

ASSEMBLY, No. 3060

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ANTWAN L. MCCLELLAN
District 1 (Atlantic, Cape May and Cumberland)
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblymen Simonsen, Torrissi, Clifton, Assemblywoman Flynn,
Assemblymen McGuckin and Kanitra

SYNOPSIS

Permits designation of special event zones for traffic regulation purposes during certain large events.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/6/2024)

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1 AN ACT concerning traffic regulation, supplementing Title 39 of the
2 Revised Statutes, and amending R.S.39:4-197.

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

6

7 1. (New section) a. As used in this section:

8 “Commissioner” means the Commissioner of Transportation.

9 “Department” means the Department of Transportation.

10 “Exhibition driving” means: (1) the operation of a motor vehicle
11 in a manner that results in (a) the excessive, abrupt acceleration or
12 deceleration of the motor vehicle; (b) the skidding, squealing,
13 burning, or smoking of the tires of the motor vehicle; (c) the
14 swerving or swaying of the motor vehicle from side to side while
15 skidding; (d) the engine of the motor vehicle producing an
16 unreasonably loud, raucous, or disturbing noise; (e) the grinding of
17 the gears of the motor vehicle or the backfiring of the engine of the
18 motor vehicle; or (f) any of the wheels of the motor vehicle losing
19 contact with the ground; or (2) the transportation of a passenger on
20 or in an area of a motor vehicle that is not designed or intended for
21 passenger transport, such as the hood or roof of the motor vehicle.

22 “Special event” means any automotive or motor vehicle event
23 occurring on or near a roadway, which event either has been
24 approved by the county or municipality in which the event is
25 located, or is expected to have 25 or more persons in attendance.

26 b. (1) When a special event occurs, or is expected to occur, on
27 or near any roadway under the jurisdiction of the department, the
28 commissioner may designate all or part of the roadway, including
29 any parking structures or other property located within the
30 designated area, as a special event zone. Notwithstanding any
31 provision of law to the contrary, the commissioner may reduce the
32 established speed limitations on any roadways within the special
33 event zone after determining that the reduction is necessary to
34 ensure public safety during the special event.

35 (2) When a special event occurs, or is expected to occur, on or
36 near any roadway under the jurisdiction of a municipality, the
37 governing body of the municipality may designate all or part of the
38 roadway, including any parking structures or other property located
39 within the designated area, as a special event zone.
40 Notwithstanding any provision of law to the contrary, the governing
41 body of the municipality may reduce the established speed
42 limitations on any roadways within the special event zone after
43 determining that the reduction is necessary to ensure public safety
44 during the special event.

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 (3) When a special event occurs, or is expected to occur, on or
2 near any roadway under the jurisdiction of a county, the board of
3 county commissioners of the county may designate all or part of the
4 roadway, including any parking structures or other property located
5 within the designated area, as a special event zone.
6 Notwithstanding any provision of law to the contrary, the board of
7 county commissioners of the county may reduce the established
8 speed limitations on any roadways within the special event zone
9 after determining that the alteration is necessary to ensure public
10 safety during the special event.

11 c. (1) A reduced speed limitation established pursuant to
12 subsection b. of this section shall become effective when posted,
13 except that the speed limitation shall only be effective when the
14 special event zone remains in effect. A person who operates a
15 motor vehicle in excess of the reduced speed limitation shall be
16 deemed to violate the provisions of R.S.39:4-98, except that in
17 addition to any other penalties that may be imposed for such
18 offense, the person shall be subject to the fine amount set forth in
19 subsection e. of this section.

20 (2) A person shall not engage in exhibition driving within a
21 special event zone.

22 d. A special event zone designated pursuant to this section shall
23 remain in effect for the duration of the special event, and including
24 a reasonable period of time before and after the special event.
25 While the special event zone remains in effect, the department,
26 municipality, or county, as applicable, shall maintain appropriate
27 signage on or along the special event zone. At a minimum, the
28 signage shall indicate:

29 (1) the period of time in which the special event zone shall
30 remain in effect;

31 (2) any reduced speed limitation established within the special
32 event zone, if applicable;

33 (3) that exhibition driving shall be prohibited within the special
34 event zone; and

35 (4) that a person shall be subject to increased penalties for
36 certain traffic offenses occurring within the special event zone.

