

SENATE, No. 2294

STATE OF NEW JERSEY

INTRODUCED DECEMBER 1, 1997

By Senator SINGER

1 AN ACT concerning municipal streets and amending R.S.39:4-8.

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

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6 1. R.S.39:4-8 is amended to read as follows:

7 39:4-8.a. Except as otherwise provided in this section, no
8 ordinance or resolution concerning, regulating or governing traffic or
9 traffic conditions, adopted or enacted by any board or body having
10 jurisdiction over highways, shall be of any force or effect unless the
11 same is approved by the Commissioner of Transportation, according
12 to law. The commissioner shall not be required to approve any such
13 ordinance, resolution or regulation, unless, after investigation by him,
14 the same shall appear to be in the interest of safety and the expedition
15 of traffic on the public highways.

16 b. In the case of totally self-contained streets under municipal
17 jurisdiction which have no direct connection with any street in any
18 other municipality, or in the case of totally self-contained streets under
19 county jurisdiction which have no direct connection with any street in
20 any other county, the municipality or county may, by ordinance or
21 resolution, as appropriate, without the approval of the Commissioner
22 of Transportation, designate [reasonable and safe speed limits,]
23 parking restrictions, no passing zones, mid-block crosswalks and
24 crosswalks at intersections, except that in the case of any streets under
25 municipal jurisdiction, the municipality may, by ordinance, designate
26 reasonable and safe speed limits and in the case of totally self-
27 contained streets under county jurisdiction which have no direct
28 connection with any street in any other county, the county may, by
29 ordinance or resolution, as appropriate, designate reasonable and safe
30 speed limits, and erect appropriate signs, designate any intersection as
31 a stop or yield intersection and erect appropriate signs and place
32 longitudinal pavement markings delineating the separation of traffic
33 flows and the edge of the pavement, provided that the municipal or
34 county engineer shall, under his seal as a licensed professional

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 engineer, certify to the municipal or county governing body, as
2 appropriate, that any designation or erection of signs or placement of
3 markings: (1) has been approved by him after investigation by him of
4 the circumstances, (2) appears to him to be in the interest of safety and
5 the expedition of traffic on the public highways and (3) conforms to
6 the current standards prescribed by the Manual of Uniform Traffic
7 Control Devices for Streets and Highways, as adopted by the
8 Commissioner of Transportation.

9 A certified copy of the adopted ordinance or resolution, as
10 appropriate, shall be transmitted by the clerk of the municipality or
11 county, as appropriate, to the commissioner within 30 days of
12 adoption, together with a copy of the engineer's certification; a
13 statement of the reasons for the engineer's decision; detailed
14 information as to the location of streets, intersections and signs
15 affected by any designation or erection of signs or placement of
16 markings; and traffic count, accident and speed sampling data, when
17 appropriate. The commissioner, at his discretion, may invalidate the
18 provisions of the ordinance or resolution within 90 days of receipt of
19 the certified copy if he reviews it and finds that the provisions of the
20 ordinance or resolution are inconsistent with the Manual of Uniform
21 Traffic Control Devices for Streets or Highways; are inconsistent with
22 accepted engineering standards; are not based on the results of an
23 accurate traffic and engineering survey; or place an undue traffic
24 burden or impact on streets in an adjoining municipality or negatively
25 affect the flow of traffic on the State highway system.

26 Nothing in this subsection shall allow municipalities to designate
27 any intersection with any highway under State or county jurisdiction
28 as a stop or yield intersection or counties to designate any intersection
29 with any highway under State or municipal jurisdiction as a stop or
30 yield intersection.

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

35 By ordinance or resolution:

36 (1) prohibit or restrict general parking;

37 (2) designate restricted parking under section 1 of P.L.1977, c.309
38 (C.39:4-197.6);

39 (3) designate time limit parking;

40 (4) install parking meters.

41 By ordinance, resolution or regulation:

42 (1) designate loading and unloading zones and taxi stands;

43 (2) approve street closings for periods up to 48 continuous hours;

44 and

45 (3) designate restricted parking under section 1 of P.L.1977, c.202
46 (C.39:4-197.5).

1 Nothing in this subsection shall allow municipalities or counties to
2 establish angle parking or to reinstate or add parking on any street, or
3 approve the closure of streets for more than 48 continuous hours,
4 without the approval of the Commissioner of Transportation.
5 (cf: P.L.1996, c.113, s.6)

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7 2. This act shall take effect immediately.

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STATEMENT

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12 This bill would permit municipalities, by ordinance, to designate
13 reasonable and safe speed limits on all municipal streets under their
14 jurisdiction without the approval of the Commissioner of
15 Transportation, provided that certain statutory conditions are met.
16 Under current law, municipalities may only exercise this option
17 regarding streets under their jurisdiction that are self-contained (i.e.
18 are not connected at municipal borders with other roads).

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23 Permits certain municipal speed limit designations.