ASSEMBLY, No. 872

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Establishes five-year pilot program to enforce “don’t block the box” signs through use of automated cameras.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning the regulation of traffic at certain intersections and supplementing Title 39 of the Revised Statutes.

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

1. a. The Legislature finds:

(1) The disregard of traffic control devices at intersections and, specifically, the disregard of traffic signs that state “don’t block the box,” impedes the efficient flow of traffic, and more importantly, dramatically increases the likelihood of accidents that endanger the safety and welfare of motor vehicle occupants and pedestrians; and

(2) The installation and use of a clear intersection monitoring system, which complements the efforts of local law enforcement, could serve as an effective tool in encouraging drivers to strictly obey traffic control devices and traffic signs that state “don’t block the box” at intersections, facilitating the flow of traffic, and protecting the safety and welfare of motor vehicle occupants and pedestrians.

b. The Legislature, therefore, declares that it is altogether fitting and proper, and within the public interest, to require the Commissioner of Transportation to establish a pilot program to determine the effectiveness of the installation and utilization of clear intersection monitoring systems in this State at intersections that have a traffic sign warning drivers not to block the box and to approve applications from municipalities where these systems may be installed.

2. As used in this P.L. , c. (C.) (pending before the Legislature as this bill):

"Clear intersection monitoring system" means an integrated system or device utilizing a camera, or a multiple camera system, and vehicle sensors which work in conjunction with a traffic control signal and is capable of producing:

high resolution color digital recorded images that show: the traffic control signal while it is displaying a red light; a motor vehicle unlawfully blocking an intersection while the traffic control signal is displaying a red light; and a portion of the rear of the motor vehicle unlawfully in the intersection sufficient to clearly reveal the vehicle's license plate and the make and model of the vehicle; and

video recording of the violation that shows the violation occurring.

“Commissioner” means the Commissioner of Transportation.

"Recorded image" means a digital image recorded by a clear intersection monitoring system.

"Summons" means a citation alleging a violation of a traffic control signal or the failure to follow the directive of a sign prohibiting drivers from blocking the box.

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternatively directed to stop and to proceed, and which has been approved by the Commissioner of Transportation in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways."

3. a. The Commissioner of Transportation shall establish a five-year pilot program to determine the effectiveness of the installation and utilization of clear intersection monitoring systems in this State. A municipality desiring to participate in the program shall submit an application to the Commissioner of Transportation. The application shall include:

(1) the intersection or intersections in the municipality at which it is desired to install and utilize a clear intersection monitoring system; and

(2) data which indicate that the intersection or intersections in question have a high number of violations, and any additional safety data the municipality deems appropriate;

(3) such other information as the Commissioner of Transportation may require.

The commissioner may approve as many municipalities making application as the commissioner deems appropriate, and shall indicate which of the intersections in those applications are approved for the installation and utilization of clear intersection monitoring systems.

b. Notwithstanding the provisions of section 1 of P.L.1992, c.91 (C.39:4-103.1), the governing body of a municipality, by ordinance, may determine to install and utilize a clear intersection monitoring system to facilitate the lawful observance of and compliance with traffic control signals and traffic signs governing the flow of traffic at intersections under its jurisdiction approved by the Commissioner of Transportation pursuant to subsection a. of this section.

c. A clear intersection monitoring system installed and utilized pursuant to this section shall be of a type approved by the governing body of the municipality. A digital camera may be used as part of a clear intersection monitoring system provided the violation images are captured by a digital camera, or a multiple camera system, which produces a set of at least two images for each violation. At least one of the digital color images shall contain the following: (1) the scene of the location where the violation occurred; (2) the violating motor vehicle; (3) the license plate numbers, letters, and issuing jurisdiction; (4) the day, month, and year of the violation; (5) the time of the violation in hours, minutes, and seconds; and (6)

the frame sequence code. This information shall be imprinted along the bottom or top edge of the image frame so as not to obstruct the violation image.

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

e. A clear intersection monitoring system shall be inspected and certified at least once every six months by the municipal engineer from the date of its installation for the duration of the five-year pilot program prescribed by P.L. , c. (C.) (pending before the Legislature as this bill).

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

4. a. In any municipality where the governing body has authorized the installation and use of a clear intersection monitoring system, a law enforcement official of the municipality shall review the recorded images produced by the clear intersection monitoring system. In conducting a review, the law enforcement official shall determine whether there is sufficient evidence to conclude that a violation has occurred and shall issue, within 90 days from the date on which the violation occurred, a summons where it is deemed appropriate. A violation summons issued pursuant to a clear intersection monitoring system established in accordance with P.L. , c. (C.) (pending before the Legislature as this bill) shall be served by a law enforcement official in accordance with the Rules of Court. Except as otherwise provided in this subsection, the recorded images produced by the clear intersection monitoring system shall be available for the exclusive use of any law enforcement official for the purposes of discharging the official's duties pursuant to P.L. , c. (C.) (pending before the Legislature as this bill). Any recorded image or information produced in connection with the clear intersection monitoring

system shall not be deemed a government record under P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning access to public records. The recorded images shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, nor shall they be offered in evidence in any civil or administrative proceeding not directly related to a traffic violation.

