

[Second Reprint]

ASSEMBLY, No. 4314

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JUNE 11, 2007

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman BRIAN P. STACK

District 33 (Hudson)

Assemblyman JOSEPH VAS

District 19 (Middlesex)

Co-Sponsored by:

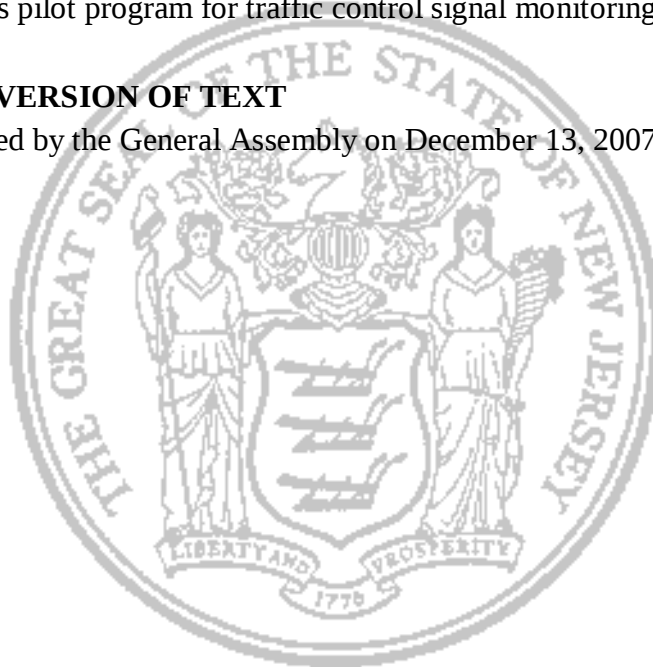
Senator Coniglio

SYNOPSIS

Establishes pilot program for traffic control signal monitoring system.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 13, 2007.



(Sponsorship Updated As Of: 1/8/2008)

1 AN ACT concerning ²**[automated traffic law enforcement]** traffic
2 control signal monitoring systems² and supplementing Title 39 of
3 the Revised Statutes.

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

7
8 1. The Legislature finds:

9 The disregard of traffic control devices at intersections impedes
10 the efficient flow of traffic, and more importantly, dramatically
11 increases the likelihood of accidents that endanger the safety and
12 well being of motor vehicle occupants and pedestrians.

13 The installation and use of a traffic control signal ¹**[monitor]**
14 monitoring¹ system, which complements the efforts of local law
15 enforcement, could serve as an effective tool in encouraging drivers
16 to strictly obey traffic control devices at intersections, facilitating
17 the flow of traffic and protecting the safety and well being of motor
18 vehicle occupants and pedestrians.

19 The Legislature, therefore, declares:

20 It is altogether fitting and proper, and within the public interest,
21 to require the Commissioner of Transportation to establish a pilot
22 program to determine the effectiveness of the installation and
23 utilization of traffic control signal monitoring systems in this State
24 and to approve applications from municipalities where such systems
25 may be installed.

26
27 2. As used in this act:

28 ¹**[“Automated traffic law enforcement” means the utilization of**
29 **an automated traffic control monitoring system to issue summonses**
30 **for traffic control signal violations.]**¹

31 “Recorded image” means a digital image recorded by a traffic
32 control signal monitoring system ¹**[that shows the rear view of a**
33 **motor vehicle]**¹.

34 “Summons” means a citation alleging a violation of a traffic
35 control signal.

36 “Traffic control signal” means a device, whether manually,
37 electrically, mechanically¹,¹ or otherwise controlled ¹,¹ by which
38 traffic is alternatively directed to stop and to proceed ¹, and¹ which
39 has been approved by the Commissioner of Transportation in
40 accordance with the “Manual on Uniform Traffic Control Devices
41 for Streets and Highways.”

42 “Traffic control signal monitoring system” means an integrated
43 system or device utilizing ¹**[a camera]** ²**[multiple, synchronized**

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 ATR committee amendments adopted June 14, 2007.

