

## CHAPTER 169

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

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

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

Commissioner of Transportation's approval required; exceptions.

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

b. (1) A municipality may, without the approval of the Commissioner of Transportation, do the following by ordinance or resolution, as appropriate:

(a) designate parking restrictions, no passing zones, mid-block crosswalks, and crosswalks at intersections, and erect appropriate signs and install appropriate markings, on streets under municipal jurisdiction which are totally self-contained within that municipality and have no direct connection with any street in any other municipality;

(b) designate reasonable and safe speed limits and erect appropriate signs, on any street under municipal jurisdiction;

(c) designate any intersection as a stop or yield intersection and erect appropriate signs, on streets under municipal jurisdiction which are totally self-contained within that municipality and have no direct connection with any street in any other municipality; and

(d) designate any intersection as a stop intersection and erect appropriate signs, on streets under municipal jurisdiction if that intersection is located within 500 feet of a school, or of a playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, or playground or youth recreational facility. The municipal engineer shall certify to the following in regard to the designated site in which a stop intersection is being designated: (i) that both intersecting streets are under municipal jurisdiction; (ii) that the intersection is within 500 feet of a school, or of a playground or youth recreational facility as defined herein; and (iii) that the intersection is on a street contiguous to a school, or playground or youth recreational facility. A claim against a municipality for damage or injury under this subparagraph for a wrongful act or omission shall be dismissed if the municipality is deemed to have conformed to the provisions contained in this subparagraph.

(2) A county may, without the approval of the Commissioner of Transportation, do the following by ordinance or resolution, as appropriate, on streets which are totally self-contained within the county and have no direct connection with any street in any other county:

(a) designate parking restrictions, no passing zones, mid-block crosswalks, and crosswalks at intersections and erect appropriate signs;

(b) designate reasonable and safe speed limits and erect appropriate signs;

(c) designate any intersection as a stop or yield intersection and erect appropriate signs; and

(d) place longitudinal pavement marking delineating the separation of traffic flows and the edge of the pavement and erect appropriate signs.

(3) Except with respect to subparagraph (d) of paragraph 1 of this subsection, the municipal or county engineer shall, under his seal as a licensed professional engineer, certify to the governing body of the municipality or county, as appropriate, that any designation or erections of signs or placement or makings has been approved by the engineer after investigation of the circumstances, appears to the engineer to be in the interest of safety and the expedition of traffic on the public highways and conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner.

A certified copy of the adopted ordinance or resolution, as appropriate, shall be transmitted by the clerk of the municipality or county, as appropriate, to the commissioner within 30 days of adoption, together with a copy of the engineer's certification; a statement of the reasons for the engineer's decision; detailed information as to the location of streets, intersections and signs affected by any designation or erection of signs or placement of markings; and traffic count,

accident and speed sampling data, when appropriate. The commissioner, at his discretion, may invalidate the provisions of the ordinance or resolution within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance or resolution are inconsistent with the Manual of Uniform Traffic Control Devices for Streets or Highways; are inconsistent with accepted engineering standards; are not based on the results of an accurate traffic and engineering survey; or place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

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

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

By ordinance or resolution:

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

By ordinance, resolution or regulation:

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

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

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

e. A municipality or county may, by resolution, in any street under its jurisdiction, designate stops, stations or stands for omnibuses. The designation shall be subject to guidelines that shall be issued by the Commissioner of Transportation. The guidelines shall be aimed at ensuring safety to both pedestrians and motorists including, but not limited to, the proper method of sign installation, dimensions, composition of material, proper placement points and maintenance. A certified copy of the adopted resolution shall be transmitted to the commissioner within 30 days of adoption. The commissioner, at his discretion, may invalidate the provisions of the ordinance or resolution within 90 days of receipt of the certified copy if he reviews it and finds that the provisions of the ordinance or resolution are inconsistent with the guidelines issued pursuant to this subsection. A claim against the State or a municipality or county for damage or injury under this subsection for a wrongful act or omission shall be dismissed if the municipality or county is deemed to have conformed to the guidelines required hereunder.

2. This act shall take effect immediately.

Approved December 7, 2004.