

ASSEMBLY, No. 3285

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2012

Sponsored by:

Assemblyman DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Schepisi and Assemblyman Diegnan

SYNOPSIS

Lengthens amber light at traffic signal with red light camera; sets penalty for failing to stop before turning right on red when detected by red light camera; implements half-second delay for red light camera violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2012)

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2

1 AN ACT concerning traffic control signal monitoring systems and
2 amending P.L.2007, c.348 and R.S.39:4-115.

3

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

6

7 1. Section 3 of P.L.2007, c.348 (C.39:4-8.14) is amended to
8 read as follows:

9 3. a. The Commissioner of Transportation shall establish a
10 five-year pilot program to determine the effectiveness of the
11 installation and utilization of traffic control signal monitoring
12 systems in this State. A municipality desiring to participate in the
13 program shall submit an application to the Commissioner of
14 Transportation. The application shall include:

15 (1) The intersection or intersections in the municipality at which
16 it is desired to install and utilize a traffic control signal monitoring
17 system;

18 (2) Data which indicate that the intersection or intersections in
19 question have a high number of violations of the traffic control
20 signals, and any additional safety data the municipality deems
21 appropriate;

22 (3) A certification by the municipal engineer that **[(a)]** the
23 intersection or intersections in question have a minimum duration of
24 the amber light at the traffic control signal of **[three]**:

25 (a) four seconds if at least 85 percent of the vehicular traffic
26 approaching the signal is traveling at a speed of **[25]** 30 miles per
27 hour or less; **[and (b) for each five mile increase in the speed of**
28 **vehicular traffic referred to in subparagraph (a) of this paragraph**
29 **above 30 miles per hour this minimum duration of the amber light**
30 **shall be increased by one-half second]**

31 (b) four and one half seconds if at least 85 percent of the
32 vehicular traffic approaching the signal is traveling at a speed of
33 more than 30 miles per hour but less than or equal to 35 miles per
34 hour;

35 (c) five seconds if at least 85 percent of the vehicular traffic
36 approaching the signal is traveling at a speed of more than 35 miles
37 per hour but less than or equal to 40 miles per hour;

38 (d) five and one half seconds if at least 85 percent of the
39 vehicular traffic approaching the signal is traveling at a speed of
40 more than 40 miles per hour but less than or equal to 45 miles per
41 hour;

42 (e) six seconds if at least 85 percent of the vehicular traffic
43 approaching the signal is traveling at a speed of more than 45 miles
44 per hour but less than or equal to 50 miles per hour;

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 (f) six and one half seconds if at least 85 percent of the vehicular
2 traffic approaching the signal is traveling at a speed of more than 50
3 miles per hour but less than or equal to 55 miles per hour; and

4 (g) seven seconds if at least 85 percent of the vehicular traffic
5 approaching the signal is traveling at a speed of more than 55 miles
6 per hour;

7 (4) Such other information as the Commissioner of
8 Transportation may require.

9 The commissioner may approve as many municipalities making
10 application as he deems appropriate, and shall indicate which of the
11 intersections in those applications are approved for the installation
12 and utilization of traffic control signal monitoring systems.

13 b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
14 103.1), the governing body of a municipality, by ordinance, may
15 determine to install and utilize a traffic control signal monitoring
16 system to facilitate the lawful observance of and compliance with
17 traffic control signals governing the flow of traffic at intersections
18 under its jurisdiction approved by the Commissioner of
19 Transportation pursuant to subsection a. of this section.

20 c. A traffic control signal monitoring system installed and
21 utilized pursuant to this section shall be of a type approved by the
22 governing body of the municipality.

23 d. In any municipality where the governing body has
24 authorized the installation and use of a traffic control signal
25 monitoring system pursuant to subsection b. of this section, a sign
26 notifying drivers that such a monitoring system is being utilized
27 shall be placed on each street converging into the affected
28 intersection. The sign shall be of a design and placed in accordance
29 with specifications approved by the municipal engineer. The
30 specifications so approved shall conform with the uniform system
31 set forth in the "Manual on Uniform Traffic Control Devices for
32 Streets and Highways."

