

## LAW OF ROAD AND RIGHT OF WAY

### **39A:LOR-1. Attorney General's powers during emergency**

a. When the Attorney General determines that an emergency condition exists with regard to the flow of vehicular traffic in this State, the Attorney General may, through police agencies, determine and control the direction of the flow of such traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic necessary to remove the emergency. The traffic may be detoured, rerouted or diverted to other State highways, or municipal or county roads. The Attorney General shall also determine the type of vehicle or vehicles permitted to be operated on the State highway, or municipal or county road.

b. For the purpose of this chapter, the Attorney General may erect directional signals or signs, and assign police personnel as necessary for the manual direction of traffic during the emergency.

c. A person who fails to obey the directions of a police officer or fails to obey the directional signals or signs provided hereunder commits a class D offense.

Source: 39:4-213; 39:4-214; 39:4-215.

#### COMMENT

This section contains the substance of the original sections, but consolidates them.

Subsection (c) designates the penalty according to the new penalty classification system contained in 39A:44-GP1.

### **39A:LOR-2. Regulation of traffic and parking on State property**

a. The Division of State Police in the Department of Law and Public Safety is authorized to regulate traffic and the parking of motor vehicles on the grounds, and highways therein, owned by the State of New Jersey at Trenton, and the board, body or officer in charge of any State institution may likewise regulate traffic and the parking of motor vehicles on the grounds of such institution and highways on such grounds, and for such purpose may promulgate and enforce regulations to prevent traffic congestion and insure a proper, reasonable, and safe use of said grounds and highways.

b. Violation of any regulations described by this section is a class E offense.

c. Every magistrate and court having jurisdiction of criminal offenses and the violations of public laws committed in the municipality in which State grounds are located has jurisdiction to hear and determine violations of the regulations described in this section and to fix, impose and enforce payment of fines. All such fines shall be for the use and benefit of the State of New Jersey.

d. The State Police, the State Capitol Police, the city police of the city of Trenton, and other police officers of this State, including those specially appointed or designated to police the grounds of any State institution, have the authority to enforce the provisions of this chapter and the regulations upon the public highways located on the said grounds of the State of New Jersey within their respective jurisdictions.

e. The State Police and any board, body or officer in charge of any State institution are authorized to consult and co-operate with the Commissioner, and the county and municipal officials having jurisdiction over the highways and traffic regulations and enforcement in the city of Trenton, or in the municipality in which a State institution is located, as the case may be, in making and enforcing the regulations.

Source: 39:4-208; 39:4-209; 39:4-210; 39:4-211; 39:4-212.

COMMENT

This section contains the substance of the original sections, but consolidates them.

Subsection (b) designates the penalty according to the new penalty classification system contained in 39A:44-GP1.

**39A:LOR-3. Traffic control**

a. When a traffic or police officer is stationed in a highway for the purpose of directing traffic, the officer may regulate and control traffic at that point. All drivers of vehicles shall obey the officer's orders and directions, notwithstanding anything contained in this article.

b. The driver of every vehicle and every pedestrian shall obey the instructions of any applicable official traffic control device placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer.

c. When, by reason of a power failure or other malfunction, a traffic control signal at an intersection is not illuminated, the driver of a vehicle or street car shall, with respect to that intersection, observe the requirement for a stop intersection, as provided in 39:4-144.

Source: 39:4-80; 39:4-81.

COMMENT

This section contains the substance of the originals, but consolidates two sections.

**39A:LOR-4. Keeping to right**

a. Upon all highways of sufficient width, except one-way streets, the driver of a vehicle shall drive it on the right half of the highway as closely as possible to the right-hand edge or curb of the highway, unless it is impracticable to do so, and except when properly overtaking and passing another vehicle.

b. When a highway has been divided into two by an intervening space, a physical barrier or a clearly indicated dividing section constructed to impede vehicular traffic, every vehicle shall be driven only upon the right-hand highway. No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an appropriate opening or at a cross-over or intersection established by public authority.

c. In crossing an intersection of highways or the intersection of a highway and a railroad right of way, the driver of a vehicle shall at all times cause the vehicle to travel on the right half of the highway unless the right half is obstructed or impassable. This limitation shall not apply upon a one-way highway.

d. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the available traveled portion of the highway as nearly as possible.

Source: 39:4-82; 39:4-82.1; 39:4-83; 39:4-84.

COMMENT

This section contains the substance of the original sections, but consolidates them.

