

# ASSEMBLY, No. 2597

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**SYNOPSIS**

Permits municipality to establish restricted parking spaces for certain volunteer firefighters.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/16/2016)**

1 AN ACT concerning volunteer firefighter parking, amending  
2 R.S.39:4-8, R.S.39:4-138, and R.S.39:4-197, and supplementing  
3 Title 39 of the Revised Statutes.

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

7  
8 1. R.S.39:4-8 is amended to read as follows:

9 39:4-8. a. Except as otherwise provided in this section, no  
10 ordinance, resolution, or regulation concerning, regulating, or  
11 governing traffic or traffic conditions, adopted or enacted by any  
12 board or body having jurisdiction over highways, shall be of any  
13 force or effect unless the same is approved by the commissioner,  
14 according to law. The commissioner shall not be required to  
15 approve any such ordinance, resolution, or regulation, unless, after  
16 investigation by the commissioner, the same shall appear to be in  
17 the interest of safety and the expedition of traffic on the public  
18 highways. The commissioner's investigation need not include more  
19 than a review of the ordinance, resolution, or regulation, and the  
20 supporting documentation submitted by a board or body having  
21 jurisdiction over highways, unless the commissioner determines  
22 that additional investigation is warranted.

23 Prior to the adoption of any municipal or county ordinance,  
24 resolution, or regulation, which places any impact on roadways in  
25 an adjoining municipality or county, the governing board or body of  
26 the municipality or county shall provide appropriate notice to the  
27 adjoining municipality or county.

28 Notwithstanding any other provision of this section to the  
29 contrary, any municipal or county ordinance, resolution, or  
30 regulation which places any impact on a State roadway shall require  
31 the approval of the commissioner.

32 Where the commissioner's approval is required, a certified copy  
33 of the adopted ordinance, resolution, or regulation shall be  
34 transmitted by the clerk of the municipality or county, as applicable,  
35 to the commissioner within 30 days of adoption, together with:  
36 a copy of the municipal or county engineer's certification, a statement  
37 of the reasons for the municipal or county engineer's decision,  
38 detailed information as to the location of streets, intersections, and  
39 signs affected by the ordinance, resolution, or regulation, and traffic  
40 count, crash, and speed sampling data, when appropriate. The  
41 commissioner may invalidate the provisions of the ordinance,  
42 resolution, or regulation if the commissioner finds that the  
43 provisions of the ordinance, resolution, or regulation are  
44 inconsistent with the Manual on Uniform Traffic Control Devices  
45 for Streets and Highways, inconsistent with accepted engineering

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 standards, are not based on the results of an accurate traffic and  
2 engineering survey, or place an undue traffic burden or impact on  
3 the State highway system, or affect the flow of traffic on the State  
4 highway system.

5 b. (1) A municipality may, without the approval of the  
6 commissioner, and consistent with the current standards prescribed  
7 by the Manual on Uniform Traffic Control Devices for Streets and  
8 Highways, establish by ordinance, resolution, or regulation, any of  
9 the provisions contained in R.S.39:4-197.

10 (a) (Deleted by amendment, P.L.2008, c.110)

11 (b) (Deleted by amendment, P.L.2008, c.110)

12 (c) (Deleted by amendment, P.L.2008, c.110)

13 (d) (Deleted by amendment, P.L.2008, c.110)

14 (2) A county may, without the approval of the commissioner,  
15 and consistent with the current standards prescribed by the Manual  
16 on Uniform Traffic Control Devices for Streets and Highways,  
17 establish by ordinance, resolution, or regulation, any of the  
18 provisions contained in R.S.39:4-197.

19 (a) (Deleted by amendment, P.L.2008, c.110)

20 (b) (Deleted by amendment, P.L.2008, c.110)

21 (c) (Deleted by amendment, P.L.2008, c.110)

22 (d) (Deleted by amendment, P.L.2008, c.110)

23 (3) The municipal or county engineer shall, under his seal as a  
24 licensed professional engineer, certify to the governing body of the  
25 municipality or county, as appropriate, that any designation or  
26 erections of signs or placement of pavement markings has been  
27 approved by the engineer after investigation of the circumstances,  
28 appears to the engineer to be in the interest of safety and the  
29 expedition of traffic on the public highways, and conforms to the  
30 current standards prescribed by the Manual on Uniform Traffic  
31 Control Devices for Streets and Highways, as adopted by the  
32 commissioner.

