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TITLE 16. TRANSPORTATION
CHAPTER 27. TRAFFIC REGULATIONS AND TRAFFIC CONTROL DEVICES

AUTHORITY: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, 39:4-8, 39:4-31.1, 39:4-120, 39:4-183.27, and 39:4-197; and P.L. 2008, c. 110.

Expires on January 8, 2021.

SUBCHAPTER 1. TRAFFIC REGULATIONS

16:27-1.1 Purpose

(a) The purpose of this chapter is to establish procedures for obtaining approvals for traffic regulations and traffic control devices, route restrictions for commercial motor vehicles on non-State highways, closing of non-State highways for durations of more than 48 hours, and the operation of low-speed vehicles on State highways.

(b) Pursuant to P.L. 2008, c. 110, and as of December 4, 2008, municipalities and counties no longer need the Commissioner's approval to establish certain traffic controls on roads under their jurisdiction, excluding establishment of limitations or exclusions of CMVs.

16:27-1.2 Scope

(a) This chapter is applicable to authorities seeking:

1. To establish new, or modify existing, traffic control devices and designate or change a traffic regulation, as they apply to State highways and non-State highways that impact a State highway;

2. To establish route restrictions for commercial motor vehicles on non-State highways;
and

3. To close non-State highways for a duration of more than 48 hours.

(b) This chapter is also applicable to the designation of State highways for the operation of low-speed vehicles.

SUBCHAPTER 2. DEFINITIONS

16:27-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Authority" means the public authority, private entity, institution of higher education, municipality, or county having jurisdiction over non-State highways.

"Bureau" means the Bureau of Traffic Engineering at the New Jersey Department of Transportation.

"Commercial motor vehicle" or "CMV" means every type of motor-driven vehicle used for commercial purposes on the highways for the transportation of goods, wares, and merchandise, except for vehicles that run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation, or such person as the Commissioner may designate, when legally permissible.

"Department" means the New Jersey Department of Transportation.

"Engineer" means the municipal or county engineer, the municipal or county traffic engineer, or a qualified consulting engineer retained by the authority, who is licensed as a New Jersey Professional Engineer.

"Impact on a State highway" or "impact to a State highway" means any traffic control device on a non-State highway that is proposed for installation:

1. At a State highway intersection;
2. Within 500 feet of a State highway; or
3. At a distance greater than 500 feet from a State highway but has a resultant queue that extends within 500 feet or less from a State highway.

"Impact on a State highway" or "impact to a State highway" shall also mean any traffic regulation applicable to a non-State highway:

1. At a State highway intersection;
2. Within 500 feet of a State highway; or
3. At a distance greater than 500 feet from a State highway but has a resultant queue that extends within 500 feet or less from a State highway.

"Manual on Uniform Traffic Control Devices" or "MUTCD" means the 2009 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, incorporated herein by reference, as amended and supplemented, issued by the U.S. Department of Transportation, Federal Highway Administration. The MUTCD shall be available as set forth in N.J.A.C. 16:27-3.1(c).

"Non-State highway" means any roadway not under the jurisdiction, control, or authority of the Commissioner.

"State highway" means any roadway under the jurisdiction, control, or authority of the Commissioner.

"Traffic control device" means a sign, signal, flashing beacon, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.

"Traffic control signal" or "traffic signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

"Traffic regulation" means an ordinance, resolution, or regulation that provides for the regulation of traffic or parking on public highways or transportation systems.

"Traffic regulation order" means a written order issued by the Commissioner that provides for the regulation of traffic and parking on public highways or transportation systems under the jurisdiction of the Commissioner pursuant to the provisions of N.J.S.A. 39:4-8.3.

SUBCHAPTER 3. STANDARDS FOR TRAFFIC CONTROL DEVICES

16:27-3.1 Standards

(a) The basic principles concerning the design and usage of traffic control devices are governed by the MUTCD. The MUTCD is adopted by the Federal Highway Administration (FHWA)

as a national standard for all classes of highways. All decisions made pursuant to this chapter, with regard to traffic control devices, shall be based on the MUTCD as provided by N.J.S.A. 39:4-120 and 39:4-183.27.

(b) The MUTCD is available in electronic format from the FHWA at <http://mutcd.fhwa.dot.gov/>.