33 e. A traffic control signal monitoring system shall be inspected
34 and certified at least once every six months by the municipal
35 engineer from the date of its installation for the duration of the five-
36 year pilot program prescribed by P.L.2007, c.348 (C.39:4-8.12 et
37 seq.).

38 f. In any municipality in which the governing body has
39 authorized the installation and use of a traffic control signal
40 monitoring system pursuant to subsection b. of this section, a
41 vendor contracting with that municipality concerning the
42 installation and use of such system shall establish a public
43 awareness campaign to notify the public of the intersection at which
44 the system will be installed and of the date on which the system will
45 be activated. The public awareness campaign shall, at a minimum,
46 utilize electronic and print media and shall make available
47 electronically on an Internet website the information required under

1 this subsection.
2 (cf: P.L.2009, c.52, s.2)

3
4 2. Section 4 of P.L.2007, c.348 (C.39:4-8.15) is amended to
5 read as follows:

6 4. a. In any municipality where the governing body has
7 authorized the installation and use of a traffic control signal
8 monitoring system, a law enforcement official of such municipality
9 shall review the recorded images produced by the traffic control
10 signal monitoring system. In conducting such review, the law
11 enforcement official shall determine whether there is sufficient
12 evidence to conclude that a traffic control signal violation has
13 occurred and shall issue, within 90 days from the date on which the
14 violation occurred, a summons where it is deemed appropriate,
15 provided, however, that the law enforcement official shall not issue
16 a summons for a traffic control signal violation if the violation
17 occurred within the one-half second immediately after the traffic
18 control signal displayed a red light. A traffic control signal
19 violation summons issued pursuant to a traffic control signal
20 monitoring system established in accordance with this act shall be
21 served by a law enforcement official in accordance with the Rules
22 of Court. Except as otherwise provided in this subsection, the
23 recorded images produced by the traffic control signal monitoring
24 system shall be available for the exclusive use of any law
25 enforcement official for the purposes of discharging the official's
26 duties pursuant to P.L.2007, c.348 (C.39:4-8.12 et seq.). Any
27 recorded image or information produced in connection with the
28 traffic control signal monitoring system shall not be deemed a
29 public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the
30 common law concerning access to public records. The recorded
31 images shall not be discoverable as a public record by any person,
32 entity, or governmental agency, except upon a subpoena issued by a
33 grand jury or a court order in a criminal matter, nor shall they be
34 offered in evidence in any civil or administrative proceeding not
35 directly related to a traffic control signal violation.

36 Any recorded image or information produced in connection with
37 the traffic control signal monitoring system pertaining to a specific
38 violation shall be purged and not retained later than 60 days after
39 the collection of any fine or penalty. If a law enforcement official
40 does not issue a summons for a traffic control signal violation
41 within 90 days, all recorded images and information collected
42 pertaining to that alleged violation shall be purged within three
43 days. Any municipality operating a traffic control signal
44 monitoring system shall certify compliance with this subsection in
45 the report required to be filed with the Commissioner of
46 Transportation pursuant to section 6 of P.L.2007, c.348 (C.39:4-
47 8.17).

1 b. Except as provided in subsection c. of this section, the owner
2 and operator shall be jointly liable for a traffic control signal
3 violation summons issued pursuant to a traffic control signal
4 monitoring system established in accordance with this act, unless
5 the owner can show that the vehicle was used without his consent,
6 express or implied. An owner who pays any fine, penalty, civil
7 judgment, costs or administrative fees in connection with a traffic
8 control signal violation issued pursuant to a traffic control signal
9 monitoring system shall have the right to recover that sum from the
10 operator in a court of competent jurisdiction.

11 c. The owner of a motor vehicle who is a lessor shall not be
12 liable for a traffic control signal violation summons issued pursuant
13 to this act when the motor vehicle is under the control or in the
14 possession of the lessee, if upon notice of a traffic control signal
15 violation, the owner of the motor vehicle which was leased at the
16 time of the offense notifies the clerk of the court where the case is
17 pending, by an affidavit of the name and address of the lessee. The
18 affidavit shall be in a form prescribed by the Administrative
19 Director of the Courts.

20 After providing the name and address of the lessee, the owner
21 shall not be required to attend a hearing of the offense, unless
22 otherwise notified by the court.