33 The provisions of the ordinance, resolution, or regulation shall  
34 be consistent with the Manual on Uniform Traffic Control Devices  
35 for Streets and Highways, consistent with accepted engineering  
36 standards, based on the results of an accurate traffic and  
37 engineering survey, and not place an undue traffic burden or impact  
38 on streets in an adjoining municipality or negatively affect the flow  
39 of traffic on the State highway system.

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

45 c. Subject to the provisions of R.S.39:4-138, in the case of any  
46 street under municipal or county jurisdiction, a municipality or  
47 county may, without the approval of the commissioner, and  
48 consistent with the current standards prescribed by the Manual on

1 Uniform Traffic Control Devices for Streets and Highways, by  
2 ordinance, resolution, or regulation:

- 3 (1) prohibit or restrict general parking;  
4 (2) designate restricted parking under section 1 of P.L.1977,  
5 c.309 (C.39:4-197.6);  
6 (3) designate time limit parking;  
7 (4) install parking meters;  
8 (5) designate loading and unloading zones and taxi stands;  
9 (6) approve street closings for periods up to 48 continuous  
10 hours;  
11 (7) designate restricted parking under section 1 of P.L.1977,  
12 c.202 (C.39:4-197.5);  
13 (8) establish angle parking; **[and]**  
14 (9) reinstate or add parking on any street ; and  
15 (10) designate restricted parking under section 4 of P.L. \_\_\_\_\_,  
16 c. C. \_\_\_\_\_) (pending before the Legislature as this bill) .

17 d. A municipality or county may, without the approval of the  
18 commissioner, and consistent with the current standards prescribed  
19 by the Manual on Uniform Traffic Control Devices for Streets and  
20 Highways, by ordinance, resolution, or regulation, regarding any  
21 street under its jurisdiction, install or place an in-street pedestrian  
22 crossing right-of-way sign at a marked crosswalk or unmarked  
23 crosswalk at an intersection. The installation shall be subject to  
24 guidelines issued by the commissioner after consultation with the  
25 Director of the Division of Highway Traffic Safety in the  
26 Department of Law and Public Safety. The guidelines shall be  
27 aimed at ensuring safety to both pedestrians and motorists  
28 including, but not limited to, the proper method of sign installation,  
29 dimensions, composition of material, proper placement points and  
30 maintenance. A claim against the State or a municipality or county  
31 for damage or injury under this subsection for a wrongful act or  
32 omission shall be dismissed if the municipality or county is deemed  
33 to have conformed to the guidelines required hereunder.

34 e. A municipality or county may, without the approval of the  
35 commissioner, and consistent with the current standards prescribed  
36 by the Manual on Uniform Traffic Control Devices for Streets and  
37 Highways, by ordinance, resolution, or regulation in any street  
38 under its jurisdiction, designate stops, stations, or stands for  
39 omnibuses. The designation shall be subject to guidelines issued by  
40 the commissioner. The guidelines shall be aimed at ensuring safety  
41 to both pedestrians and motorists including, but not limited to, the  
42 proper method of sign installation, dimensions, composition of  
43 material, proper placement points, and maintenance. A claim  
44 against the State or a municipality or county for damage or injury  
45 under this subsection for a wrongful act or omission shall be  
46 dismissed if the municipality or county is deemed to have  
47 conformed to the guidelines required hereunder.

48 (cf: P.L.2008, c.110, s.1)