(c) The MUTCD is available in book form or as a compact disk from the following organizations:

1. American Association of State Highway and Transportation Officials (AASHTO) at: <https://bookstore.transportation.org/>;

2. Institute of Traffic Engineers (ITE) at: <http://www.ite.org/emodules/scriptcontent/Orders/index.cfm>; and

3. American Traffic Safety Services Association (ATSSA) at: <http://www.atssa.com/OnlineStore.aspx>.

SUBCHAPTER 4. APPLICATION PROCEDURES FOR TRAFFIC CONTROL SIGNALS

16:27-4.1 Traffic regulation and control

(a) For State highways, an authority shall submit to the Bureau of Traffic Engineering (Bureau) requests for the following, as applicable:

1. All matters, including public comments and questions, concerning the regulation of traffic, traffic control devices, or traffic conditions;

2. Requests for new traffic control devices or modification of existing devices; or

3. Designation of or changes to traffic regulations including, but not limited to:

i. Speed limits;

ii. No passing zones;

iii. No left turns, no right turns, and no "U" turns;

iv. No stopping or standing, bus stops, time limits, handicap, loading zone, taxi stands, overnight parking, time-limit parking, and emergency stopping only restrictions;

v. Lane regulations (left, center, and right lanes);

vi. One-way street regulations, through street, stop, and yield intersections;

vii. Restricted access prohibition regulations for access to highways;

viii. Mid-block crosswalks;

ix. Designated bicycle lanes;

x. Regulations for no jumping, diving, crabbing, fishing, or loitering on bridges;

xi. Safe corridors;

xii. Regulations for weigh stations and truck weight limits;

xiii. Traffic in rest areas and scenic overlooks; and

xiv. Traffic control regulations on local roads and service roads under State jurisdiction.

(b) For non-State highways, an authority shall submit to the Bureau, as applicable:

1. Requests for approval of traffic control devices or traffic regulations on non-State highways that impact a State highway;
2. Modifications to traffic control devices under authority jurisdiction, but maintained by the Department;
3. Ordinances, resolutions, or regulations that:
 - i. Limit use of non-State highways by commercial motor vehicles; or
 - ii. Exclude commercial motor vehicles from all non-State highways in a municipality, except those highways that form a truck route system within the municipality; or
4. Proposals to close non-State highways for a duration of more than 48 hours.

16:27-4.2 Submittal requirements

(a) An authority seeking establishment of a new traffic control device or modification of an existing traffic control device on a State highway, pursuant to the provisions of N.J.A.C. 16:27-4.1(a)2, shall submit a request to the Bureau. Upon receipt of a request:

1. The Bureau shall investigate the request and advise the Commissioner of its findings.
2. The Commissioner shall advise the authority of the decision on the need to establish a new traffic control device or modify an existing traffic control device. The Commissioner's decision shall be final.
3. If a new traffic control device is warranted or modification to an existing traffic control device is recommended, the design and installation of, or modification to, the traffic control device shall be handled by the Department.

(b) An authority seeking establishment of, or modifications to, traffic regulations on State highways pursuant to the provisions of N.J.A.C. 16:27-4.1(a)3, shall submit a request to the Bureau. Upon receipt of a request:

1. The Bureau shall investigate the request and advise the Commissioner of its findings.
2. The Commissioner shall advise the authority of the decision on the establishment of, or modification to, a traffic regulation on a State highway. The Commissioner's decision shall be final.
3. A traffic regulation approved by the Commissioner shall be made effective by issuance of a Traffic Regulation Order pursuant to the provisions of N.J.S.A. 39:4-8.3.

(c) An authority seeking approval for installation or modification of a traffic control device or establishment of a traffic regulation on a non-State highway that impacts a State highway pursuant to the provisions of N.J.A.C. 16:27-4.1(b)1, shall submit to the Bureau the certification report described at N.J.A.C. 16:27-4.3(a). Upon receipt of a request:

1. The Bureau shall review the submission to determine if the traffic control device or traffic regulation will impact the State highway and is warranted and advise the Commissioner of its findings.
2. The Commissioner shall advise the authority of the Department's findings on the establishment of the traffic control device or the traffic regulation. The Commissioner's decision shall be final.
3. Traffic control devices or traffic regulation found not to be justified will be denied by the Commissioner.

4. Traffic control devices found to be justified will be authorized to be designed or modified and constructed by the authority.

5. Upon the completion of the construction of the traffic control device and its inspection by the authority, the authority shall submit to the Bureau a certification of the engineer, bearing the engineer's New Jersey Professional Engineer's seal, stating that the device has been designed in conformance with the MUTCD, the engineer has inspected the device, and the device has been installed in conformance with the as-built design. In addition to the certification, the following shall be submitted:

i. A copy of the as-built plan;

ii. A copy of the as-built operational schedule; and

iii. A certified copy of an adopted ordinance or resolution, as appropriate, establishing the device. If the intersection involves multiple authorities, each of the authorities having jurisdiction shall also submit an ordinance or resolution as appropriate.

6. Once executed and transmitted to the Bureau, and upon determining that the design is in accordance with the MUTCD, the resolution or ordinance establishing the traffic control device shall be approved by the Commissioner.

7. Traffic regulations found to be justified will be authorized for enactment by the authority by resolution or ordinance. Once executed and transmitted to the Bureau, the resolution or ordinance establishing the regulation shall be approved by the Commissioner.