23 d. In no case shall motor vehicle points or automobile
24 insurance eligibility points pursuant to section 26 of P.L.1990, c.8
25 (C.17:33B-14) be assessed against any person for a violation
26 occurring under the provisions of this act.

27 e. (Deleted by amendment, P.L.2009, c.52)
28 (cf: P.L.2009, c.52, s.3)

29

30 3. R.S.39:4-115 is amended to read as follows:

31 39:4-115. The driver of a vehicle or the motorman of a streetcar:

32 a. intending to turn to the right or left at an intersection where
33 traffic is controlled by traffic control signals or by a traffic or police
34 officer, shall proceed to make either turn with proper care to avoid
35 accidents and, except as provided in b. below, only upon the "go"
36 signal unless otherwise directed by a traffic or police officer, an
37 official sign or special signal; or

38 b. intending to turn right at an intersection where traffic is
39 controlled by a traffic control signal shall, unless an official sign of
40 the State, municipality, or county authority having jurisdiction over
41 the intersection prohibits the same, proceed to make the turn upon a
42 "stop" or "caution" signal with proper care to avoid accidents after
43 coming to a full stop, observing traffic in all directions, yielding to
44 other vehicular traffic traveling in a direction in which the turn will
45 be made, and stopping and remaining stopped for pedestrians
46 crossing the roadway within a marked crosswalk, or at an unmarked
47 crosswalk, into which the driver is turning. The penalty for a
48 violation of this subsection shall be \$20 if the violation is detected

1 by a traffic control signal monitoring system authorized pursuant to
2 P.L.2007, c.348 (C.39:4-8.12 et seq.).

3 Both the approach for and the turn shall be made as close as
4 practicable to the right-hand curb or edge of the roadway, unless
5 such intersection is otherwise posted.

6 (cf: P.L.2009, c.319, s.3)

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8 4. This act shall take effect on the first day of the fourth month
9 next following enactment.

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11

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STATEMENT

13

14 This bill increases the required duration of the amber light at
15 intersections with a traffic control signal monitoring system (“red
16 light camera”) and implements a grace period for violations
17 occurring in the one-half second immediately after a traffic control
18 signal turns red.

19 Under current law, the amber light must have a minimum
20 duration of three seconds if at least 85 percent of the approaching
21 vehicular traffic is traveling at a speed of 25 miles per hour or less.
22 The required duration of the amber light increases by one-half
23 second for every five mile increase in the speed of vehicular traffic
24 approaching the intersection. Under the bill’s provisions, the amber
25 light at an intersection with a red light camera must have a
26 minimum duration of:

27 (a) four seconds if at least 85 percent of the vehicular traffic
28 approaching the signal is traveling at a speed of 30 miles per hour
29 or less;

30 (b) four and one half seconds if at least 85 percent of the
31 vehicular traffic approaching the signal is traveling at a speed of
32 more than 30 miles per hour but less than or equal to 35 miles per
33 hour;

34 (c) five seconds if at least 85 percent of the vehicular traffic
35 approaching the signal is traveling at a speed of more than 35 miles
36 per hour but less than or equal to 40 miles per hour;

37 (d) five and one half seconds if at least 85 percent of the
38 vehicular traffic approaching the signal is traveling at a speed of
39 more than 40 miles per hour but less than or equal to 45 miles per
40 hour;

41 (e) six seconds if at least 85 percent of the vehicular traffic
42 approaching the signal is traveling at a speed of more than 45 miles
43 per hour but less than or equal to 50 miles per hour;

44 (f) six and one half seconds if at least 85 percent of the vehicular
45 traffic approaching the signal is traveling at a speed of more than 50
46 miles per hour but less than or equal to 55 miles per hour; and

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1 (g) seven seconds if at least 85 percent of the vehicular traffic
2 approaching the signal is traveling at a speed of more than 55 miles
3 per hour.

4 The bill also sets the penalty for failing to come to a full stop,
5 observe traffic in all directions, yield to other vehicular traffic
6 traveling in a direction in which the turn will be made, or stop and
7 remaining stopped for pedestrians crossing the roadway within a
8 marked crosswalk, or at an unmarked crosswalk, into which the
9 driver is turning at \$20 if the violation was detected using a red
10 light camera. The fine for violations detected using other means
11 remains unchanged.