 injured and to any officer or witness of the injury and shall make a
21 report of the incident in accordance with law.

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

35 j. If the violation of any provision of this section or the violation
36 of any regulation adopted by the authority under the provisions of this
37 section would have been a violation of law or ordinance if committed
38 on any public road, street or highway in the municipality in which the
39 violation occurred, it shall be tried and punished in the same manner
40 as if it had been committed in that municipality.

41 k. Notwithstanding the provisions of subsection j. of this section,
42 if the violation of the provisions of subsection i. of this section shall
43 result in injury or death to a person or persons or damage to property
44 in excess of the value of \$5,000, that violation shall constitute a crime
45 of the third degree.

46 l. Except as provided in subsection j. or k. of this section, any

1 violation of any of the provisions of this section, including but not
2 limited to those regarding the payment of tolls, and any violation of
3 any regulation adopted by the authority under the provisions of this
4 section shall be punishable by a fine not exceeding \$500 or by
5 imprisonment not exceeding 30 days or by both. A violation shall be
6 tried in a summary way and shall be within the jurisdiction of and may
7 be brought in the Special Civil Part of the Law Division of the
8 Superior Court or any municipal court in the county where the offense
9 was committed. Proceedings under this section may be instituted on
10 any day of the week, and the institution of the proceedings on a
11 Sunday or a holiday shall be no bar to the successful prosecution
12 thereof. Any process served on a Sunday, or a holiday shall be as
13 valid as if served on any other day of the week. When imposing any
14 penalty under the provisions of this subsection the court having
15 jurisdiction shall be guided by the appropriate provisions of any statute
16 fixing uniform penalties for violation of provisions of the motor
17 vehicle and traffic laws contained in Title 39 of the Revised Statutes.

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

23 n. No resolution or ordinance adopted by the governing body of
24 any county or municipality for the control and regulation of traffic
25 shall be applicable to vehicles while upon any expressway project
26 operated by the authority.

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

39 p. Except as otherwise provided by this section or by any
40 regulation of the authority adopted in accordance with the provisions
41 of this section, the requirements of Title 39 of the Revised Statutes
42 applicable to persons using, driving or operating vehicles on the public
43 highways of this State and to vehicles so used, driven or operated shall
44 be applicable to persons using, driving or operating vehicles on any
45 expressway project and to vehicles so used, driven or operated.

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

1 4. This act shall take effect of the first day of the second month
2 following enactment.

3

4

5

STATEMENT

6

7 This bill establishes a 65 mile per hour (mph) speed limit for the
8 New Jersey Turnpike, the Garden State Parkway and the Atlantic City
9 Expressway. The 65 mph speed limit authorized under this bill would
10 apply to approximately 353 miles of New Jersey's toll roads.

11

12

13

14

15 Establishes 65 mph speed limit for State toll roads.