(d) An authority proposing modifications to a traffic control device under authority jurisdiction but maintained by the Department, pursuant to the provisions of N.J.A.C. 16:27-4.1(b)2, shall, in addition to the certification report described at N.J.A.C. 16:27-4.3(a), submit to the Bureau plans of the proposed traffic control device, the electrical plans, and the proposed operational schedule. The designs shall be in compliance with the MUTCD and with general traffic engineering standards. Upon receipt of a request:

1. The Bureau will review the submission and provide any comments to the authority. The authority shall then complete the final design and installation, complying with the Bureau's comments.

2. Upon the completion of the modifications to the traffic control device and its inspection by the authority, the authority shall submit to the Bureau a certification by the engineer, bearing the engineer's New Jersey Professional Engineer's seal, stating that the device has been designed in conformance with the MUTCD, that the engineer has inspected the device, and that the device has been installed in conformance with the as-built design. In addition to the certification, the following shall be submitted:

i. A copy of the as-built plan;

ii. A copy of the as-built operational schedule; and

iii. A certified copy of an adopted ordinance establishing the device. If the intersection involves multiple authorities, each of the authorities having jurisdiction shall also submit an ordinance or resolution as appropriate.

3. Upon receipt of the material, and upon determining that the submission is in conformance with the MUTCD, the Bureau will issue an official timing directive to the Department's maintenance forces for future maintenance of the traffic control device.

(e) An authority seeking approval to limit the use of non-State highways under the authority's jurisdiction by CMVs, except those highways that form a truck route system within the municipality, pursuant to the provisions of N.J.A.C. 16:27-4.1(b)3ii, shall submit a certifica-

tion report, meeting the requirements of N.J.A.C. 16:27-4.3(b), to the Bureau. Upon receipt of a request:

1. The Bureau shall review the certification report and investigate the request and advise the Commissioner of its findings. The Commissioner shall advise the authority on the establishment of the requested limitation or exclusion of CMVs. The Commissioner's decision shall be final.

2. If the limitation or exclusion is not justified, it will be denied.

3. If the limitation or exclusion is justified, the authority shall be authorized to enact a resolution or ordinance establishing the limitation or exclusion. Once executed and transmitted to the Bureau, the resolution or ordinance establishing the limitation or exclusion will be approved by the Commissioner.

(f) Authorities seeking approval to close a non-State highway for a duration of more than 48 hours pursuant to the provisions of N.J.A.C. 16:27-4.1(b)4, shall submit to the Bureau a certification report meeting the requirements of N.J.A.C. 16:27-4.3(c). Upon receipt of a request:

1. The Bureau shall review the certification report and investigate the request and advise the Commissioner of its findings. The Commissioner shall advise the authority on the establishment of the road closure. The Commissioner's decision shall be final.

2. If the road closure is not justified, it will be denied.

3. If the road closure is justified, the authority shall be authorized to enact a resolution or ordinance establishing the road closure. Once executed and transmitted to the Bureau, the resolution or ordinance establishing the road closure will be approved by the Commissioner.

16:27-4.3 Certification report requirements

(a) Certification reports regarding approval of traffic control devices and traffic regulations shall include the following:

1. Traffic count data including, but not limited to, peak-hour counts, eight-hour counts, and pedestrian counts, consistent with the requirements of the MUTCD;

2. Crash summary and collision diagrams covering the most recent three-year period and include direction of vehicles, type of crash, time of day, weather conditions, and severity of the crashes, including injuries and fatalities;

3. Site information including, but not limited to, condition diagrams and site plans that provide basic location data including, but not limited to, approach lane use and width, approach speed limits, approach sight distances and approximate intersection geometry as appropriate to the request;

4. If the proposed traffic control device or traffic regulation will alter current traffic flow patterns including, but not limited to, turn prohibitions and one-way streets, the report shall include letters of consent from area emergency responders as appropriate; and

5. A recommendation regarding the installation or modification of the traffic control device in the form of a certification by the engineer, bearing the engineer's New Jersey Professional Engineer's seal, that:

- i. The engineer has conducted an analysis of the data submitted pursuant to this subsection;

ii. The engineer has conducted an investigation of traffic movements and conditions at the intersection or location of the traffic control device;

iii. The engineer's recommendation is based on the analysis and investigation; and

iv. The engineer's recommendation is in the interest of safety and the expedition of traffic on the public highways.