²Assembly floor amendments adopted December 13, 2007.

1 digital] a² camera ²[units'] , or a multiple camera system,² and
 2 vehicle sensors which work in conjunction with a traffic control
 3 signal and is capable of producing:

4 a. high resolution color digital recorded images that show: (1)
 5 the traffic control signal while it is displaying a red light; (2) a
 6 motor vehicle unlawfully '[in] entering and continuing through'
 7 the intersection while the traffic control signal is displaying a red
 8 light; and (3) a portion of the rear of the motor vehicle unlawfully
 9 in the intersection sufficient to clearly reveal the vehicle's license
 10 plate and the make and model of the vehicle ²['; provided, however,
 11 that the license plate image used to issue a summons for a violation
 12 shall be '[extracted as a sub-image] a unique close-up image'
 13 obtained '[entirely from an original scene image captured at the
 14 same time from the same camera] from an independent camera,
 15 integrated as part of the traffic control signal monitoring system
 16 that has been installed, resulting in a series of synchronized
 17 images']²; and

18 b. a video recording of the violation ²['that is integrated with
 19 the still images at the point of violation'] that shows the violation
 20 occurring².

21 A digital camera may be used as part of a traffic control signal
 22 monitoring system provided the violation images are captured by
 23 '[a single,] ²[multiple, synchronized'] a² digital camera '[unit]
 24 ²[units'] , or a multiple camera system,² which '[produces a set of
 25 two] ²[produce no less than three'] produces a set of at least two²
 26 images for each violation. At least one of the '[two] ²[three]'²
 27 digital color images shall contain the following: (1) the scene of
 28 the location where the violation occurred; (2) the violating motor
 29 vehicle; (3) '[sufficient resolution to show a cropped, close-up
 30 view of the rear license plate which shall be extracted from one of
 31 the two original images and shall not be captured by a separate
 32 image capturing device; (4)]' the license plate numbers, letters ²,²
 33 and issuing jurisdiction ²[', which'] shall be identified from]² '[one
 34 of the two original images and may not be identified through the
 35 use of a separate image capturing device] ²[an image produced by
 36 a unique and multiple, synchronized digital camera unit']²; '[(5)]
 37 (4)' the day, month', ' and year of the violation; '[(6)] (5)' the time
 38 of the violation in hours, minutes', ' and seconds; '[(7)] (6)' the
 39 amount of time that had passed between the time the light turned
 40 red and the violation occurred; and '[(8)] (7)' the frame sequence
 41 ²[number] code². This information shall be imprinted along the
 42 bottom or top edge of the image frame so as not to obstruct the
 43 violation image.

44
 45 3. a. The Commissioner of Transportation shall establish a
 46 ²['two-year'] five-year² pilot program to determine the

1 effectiveness of the installation and utilization of traffic control
2 signal monitoring systems in this State. A municipality desiring to
3 participate in the program shall submit an application to the
4 Commissioner of Transportation. The application shall include:

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

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

12 (3) A certification by the municipal engineer that (a) the
13 intersection or intersections in question have a minimum duration of
14 the amber light at the traffic control signal of three seconds if at
15 least 85 percent of the vehicular traffic approaching the signal is
16 traveling at a speed of 25 miles per hour or less; and (b) for each
17 five mile increase in the speed of vehicular traffic referred to in
18 subparagraph (a) of this paragraph above 30 miles per hour this
19 minimum duration of the amber light shall be increased by one-half
20 second.

21 (4) Such other information as the Commissioner of
22 Transportation may require.

23 The commissioner may approve '[no more than two of the] as
24 many' municipalities making application 'as he deems appropriate,'
25 and shall indicate which of the intersections in those applications
26 are approved for the installation and utilization of traffic control
27 signal monitoring systems.

