

[First Reprint]

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)

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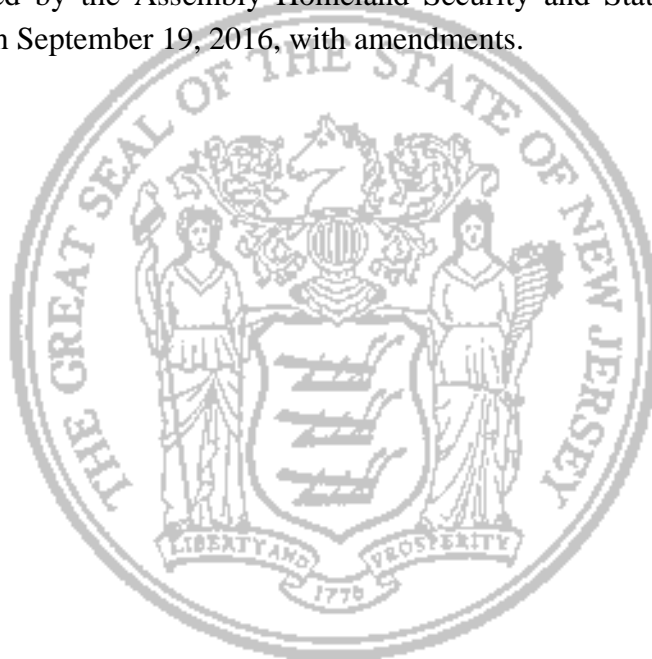
Assemblyman Space and Assemblywoman Mosquera

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Homeland Security and State Preparedness Committee on September 19, 2016, with amendments.



(Sponsorship Updated As Of: 5/23/2017)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHS committee amendments adopted September 19, 2016.

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 property¹ [] ;¹
 - 47 p. In any space appropriately marked for volunteer firefighters'
48 vehicles pursuant to section 4 of P.L. , c. (C.) (pending before the

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