- 1        2. R.S.39:4-138 is amended to read as follows:  
2        39:4-138. Except when necessary to avoid conflict with other  
3 traffic or in compliance with the directions of a traffic or police  
4 officer or traffic sign or signal, no operator of a vehicle shall stand  
5 or park the vehicle in any of the following places:  
6        a. Within an intersection;  
7        b. On a crosswalk;  
8        c. Between a safety zone and the adjacent curb or within at  
9 least 20 feet of a point on the curb immediately opposite the end of  
10 a safety zone;  
11        d. In front of a public or private driveway;  
12        e. (1) Within 25 feet of the nearest crosswalk or side line of a  
13 street or intersecting highway, except at alleys and as provided in  
14 section 2 of P.L.2009, c.257 (C.39:4-138.6); or  
15        (2) Within 10 feet of the nearest crosswalk or side line of a  
16 street or intersecting highway, if a curb extension or bulbout has  
17 been constructed at that crosswalk;  
18        f. On a sidewalk;  
19        g. In any appropriately marked "No Parking" space established  
20 pursuant to the duly promulgated regulations of the Commissioner  
21 of Transportation;  
22        h. Within 50 feet of a "stop" sign except as provided in section  
23 2 of P.L.2009, c.257 (C.39:4-138.6);  
24        i. Within 10 feet of a fire hydrant;  
25        j. Within 50 feet of the nearest rail of a railroad crossing;  
26        k. Within 20 feet of the driveway entrance to any fire station  
27 and on the side of a street opposite the entrance to any fire station  
28 within 75 feet of said entrance, when properly signposted;  
29        l. Alongside or opposite any street excavation or obstruction  
30 when stopping, standing, or parking would obstruct traffic, when  
31 properly signposted;  
32        m. On the roadway side of any vehicle stopped or parked at the  
33 edge or curb of a street;  
34        n. Upon any bridge or other elevated structure upon a highway,  
35 or within a highway tunnel or underpass, or on the immediate  
36 approaches thereto except where space for parking is provided;  
37        o. In any space on public or private property appropriately  
38 marked for vehicles for the physically handicapped pursuant to  
39 P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et  
40 seq.) or any other applicable law unless the vehicle is authorized by  
41 law to be parked therein and a handicapped person is either the  
42 driver or a passenger in that vehicle. State, county or municipal law  
43 enforcement officers or parking enforcement authority officers shall  
44 enforce the parking restrictions on spaces appropriately marked for  
45 vehicles for the physically handicapped on both public and private  
46 property.  
47        p. In any space appropriately marked for volunteer firefighters'  
48 vehicles pursuant to section 4 of P.L. , c. (C. ) (pending

1 before the Legislature as this bill) unless the vehicle is authorized  
2 by law to be parked therein. State, county, or municipal law  
3 enforcement officers or parking enforcement authority officers shall  
4 enforce the parking restrictions on spaces appropriately marked for  
5 volunteer firefighters' vehicles.

6 No person shall move a vehicle not lawfully under his control  
7 into any such prohibited area or away from a curb such distance as  
8 is unlawful.

9 (cf: P.L.2009, c.257, s.1)

10

11 3. R.S.39:4-197 is amended to read as follows:

12 39:4-197. Except as otherwise provided in R.S.39:4-8, no  
13 municipality shall pass an ordinance or resolution on a matter  
14 covered by or which alters or in any way nullifies the provisions of  
15 this chapter or any supplement to this chapter; except that a  
16 municipality may pass, without the approval of the commissioner,  
17 and consistent with the current standards prescribed by the Manual  
18 on Uniform Traffic Control Devices for Streets and Highways,  
19 ordinances or resolutions, or by ordinances or resolutions may  
20 authorize the adoption of regulations by the board, body, or official  
21 having control of traffic in the public streets, regulating special  
22 conditions existent in the municipality on the subjects and within  
23 the limitations following:

24 (1) Ordinance:

25 a. Altering speed limitations as provided in R.S.39:4-98;

26 b. Limiting use of streets to certain class of vehicles, except  
27 that nothing in this paragraph shall permit a municipality to pass an  
28 ordinance or resolution limiting use of streets by commercial motor  
29 vehicles without the approval of the commissioner;

30 c. Designating one-way streets;

31 d. Regulating the stopping or starting of street cars at special  
32 places, such as railroad stations, public squares or in front of certain  
33 public buildings;

34 e. Regulating the passage or stopping of traffic at certain  
35 congested street corners or other designated points, including the  
36 establishment of multi-way stop controls;

37 f. Regulating the parking of vehicles on streets and portions  
38 thereof, including angle parking as provided in R.S.39:4-135;

39 g. Regulating the parking of vehicles upon land owned or  
40 leased and maintained by the municipality, a parking authority or  
41 the board of education of a school district, including any lands  
42 devoted to the public parking of vehicles, the entrances thereto and  
43 exits therefrom;

44 h. Regulating the entrances to and exits from parking yards and  
45 parking places which are open to the public or to which the public  
46 is invited, except that this shall not apply to entrances or exits to  
47 and from State highways;

1 i. Designating streets or roads upon which buses and trucks  
2 over four tons gross weight may be required not to exceed specially  
3 fixed limits based on engineering and traffic investigation and to  
4 use a lower gear in descending steep declivities having a grade in  
5 excess of 5% fixing such special speed limits and providing for the  
6 use of such a gear thereon; and

7 j. Designating any intersection as a stop intersection and  
8 erecting appropriate signs, on streets under municipal jurisdiction if  
9 that intersection is located within 500 feet of a school, or of a  
10 playground or youth recreational facility and the street on which the  
11 stop sign will be erected is contiguous to that school, playground, or  
12 youth recreational facility. The municipal engineer shall certify to  
13 the following in regard to the designated site in which a stop  
14 intersection is being designated: (i) that both intersecting streets are  
15 under municipal jurisdiction; (ii) that the intersection is within 500  
16 feet of a school, playground, or youth recreational facility as  
17 defined herein; and (iii) that the intersection is on a street  
18 contiguous to a school, playground, or youth recreational facility.  
19 A claim against a municipality for damage or injury under this  
20 subparagraph for a wrongful act or omission shall be dismissed if  
21 the municipality is deemed to have conformed to the provisions  
22 contained in this subparagraph.