28 b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-
29 103.1 et seq.), the governing body of a municipality, by ordinance,
30 may determine to install and utilize a traffic control signal
31 monitoring system to facilitate the lawful observance of and
32 compliance with traffic control signals governing the flow of traffic
33 at intersections under its jurisdiction approved by the Commissioner
34 of Transportation pursuant to subsection a. of this section.

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

38 d. In any municipality where the governing body has authorized
39 the installation and use of a traffic control signal monitoring system
40 pursuant to subsection b. of this section, a sign notifying drivers
41 that such a monitoring system is being utilized shall be placed on
42 each street converging into the affected intersection. The sign shall
43 be of a design and '[shall be]' placed in accordance with
44 specifications approved by the municipal engineer. The
45 specifications so approved shall conform with the uniform system
46 set forth in the "Manual on Uniform Traffic Control Devices for
47 Streets and Highways."

1 e. A traffic control signal monitoring system shall be inspected
2 and certified at least once every ²~~two~~ six² months by the
3 ¹~~the~~ municipality municipal engineer¹ from the date of its installation
4 ²~~for a period of one year~~ for the duration of the five-year pilot
5 program prescribed by P.L. , c. (C.) (pending before the
6 Legislature as this bill)².

7
8 4. a. 'In any municipality where the governing body has
9 authorized the installation and use of a traffic control signal
10 monitoring system, ²~~the~~ a² law enforcement ²~~agency~~ official²
11 of such municipality shall review the recorded images produced by
12 the traffic control signal monitoring system. In conducting such
13 review, the law enforcement ²~~agency~~ official² shall determine
14 whether there is sufficient evidence to conclude that a traffic
15 control signal violation has occurred and shall issue a summons
16 where it is deemed appropriate.¹ A traffic control signal violation
17 summons issued pursuant to a traffic control signal monitoring
18 system established in accordance with this act shall be ²~~sent~~²
19 ¹~~by certified mail, return receipt requested, or by personal service~~
20 to the owner of the motor vehicle within 30 days of the date of
21 violation] ²served by a law enforcement official² in accordance
22 with the Rules of Court¹. ²Except as otherwise provided in this
23 subsection, the recorded images produced by the traffic control
24 signal monitoring system shall be available for the exclusive use of
25 any law enforcement official for the purposes of discharging the
26 official's duties pursuant to P.L. , c. (C.) (pending before
27 the Legislature as this bill). Any recorded image or information
28 produced in connection with the traffic control signal monitoring
29 system shall not be deemed a public record under P.L.1963, c.73
30 (C.47:1A-1 et seq.) or the common law concerning access to public
31 records. The recorded images shall not be discoverable as a public
32 record by any person, entity, or governmental agency, except upon
33 a subpoena issued by a grand jury or a court order in a criminal
34 matter, nor shall they be offered in evidence in any civil or
35 administrative proceeding not directly related to a traffic control
36 signal violation.

37 Any recorded image or information produced in connection with
38 the traffic control signal monitoring system pertaining to a specific
39 violation shall be purged and not retained later than 60 days after
40 the collection of any fine or penalty. If a law enforcement official
41 does not issue a summons for a traffic control signal violation
42 within 40 business days, all recorded images and information
43 collected pertaining to that alleged violation shall be purged within
44 two business days. Any municipality operating a traffic control
45 signal monitoring system shall certify compliance with this
46 subsection in the report required to be filed with the Commissioner

1 of Transportation pursuant to section 6 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).²

3 b. Except as provided in subsection c. of this section, the owner
4 and operator shall be jointly liable for a traffic control signal
5 violation summons issued pursuant to a traffic control signal
6 monitoring system established in accordance with this act, unless
7 the owner can show that the vehicle was used without his consent,
8 express or implied. ²['For the purposes of this subsection, there
9 shall be a permissive inference that the owner of the motor vehicle
10 involved in a violation occurring under the provisions of this act
11 was also the operator of the motor vehicle at time the violation
12 occurred. ']² An owner who pays any fine, penalty, civil judgment,
13 costs or administrative fees in connection with a traffic control
14 signal violation issued pursuant to a traffic control signal
15 monitoring system shall have the right to recover that sum from the
16 operator in a court of competent jurisdiction.