**39A:LOR-5. Overtaking vehicles**

a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle. If vehicles on the highway are moving in two or more substantially continuous lines, the provisions of this paragraph and R.S. 39:4-87 shall not prohibit the vehicles in one line overtaking and passing the vehicles in another line either upon the right or left, or to prohibit drivers overtaking and passing upon the right another vehicle which is making or about to make a left turn.

b. The driver of an overtaking motor vehicle not within a business or residence district shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

c. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the highway.

d. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be made in safety.

e. The driver of a vehicle shall not drive to the left of the center of a highway in order to overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

f. Except when otherwise directed by an officer or when the lane in which the driver is operating is obstructed and impassable, the driver of a vehicle shall not cross an appropriately marked "No Passing" line in a "No Passing" zone established pursuant to a regulation of the State Highway Commissioner or an ordinance or resolution adopted by a municipal governing body or a board of chosen freeholders, as applicable.

g. The driver of a vehicle on a highway, about to be overtaken and passed by a vehicle approaching from the rear, shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

Source: 39:4-85; 39:4-86; 39:4-87.

COMMENT

This section contains the substance of the original sections, but consolidates them. Subsection (b) appears to be outdated (it was last amended in 1951) and it may be appropriate to remove that language.

### **39A:LOR-6. One-way traffic**

a. The Commissioner may, for highways under the Commissioner's jurisdiction, by regulation designate any highway for one-way traffic and shall erect appropriate signs giving notice. Local and county authorities may do the same with respect to highways under their jurisdiction by ordinance or resolution.

b. Upon a highway or roadway properly designated and signed for one-way traffic, a vehicle shall be driven only in the direction designated.

Source: 39:4-85.1.

#### COMMENT

This section contains the substance of the original.

### **39A:LOR-7. Traffic on marked lanes**

When a highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

a. A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the highway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.

b. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has ascertained that the movement can be made with safety.

c. Upon a highway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking or passing another vehicle or in preparation for a left turn or unless the center lane is at the time allocated for traffic moving in the direction the vehicle is proceeding and is posted to give notice of that allocation.

d. The State Highway Commissioner may by regulation or local authorities may by resolution or ordinance for highways under their jurisdiction designate right-hand lanes for slow moving traffic and inside lanes for traffic moving at the speed designated. When the lanes are signposted or marked to give notice of the designation a vehicle may be driven in any lane allocated to traffic moving in the direction in which it is proceeding, but when traveling within the inside lanes the vehicle shall be driven at approximately the speed authorized in such lanes and speed shall not be decreased unnecessarily so as to block or hinder traffic.

e. When a highway has been divided in such a manner that there are three or more lanes for traffic in any one direction, no truck of 10,000 pounds registered gross weight or over shall be driven in the farthest left-hand lane, except when and to the extent necessary to prepare for a left turn, or when necessary to enter or leave such highway by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

Source: 39:4-88.

#### COMMENT

This section contains the substance of the original.

### **39A:LOR-8. Following**

a. The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to: the speed of the preceding vehicle, the traffic upon, and condition of, the highway.

b. The driver of a truck traveling upon a highway, outside of a business or residence district, shall not follow another truck within 100 hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

Source: 39:4-89.

#### COMMENT

This section contains the substance of the original.

### **39A:LOR-9. Right of way**

a. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right.

b. The driver of a vehicle within an intersection intending to turn to the left shall yield to a vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but the driver having so yielded, and having given a signal when and as required by law, may make the left turn. Other vehicles approaching the intersection from the opposite direction shall yield to the driver making the left turn.

Source: 39:4-90.

#### COMMENT

This section contains the substance of the original.

### **39A:LOR-10. Right of way for buses**

a. As used in this section, "bus" means a bus as defined in 48:4-2.1e, in regular scheduled service, and a motorbus operated in regular route service pursuant to 27:25-1 et seq.

b. The driver of a non-emergency vehicle upon a highway shall yield the right of way to any bus, provided that:

(1) The driver is operating a vehicle that is in a position to overtake the bus from its rear; and

(2) The bus, after exiting an active traffic lane for the purpose of stopping to receive or discharge passengers is attempting to reenter the lane from which it exited and to enter the traffic lane occupied by the driver by signaling its intention to do so. No other lane changes shall be applicable.

c. The New Jersey Transit Corporation shall conduct a public education program to inform motorists of the requirements imposed by this section relating to bus rights-of-way.

d. This section shall not relieve the driver of any bus from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others. Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law.

Source: 39:4-87.1.

COMMENT

This section contains the substance of the original. The subsection included in the original as © has been eliminated as no longer necessary.

**39A:LOR-11. Yielding to emergency vehicles**

a. The driver of a vehicle upon a highway shall yield the right of way to any authorized emergency vehicle that is operated:

(1) On official business, or in the exercise of the driver's profession or calling;

(2) In response to an emergency call or in the pursuit of an actual or suspected violator of the law; and

(3) When an audible signal by bell, siren, exhaust whistle or other means is sounded from the emergency vehicle and when the emergency vehicle, except a police vehicle, is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the front of the vehicle.

b. Subsection (a) shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of reckless disregard for the safety of others. Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law.

c. No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle, traveling in response to an emergency call, closer than 300 feet, or drive nearer to, or park the vehicle within 200 feet of, where any fire apparatus has stopped in answer to a fire alarm. Upon the immediate approach of an authorized emergency vehicle giving audible signal, and equipped, as required by this section, and unless otherwise directed by a police or traffic officer:

(1) The driver of every vehicle shall immediately drive to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of an intersection of highways, and shall stop and remain in that position until the authorized emergency vehicle has passed; and

(2) The person in control of a street car shall immediately stop the car clear of an intersection of highways and keep it stationary until the authorized emergency vehicle has passed.

d. It shall be lawful for any fire department vehicle when returning to its fire station from an emergency call to display a flashing red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear of the vehicle and no driver of any vehicle other than one on official business shall follow any such vehicle displaying said light closer than 300 feet.