23 (2) Ordinance or resolution:

24 a. Designating through streets, as provided in article 17 of this  
25 chapter (R.S.39:4-140 et seq.); and

26 b. Designating and providing for the maintenance as "no  
27 passing" zones of portions of highway where overtaking and  
28 passing or driving to the left of the roadway is deemed especially  
29 hazardous.

30 (3) Ordinance, resolution, or regulation:

31 a. Designating stops, stations, or stands for omnibuses and  
32 taxis;

33 b. Designating curbside loading zones; **[and]**

34 c. Designating restricted parking spaces for use by persons who  
35 have been issued special vehicle identification cards by the New  
36 Jersey Motor Vehicle Commission pursuant to the provisions of  
37 P.L.1949, c.280 (C.39:4-204 et seq.) and section 1 of P.L.1977,  
38 c.202 (C.39:4-197.5). Any person parking a motor vehicle in a  
39 restricted parking space without a special vehicle identification card  
40 shall be liable to a fine of \$250 for the first offense and, for  
41 subsequent offenses, a fine of at least \$250 and up to 90 days'  
42 community service on such terms and in such form as the court  
43 shall deem appropriate, or any combination thereof ; and

44 d. Designating restricted parking spaces for use by persons who  
45 have been issued a volunteer firefighter permit pursuant to the  
46 provisions of section 4 of P.L. , c. (C. ) (pending before the  
47 Legislature as this bill). Any person parking a motor vehicle in a  
48 restricted volunteer firefighter parking space without a volunteer

1 firefighter permit shall be liable to a fine of \$100 for the first  
2 offense and a fine of \$250 for subsequent offenses.

3 (cf: P.L.2008, c.110, s.2)

4

5 4. (New section) a. Any municipality which has a duly  
6 organized volunteer fire company may, by ordinance, resolution, or  
7 regulation, establish a restricted volunteer firefighter parking space  
8 in front of a residence occupied by a volunteer firefighter if a  
9 permit has been issued for a vehicle owned or leased and operated  
10 by the volunteer firefighter pursuant to subsection b. of this section,  
11 provided such parking is not otherwise prohibited and the  
12 permitting thereof would not interfere with the normal flow of  
13 traffic.

14 b. Any municipality enacting an ordinance, resolution, or  
15 regulation, pursuant to this section shall provide for the issuance of  
16 permits to volunteer firefighters which identify a specific motor  
17 vehicle and the location wherein it may be parked. Such permits  
18 shall only be issued to persons who can provide proof to the  
19 satisfaction of the governing body that they own or lease and  
20 operate the motor vehicle and that they reside at the location  
21 specified thereon. The permit shall be 5 1/2 inches by 8 1/2 inches  
22 in size, shall bear an appropriate certification of authenticity, and  
23 shall be displayed prominently within the vehicle when it is parked  
24 so as to be seen from the middle of the street. Only a motor vehicle  
25 for which a valid permit has been issued and which has the permit  
26 properly displayed shall be parked in the restricted volunteer  
27 firefighter parking space indicated on the permit.

28

29 5. This act shall take effect immediately.

30

31

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#### STATEMENT

33

34 This bill would permit a municipality that has a volunteer fire  
35 department to adopt an ordinance, resolution, or regulation,  
36 permitting the establishment of restricted parking spaces in front of  
37 volunteer firefighters' homes. By allowing a volunteer firefighter  
38 additional parking space, it is the sponsor's intent to remove  
39 barriers which might slow the firefighter's ability to respond to  
40 emergencies. The designation of restricted volunteer firefighter  
41 parking spaces would only be permitted if it would not interfere  
42 with the normal flow of traffic.

43 A municipality that designates such parking spaces would issue  
44 permits to volunteer firefighters. The permits would identify the  
45 specific motor vehicle and the location where the vehicle may be  
46 parked. The permit would need to be displayed prominently within  
47 the vehicle when it is parked so as to be seen from the middle of the  
48 street.