Any recorded image or information produced in connection with the clear intersection monitoring system pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any fine or penalty. If a law enforcement official does not issue a summons for such a violation within 90 days, all recorded images and information collected pertaining to that alleged violation shall be purged within three days. Any municipality operating a clear intersection monitoring system shall certify compliance with this subsection in the report required to be filed with the Commissioner of Transportation pursuant to section 6 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. Except as provided in subsection c. of this section, the owner and operator shall be jointly liable for a violation summons issued pursuant to a clear intersection monitoring system established in accordance with P.L. , c. (C.) (pending before the Legislature as this bill), unless the owner can show that the vehicle was used without the owner's consent, express or implied. An owner who pays any fine, penalty, civil judgment, costs, or administrative fees in connection with a violation issued pursuant to a clear intersection monitoring system shall have the right to recover that sum from the operator in a court of competent jurisdiction.

c. The owner of a motor vehicle who is a lessor shall not be liable for a clear intersection violation summons issued pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) when the motor vehicle is under the control or in the possession of the lessee, if upon notice of a violation, the owner of the motor vehicle which was leased at the time of the offense notifies the clerk of the court where the case is pending, by an affidavit of the name and address of the lessee. The affidavit shall be in a form prescribed by the Administrative Director of the Courts.

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

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

5. The Commissioner of Transportation, the Chief Administrator of the New Jersey Motor Vehicle Commission, and the Superintendent of the State Police may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill). The Supreme Court of New Jersey may adopt Rules of Court appropriate or necessary to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

6. The municipalities whose applications have been approved for the pilot program established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) shall submit a report to the Commissioner of Transportation every 12 months after a clear intersection monitoring system has been installed to the detailing increases or decreases in violations and accidents at intersections where clear intersection monitoring systems have been installed. The Commissioner of Transportation shall prepare and submit an annual report to the Governor, the President of the Senate, the Speaker of the General Assembly, and the Senate Transportation Committee and the Assembly Transportation and Independent Authorities Committee, or their successor committees, describing the pilot program developed pursuant to P.L. , c. (C.) (pending before the Legislature as this bill), including accident and violation information reported by the affected municipalities. The first annual report shall be submitted no later than one year after the installation of the first clear intersection monitoring system authorized pursuant to P.L. , c. (C.) (pending before the Legislature as this bill). Thereafter, subsequent reports shall be submitted annually for the duration of the five-year pilot program, with the final report providing a comprehensive review of the pilot program, including but not limited to, an evaluation of the program's effectiveness, a discussion of extending the program to other intersections in the State, and any other information relevant to the report.

7. This act shall take effect 90 days following enactment and shall expire upon the submission of the Commissioner of Transportation's final report pursuant to section 6 of P.L. , c. (C.) (pending before the Legislature as this bill).

STATEMENT

This bill establishes a five-year pilot program to enforce traffic control signals and traffic signs at intersections that have a sign stating “don’t block the box.” The bill requires the Commissioner of Transportation (commissioner) to establish the program, which

allows municipalities to apply to have automated cameras installed at intersections under their jurisdiction to aid in traffic enforcement for drivers who block those intersections.

A "clear intersection monitoring system" installed and utilized pursuant to this bill is to be a type approved by the governing body of the municipality. In any municipality where the governing body has authorized the installation and use of a clear intersection monitoring system, the municipality is required to place signs notifying drivers on each street converging into the affected intersection. A clear intersection monitoring system is required to be inspected and certified at least once every six months by the municipal engineer from the date of its installation for the duration of the five-year pilot program.

In any municipality in which the governing body has authorized the installation and use of a clear intersection monitoring system, a vendor contracting with that municipality concerning the installation and use of the system is required to establish a public awareness campaign to notify the public of the intersections at which the system will be installed and of the date on which the system will be activated.

In any municipality where the governing body has authorized the installation and use of a clear intersection monitoring system, a law enforcement official is required to review the recorded images produced by the clear intersection monitoring system. The law enforcement officer is required, within 90 days from the date on which the violation occurred, to issue a summons where it is deemed appropriate. The recorded images are to be available for the exclusive use of any law enforcement official for the purposes of discharging the official's duties under the bill. Any recorded image or information produced in connection with the clear intersection monitoring system is not to be deemed a government record under the State's laws concerning access to public records. The recorded images are prohibited from being deemed discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or from being offered in evidence in any civil or administrative proceeding not directly related to a traffic violation.

Any recorded image or information produced in connection with the clear intersection monitoring system pertaining to a specific violation is required to be purged and not retained later than 60 days after the collection of any fine or penalty. If a law enforcement official does not issue a summons for a violation within 90 days, all recorded images and information collected pertaining to that alleged violation are required to be purged within three days.

The owner and operator of a vehicle are jointly liable for a violation summons issued pursuant to the bill, unless the owner can show that the vehicle was used without the owner's consent,

express or implied. An owner who pays any fine, penalty, civil judgment, costs, or administrative fees in connection with a violation issued pursuant to a clear intersection monitoring system has the right to recover that sum from the operator in a court of competent jurisdiction.

The owner of a motor vehicle who is a lessor is not liable for a clear intersection violation summons issued under the bill when the motor vehicle is under the control or in the possession of the lessee, if upon notice of a violation, the owner of the motor vehicle which was leased at the time of the offense notifies the clerk of the court where the case is pending, by an affidavit of the name and address of the lessee. Motor vehicle points and automobile insurance eligibility points are prohibited from being assessed against any person for a violation occurring under the provisions of this bill.

Each participating municipality is required to submit reports to the commissioner on the pilot program. The commissioner is required to issue an annual report to the Governor, President of the Senate, Speaker of the General Assembly, and the Legislature's transportation committees.