Source: 39:4-91; 39:4-92; 39:4-92.1.

COMMENT

This section contains the substance of the original, but consolidates three sections that pertain to emergency vehicles.

**39A:LOR-12. Limited access highway**

A person shall not drive a vehicle onto or from any limited-access highway except at such entrances and exits as are established by public authority.

Source: 39:4-90.1

COMMENT

This section contains the substance of the original.

**39A:LOR-13. Processions**

If a procession takes longer than five minutes to pass a given point, it shall be interrupted every five minutes for the passage of traffic which may be waiting. Authorized emergency vehicles, United States mail vehicles and physicians' vehicles shall have the right of way through a procession.

Source: 39:4-93.

COMMENT

This section contains the substance of the original.

**39A:LOR-14. Railroad blocking highway**

No employee of a railroad company shall operate a locomotive, train or crossing gate in such a manner as to unnecessarily prevent or interfere with the use of a highway for the purpose of travel.

Source: 39:4-94.

COMMENT

This section contains the substance of the original.

**39A:LOR-15. Highway, road or street closed with posted notice and barricade**

Whenever by order of the Commissioner of Transportation, a State highway, or by resolution of a county governing body, a county public road, or by appropriate action of the governing body of a municipality, a municipal street or road is declared closed to traffic for any lawful purpose, and a notice of the closing has been posted at the beginning and ending points of the closed section of the highway, road, or street, and a barricade erected at those points, any person who without appropriate permission:

a. Mutilates or removes the notice, or damages, destroys or removes any warning sign or signal, or removes the barricade placed or posted at any point along the highway, road or street in connection with or relating to the closed portion thereof; or

b. Drives a vehicle over or upon the closed section of the highway, road or street which he or she knows or should have reason to know has been closed to traffic; or

c. Violates any rule or regulation for the use of the highway, road or street duly made by the Commissioner or county or municipal governing body, as authorized by law, shall be subject to a fine of not more than \$100.

Source: 39:4-94.2.

#### COMMENT

This section contains the substance of the original. The penalty has not been included in the classification system. If, after further research, it appears that it is appropriate to do so, subsection (c) will be changed.

### **39A:LOR-16. "Stop" signs**

e. The driver of a vehicle shall not enter upon or cross an intersecting street marked with a "stop" sign unless the driver first brings the vehicle to a complete stop at a point within five feet of the nearest crosswalk or stop line marked upon the pavement at the near side of the intersecting street and shall proceed only after yielding the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. The driver of a vehicle shall not enter upon or cross an intersecting street marked with a "yield right of way" sign without first slowing to a reasonable speed for existing conditions and visibility, stopping if necessary, and yielding the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A driver need not comply with this subsection if otherwise directed to proceed by a traffic or police officer or traffic control signal, or as provided in subsection (f).

f. One or more vehicles following directly in line with another vehicle and coming to a complete stop, caused by the first vehicle nearest the intersection complying with subsection (e), may proceed into or across the intersecting street without again coming to a complete stop. A driver of a vehicle approaching the intersection on the intersecting street shall not fail to yield to the vehicle so proceeding into or across the intersecting street.

Source: 39:4-140; 39:4-141; 39:4-143; 39:4-144; 39:4-145.

#### COMMENT

This section contains the substance of the source sections and consolidates them.

### **39A:LOR-17. School crossing guards; duty to obey**

A motor vehicle operator who fails to comply with a school crossing guard's signal to stop during those time periods when that guard is duly authorized to control or direct vehicular or pedestrian traffic pursuant to 40A:9-154.4 shall be fined not less than \$150 for a first offense. For a subsequent offense, the operator shall be fined not less than \$300.

Source: 39:4-80.1

COMMENT

This section is substantially identical to the source section.

**39A:LOR-18. Commercial activity and solicitation on State or interstate highways**

a. A person shall not sell or offer for sale goods or merchandise of any kind, engage in any other commercial activity, or solicit contributions for any cause, on any portion of the right of way of a State or interstate highway, including rest areas located on such right of way.

b. Nothing in this section shall be construed to inhibit the operation of commercial traffic, the rendering of emergency services to vehicles or travelers on the State or interstate highway system nor the installation and use of public telephones at locations on the rights of way approved by the State Department of Transportation.

Source: 39:4-216.

COMMENT

This section is substantially identical to the source section.