17 c. The owner of a motor vehicle who is a lessor shall not be
18 liable for a traffic control signal violation summons issued pursuant
19 to this act when the motor vehicle is under the control or in the
20 possession of the lessee, if upon notice of a traffic control signal
21 violation, the owner of the motor vehicle which was leased at the
22 time of the offense notifies the clerk of the court where the case is
23 pending, by ²[a notarized statement] an affidavit² of the name and
24 address of the lessee. The ²[notarized statement] affidavit² shall be
25 in a form prescribed by the Administrative Director of the Courts.

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

29 ¹d. In no case shall motor vehicle points or automobile insurance
30 eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-
31 14) be assessed against any person for a violation occurring under
32 the provisions of this act. ']¹

33 ²e. It shall not be a defense to any traffic control signal violation
34 that the signs required to be posted pursuant to subsection c. of
35 section 3 of P.L. , c. (C.) (pending before the Legislature as
36 this bill), notifying drivers that a traffic control signal monitoring
37 system is being utilized, are not posted or are improperly posted.²

39 ¹[5. There shall be included in the fines and penalties imposed
40 by the court on a person whose license has been suspended pursuant
41 to a violation of this act a fee of \$3 which shall be transferred by the
42 court to the municipality within which the violation occurred. ']¹

44 ¹[6.] 5. '] The Commissioner of Transportation, the Chief
45 Administrator of the Motor Vehicle Commission, and the
46 Superintendent of the State Police¹[], working as needed in
47 conjunction with the Administrative Office of the Courts, ']¹ may, in

1 accordance with the “Administrative Procedure Act,” P.L.1968,
2 c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to
3 effectuate the purposes of this act. ‘The Supreme Court of New
4 Jersey may adopt Rules of Court appropriate or necessary to
5 effectuate the purposes of this act.’¹

6
7 ‘[7.] 6.’ The municipalities whose applications have been
8 approved for the pilot program established pursuant to this act shall
9 submit reports ‘every ²[six] 12² months after a traffic control
10 signal monitoring system has been installed’ to the Commissioner
11 of Transportation detailing increases or decreases in violations and
12 accidents at intersections where traffic control signal monitoring
13 systems have been installed. ‘[Not later than 18 months after the
14 installation of such systems, the] The’ Commissioner of
15 Transportation shall prepare and submit ‘[a report] ²[two] an²
16 annual ²[reports¹] report² to the Governor, the President of the
17 Senate, the Speaker of the General Assembly, and the Senate
18 Transportation Committee and the Assembly Transportation and
19 Public Works Committee or their successor committees describing
20 the pilot program developed pursuant to this act, including accident
21 and violation information reported by the affected municipalities ²[,
22 evaluating the program’s effectiveness, and discussing its extension
23 to other intersections in the State]². ‘The first such report shall be
24 submitted no later than one year after the installation of the first
25 traffic control signal monitoring system authorized pursuant to this
26 act ²[, and the second report shall be submitted no later than two
27 years after the installation of such system]’² .’ ²Thereafter,
28 subsequent reports shall be submitted annually for the duration of
29 the five-year pilot program prescribed by P.L. _____, c. (C. _____)
30 (pending before the Legislature as this bill), with the fifth and final
31 report providing a comprehensive review of the pilot program,
32 including but not limited to, an evaluation of the program’s
33 effectiveness, a discussion of extending the program to other
34 intersections in the State, and any other information relevant to the
35 report.’²

36
37 ‘[8.] 7.’ This act shall take effect ninety days following
38 enactment ‘and shall expire upon the submission of the
39 Commissioner of Transportation’s ²[second] fifth² and final report
40 to the appropriate parties pursuant to section 6 of this act’¹.