(b) Certification reports regarding approval of a limitation or exclusion of CMVs on non-State highways under the authority's jurisdiction or the establishment of a truck route network shall include the following:

1. The type of proposed CMV restriction, the non-State highways where the restriction will apply or the non-State highways that will establish the truck route network, and the authority having jurisdiction over those non-State highways;

2. Traffic count data to justify the proposed restriction. The data shall include a classification count that indicates the percentage and volume of CMVs that would be restricted;

3. Crash summary and a collision diagram. This information shall cover the most recent three-year period and include direction of vehicles; type of crash including, but not limited to, right angle and same direction; types of vehicles involved; date; time of day; weather conditions; and severity of the crashes, including injuries and fatalities. It shall be acceptable to submit copies of the crash reports without the appropriate summary and diagram;

4. Locations where entrapment may occur;

5. Site information including, but not limited to, condition diagrams and site plans that provide basic location data, such as lane use and lane width, speed limits, intersection sight distances, and approximate geometry, as appropriate to the request;

6. Alternate route(s) available to CMVs;

7. Documentation of governing body support for alternative route(s) available to CMVs within or impacting another authority's non-State highway.

i. If the alternate route is within or impacts another authority's non-State highway or a State highway, the requesting authority shall provide a resolution adopted by its governing body concurring with the engineer's recommendations and acknowledging the impact on the affected authority.

ii. The affected authority shall provide a resolution adopted by its governing body concurring with the engineer's recommendations and acknowledging the impact within its jurisdiction.

iii. If the alternate route includes a roadway under State jurisdiction, the Bureau shall respond to the requesting authority with a letter of acknowledgment; and

8. A recommendation regarding the restriction of CMVs or the truck route network being established, in the form of a certification of the engineer, bearing the engineer's New Jersey Professional Engineer's seal, that:

i. The engineer has conducted an analysis of the data submitted pursuant to this subsection;

ii. The engineer has conducted an investigation of traffic movements and roadway conditions;

iii. The engineer's recommendation is based on the analysis and investigation; and

iv. The engineer's recommendation is in the interest of safety and the expedition of traffic on the public highways.

(c) Certification reports regarding non-State highway closures for durations greater than 48 hours shall include:

1. A written description of the reason for the non-State highway closure, the anticipated duration of the non-State highway closure, and a description of the non-State highway and State highways that are proposed to serve as a detour route;

2. Plans depicting the non-State highway being closed and the non-State highway or State highways that are proposed to serve as a detour route; and

3. A recommendation regarding the non-State highway closure in the form of a certification by the engineer, bearing the engineer's New Jersey Professional Engineer's seal, that:

i. The engineer has conducted an analysis of the data submitted pursuant to this subsection;

ii. The engineer has conducted an investigation of traffic movements and conditions on the non-State highway being closed and those non-State highway or State highways that are proposed to serve as a detour route;

iii. The engineer's recommendation is based on the analysis and investigation; and

iv. The engineer's recommendation regarding the non-State highway closure is in the interest of safety and the expedition of traffic on the public highways.

16:27-4.4 Designation of State highways for low-speed vehicles

(a) A low-speed vehicle may be operated upon any State highway with a posted speed of 25 miles per hour or less, unless determined by the Commissioner to constitute a hazard and thereby prohibited by the Commissioner. Such prohibition will be established by a Traffic Regulation Order pursuant to the requirements of N.J.S.A. 39:4-8.3.

(b) At the Commissioner's discretion, a low-speed vehicle may be permitted to operate on a State highway where the posted speed limit is greater than 25 miles per hour, but not greater than 35 miles per hour. Such permission will be established by a Traffic Regulation Order pursuant to the requirements of N.J.S.A. 39:4-8.3.

(c) A low-speed vehicle can enter an intersection and cross any State highway where the posted speed limit is 35 miles per hour or less, provided that, if the road or highway is more than two lanes or is divided, such crossings shall only occur at signalized intersections or at such non-signalized intersections as determined by the Commissioner and at the Commissioner's discretion, either by a Traffic Regulation Order issued by the Commissioner pursuant to the requirements of N.J.S.A. 39:4-8.3 or at the request of a municipality or county and issued pursuant to the provisions of N.J.S.A. 39:4-31.1(c).

SUBCHAPTER 5. CONTACT INFORMATION AND REQUESTS FOR INFORMATION

16:27-5.1 Contact information

(a) All questions, requests for review, requests for approvals and any documents required to be submitted to the Bureau shall be sent to:

Bureau of Traffic Engineering
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600

(b) All requests for information concerning whether a specific traffic control device on a State highway has received the approval of the Commissioner shall be submitted in writing to the Bureau, accompanied by a payment in the form of a check or money order in the amount of \$ 25.00 made payable to "New Jersey Department of Transportation".

(c) Requests for information concerning whether a specific traffic control device on a non-State highway has received approval shall first be directed to the appropriate authority having jurisdiction over that road. If the authority is unable to provide the requested information, the request may be submitted to the Bureau, accompanied by a \$ 25.00 fee in the form of a check or money order made payable to "New Jersey Department of Transportation" along with a copy of the authority's response to the request for the information. The Bureau shall review Department records to determine if the requested information is available and advise the requester of its findings and provide the requested information if available.