37 e. (1) Notwithstanding any provision of law to the contrary, a
38 person shall be subject to a fine not exceeding \$1,000 for any of the
39 following offenses occurring within a special event zone:

40 (a) a violation of R.S.39:4-98, including any violation of
41 paragraph (1) of subsection c. of this section;

42 (b) a violation of R.S.39:4-97; and

43 (c) a violation of R.S.39:4-52.

44 (2) Notwithstanding any provision of law to the contrary, a
45 person shall be subject to a fine not exceeding \$1,000, a term of
46 imprisonment not exceeding 60 days, or both, for any of the
47 following offenses occurring within a special event zone:

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1 (a) a violation of paragraph (2) of subsection c. of this section;
2 and

3 (b) a violation of R.S.39:4-96.
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5 2. The Department of Transportation may adopt, pursuant to
6 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
7 et seq.), such rules and regulations as may be necessary to
8 implement the provisions of this act.
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10 3. R.S.39:4-197 is amended to read as follows:

11 39:4-197. Except as otherwise provided in R.S.39:4-8, no
12 municipality shall pass an ordinance or resolution on a matter
13 covered by or which alters or in any way nullifies the provisions of
14 this chapter or any supplement to this chapter; except that a
15 municipality may pass, without the approval of the commissioner,
16 and consistent with the current standards prescribed by the Manual
17 on Uniform Traffic Control Devices for Streets and Highways,
18 ordinances or resolutions, or by ordinances or resolutions may
19 authorize the adoption of regulations by the board, body, or official
20 having control of traffic in the public streets, regulating special
21 conditions existent in the municipality on the subjects and within
22 the limitations following:

23 (1) Ordinance:

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

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

29 c. Designating one-way streets;

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

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

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

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

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

47 i. Designating streets or roads upon which buses and trucks
48 over four tons gross weight may be required not to exceed specially

1 fixed limits based on engineering and traffic investigation and to
2 use a lower gear in descending steep declivities having a grade in
3 excess of **[5%]** five percent fixing such special speed limits and
4 providing for the use of such a gear thereon; and

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

21 (2) Ordinance or resolution:

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

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

28 (3) Ordinance, resolution, or regulation:

29 a. Designating stops, stations, or stands for omnibuses and
30 taxis;

31 b. Designating curb loading zones; **[and]**

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

42 d. Designating a special event zone pursuant to section 1 of
43 P.L. , c. (C.) (pending before the Legislature as this bill).
44 (cf: P.L.2008, c.110, s.2)

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46 4. This act shall take effect immediately.

STATEMENT

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This bill permits the designation of “special event zones” for the purpose of regulating traffic during certain “special events,” which the bill defines as any automotive or motor vehicle events occurring on or near a roadway, which events either have been approved by the county or municipality in which the event is located, or are expected to have 25 or more persons in attendance.

When a special event occurs, or is expected to occur, on any roadway under the jurisdiction of the Department of Transportation (DOT), the bill permits the Commissioner of Transportation to designate all or part of the roadway, including any parking structures or other property located within the designated area, as a special event zone. Similarly, when a special event occurs, or is expected to occur, on a roadway under the jurisdiction of a county or municipality, the county or municipality may also designate the area as a special event zone. In either case, the special event zone would remain in effect for the duration of the special event, and including a reasonable period of time before and after the special event. While the special event zone remains in effect, the DOT, municipality, or county, as applicable, would be required to maintain appropriate signage on or along the special event zone.

Under the bill, certain traffic regulations would be altered within the special event zone while the zone remains in effect, including: (1) an allowance for the DOT, county, or municipality, as applicable, to reduce the established speed limitations, as such reductions are deemed necessary to ensure public safety; and (2) the prohibition of “exhibition driving,” which the bill defines to include certain forms of disruptive or erratic driving; and (3) the imposition of increased penalties for certain traffic offenses.

Specifically, the bill provides that a person would be subject to a fine not exceeding \$1,000 after committing the following traffic offenses within a special event zone: (1) operating a motor vehicle in excess of the posted speed limitation; (2) careless driving; and (3) operating a motor vehicle for a wager, in a race, or for the purposes of making a speed record. Additionally, a person who engages in exhibition driving or reckless driving within a special event zone would be subject to a fine not exceeding \$1,000, a term of imprisonment of up to 60 days, or both.

Under current law, the Commissioner of Transportation is required to approve certain types of local traffic regulations before those regulations may take effect. Under the bill, the designation of a special event zone by a county or municipal would take effect without requiring the approval of the commissioner.