

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1329

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 2010

The Senate Transportation Committee reports favorably and with committee amendments Assembly Bill No. 1329(1R).

This amended bill revises the current law concerning pedestrian safety and traffic control.

Specifically, this bill requires drivers to stop and remain stopped to allow pedestrians to cross a roadway within a marked crosswalk when the pedestrian is upon, or within one lane of, the half of the roadway upon which the vehicle is traveling or onto which it is turning. This requirement is to apply at intersections where traffic is not controlled by a traffic control device or police officer, as well as at intersections where traffic is controlled by such devices or persons. As used in the bill, "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

Under current law, motorists must yield to pedestrians in crosswalks, but do not have the clear duty of stopping and remaining stopped. In addition, current law is ambiguous as to whether the area within which a pedestrian is protected by a motorist's duty to yield includes all or only a portion of the crosswalk. The bill provides, with regard to marked crosswalks, a clear duty to stop and remain stopped on, or within a lane of, the half of the roadway on which the vehicle is traveling, a standard used in some other states, and one which may result in better enforcement of the crosswalk traffic laws in this State. The current duty of motorists to yield to pedestrians in crosswalks is retained in regard to unmarked crosswalks at intersections.

The bill increases the fine to be imposed on a person convicted of violating the provisions of R.S.39:4-36, which concerns intersections where traffic is not controlled by a traffic control device or police officer, from \$100 to \$200 and increases the portion of each such fine collected that is to be deposited into the "Pedestrian Safety Enforcement and Education Fund" pursuant to section 1 of P.L.2005, c.86 (C.39:4-36.2) from \$50 to \$100. The amended bill removes the possibility of imprisonment for a violation of R.S.39:4-36 and

provides that a court may impose community service in addition to imposing the prescribed fine.

The bill provides a pedestrian with the clear right to complete a crossing begun at an intersection on a “go” or green signal, but not yet completed when the signal changes. To avoid redundancy in the law, the bill repeals R.S.39:4-35, which provides for a pedestrian’s right to complete a crossing.

This bill also requires drivers making a right turn at a red or yellow traffic signal or at a stop or yield sign to stop and remain stopped pursuant to R.S.39:4-36 for pedestrians crossing within the adjacent crosswalk into which the motorist is turning.

Lastly, this bill provides that when a collision occurs between a vehicle and a pedestrian within a marked crosswalk, or at an unmarked crosswalk at an intersection, there is a permissive inference that the driver did not exercise due care for the safety of the pedestrian.

The committee amended the bill to limit applicability of the requirement to stop and remain stopped in regard to marked crosswalks and retained the requirement of yielding in regard to unmarked crosswalks at intersections.

This bill is identical to S2480, as amended and released by the committee on this date.