

SENATE, No. 1521

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator SCHLUTER

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, parking
24 restrictions, no passing zones, mid-block crosswalks and crosswalks
25 at intersections, and erect appropriate signs, designate any intersection
26 as a stop or yield intersection and erect appropriate signs and place
27 longitudinal pavement markings delineating the separation of traffic
28 flows and the edge of the pavement, provided that the municipal or
29 county engineer shall, under his seal as a licensed professional
30 engineer, certify to the municipal or county governing body, as
31 appropriate, that any designation or erection of signs or placement of
32 markings: (1) has been approved by him after investigation by him of
33 the circumstances, (2) appears to him to be in the interest of safety and
34 the expedition of traffic on the public highways and (3) conforms to

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 the current standards prescribed by the Manual of Uniform Traffic
2 Control Devices for Streets and Highways, as adopted by the
3 Commissioner of 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. The commissioner, at his discretion, may invalidate the
13 provisions of the ordinance or resolution within 90 days of receipt of
14 the certified copy if he reviews it and finds that the provisions of the
15 ordinance or resolution are inconsistent with the Manual of Uniform
16 Traffic Control Devices for Streets or Highways; are inconsistent with
17 accepted engineering standards; are not based on the results of an
18 accurate traffic and engineering survey; or place an undue traffic
19 burden or impact on streets in an adjoining municipality or negatively
20 affect the flow of traffic on the State highway system.

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

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

30 By ordinance or resolution:

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

36 By ordinance, resolution or regulation:

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

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

46 d. A municipality or county may, by ordinance or resolution, as

1 appropriate , in any street under its jurisdiction, install or place an in-
2 street pedestrian crossing right-of-way sign at a marked crosswalk or
3 unmarked crosswalk at an intersection. The installation shall be
4 subject to guidelines that shall be issued by the Commissioner of
5 Transportation after consultation with the Director of the Office of
6 Highway Traffic Safety in the Department of Law and Public Safety.
7 The guidelines shall be aimed at ensuring safety to both pedestrians
8 and motorists including, but not limited to, the proper method of sign
9 installation, dimensions, composition of material, proper placement
10 points and maintenance. A certified copy of the adopted ordinance or
11 resolution shall be transmitted to the commissioner within 30 days of
12 adoption. The commissioner, at his discretion, may invalidate the
13 provisions of the ordinance or resolution within 90 days of receipt of
14 the certified copy if he reviews it and finds that the provisions of the
15 ordinance or resolution are inconsistent with the guidelines issued
16 pursuant to this subsection. A claim against the State or a
17 municipality or county for damage or injury under this subsection for
18 a wrongful act or omission shall be dismissed if the municipality or
19 county is deemed to have conformed to the guidelines required
20 hereunder.

21 (cf: P.L.1996, c.113, s.6)

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

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STATEMENT

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29 This bill would authorize municipalities and counties to install or
30 place an in-street pedestrian crossing right-of-way sign at a marked
31 crosswalk or an unmarked crosswalk at an intersection in any street
32 under their jurisdiction.

33 Municipalities and counties could install such signs at their own
34 discretion but would be required to comply with safety-related
35 guidelines to be issued by the Commissioner of Transportation after
36 consulting with the Director of the Office of Highway Traffic Safety.
37 These guidelines would clarify the conditions under which the signs
38 could be used. They would cover subjects such as the proper method
39 of installation, dimensions, material composition, proper placement
40 points and maintenance of the signs.

41 The bill requires that a certified copy of the ordinance or resolution
42 be transmitted to the Commissioner of Transportation within 30 days
43 of adoption. The commissioner could invalidate the provisions of the
44 ordinance or resolution within 90 days of the receipt of the certified
45 copy if the commissioner finds the provisions of ordinance or
46 resolution inconsistent with State guidelines. The State, a municipality

1 or county would be held harmless against any litigation involving
2 wrongful acts or omissions if its use of the signs complied with the
3 State's guidelines.

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9 Permits municipalities and counties to install in-street pedestrian right-
of-way signs under State guidelines.