

CHAPTER 227

AN ACT directing the Department of Transportation to establish a roadside memorial program honoring fallen police officers, sheriff's officers, EMS workers, and firefighters, designated as "Patrolman Joseph Wargo's Law," and supplementing Title 27 of the Revised Statutes.

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

C.27:5-29 Memorial sign program.

1. a. The Department of Transportation shall establish, consistent with federal law, a fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program that shall honor those who lost their lives in the line of duty. The program shall include a process allowing a municipal or law enforcement official or the next of kin of a police officer, sheriff's officer, EMS worker, or firefighter to apply to the department to sponsor a sign memorializing the police officer, sheriff's officer, EMS worker, or firefighter.

b. The applicant shall complete a fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program application furnished by the department. The applicant shall include with the application the following information:

(1) The name and title of the individual who was fatally injured as it should appear on the memorial;

(2) The date of the fatality;

(3) The location of the fatality;

(4) An affidavit by the applicant that the individual to be memorialized was a fallen police officer, sheriff's officer, EMS worker, or firefighter who died in the line of duty;

(5) Any police reports or other legal documentation related to the fatality available to the applicant at the time of the application;

(6) The requested location of the proposed memorial sign;

(7) Any other information the Commissioner of Transportation may deem reasonably necessary to include with the application.

c. The department shall, within 180 days of receipt of a properly completed application submitted pursuant to the provisions of subsection b. of this section, make an inspection of the location of the proposed memorial site and send a written decision to the applicant as to whether a sign may be installed at the location of the proposed memorial site in compliance with P.L.2015, c.227 (C.27:5-29 et seq.).

d. The department may charge an application fee to cover necessary costs associated with the department's administration of the fallen police officer, sheriff's officer, EMS worker, and firefighter memorial sign program established pursuant to this section.

C.27:5-30 Installation of sign.

2. a. Within 90 days of reaching an agreement, pursuant to section 3 of P.L.2015, c.227 (C.27:5-31), for payment of the costs to have installed a memorial sign honoring a fallen police officer, sheriff's officer, EMS worker, or firefighter, the department shall install a sign, designed and fabricated by the department, which sign shall be consistent with applicable federal regulations and installed in the department-maintained, State-owned right-of-way, at cost to the applicant, at the location agreed upon by the department and the applicant and facing the oncoming traffic, without obstructing the visibility of an existing traffic sign.

b. Signs installed pursuant to subsection a. of this section shall not be placed on on-ramps or off-ramps, in close proximity to highway exits, in any other location where

installation would, in the department's determination, be hazardous or a distraction to motorists, or in a location that conflicts with applicable federal or State laws.

c. The department shall retain the authority to remove any signs where removal is necessary to ensure traffic safety and safety of department personnel, notwithstanding that the signs were installed with department approval.

d. The department shall administer the program in compliance with all applicable federal laws or regulations, including, but not limited to, any restrictions related to the State's receipt of transportation funding under any federally administered program.

C.27:5-31 Funding for signs.

3. No State or other public funds shall be used for producing, purchasing, or erecting memorial signs pursuant to P.L.2015, c.227 (C.27:5-29 et seq.). The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the administrative and other costs associated with inspecting the proposed memorial site and producing, purchasing, and erecting memorial signs pursuant to section 1 of P.L.2015, c.227 (C.27:5-29) and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational or charitable entities or institutions. No work shall proceed and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the memorial signs.

C.27:5-32 Rules, regulations.

4. The Commissioner of Transportation shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations as may be necessary to effectuate the purposes of P.L.2015, c.227 (C.27:5-29 et seq.).

5. This act shall take effect immediately.

Approved January 19, 2016.