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ASSEMBLY, No. 4314
STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JUNE 11, 2007

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SYNOPSIS

Establishes pilot program for traffic control signal monitoring system.

CURRENT VERSION OF TEXT

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

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

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

1. The Legislature finds:

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

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

The Legislature, therefore, declares:

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 traffic control signal monitoring systems in this State and to approve applications from municipalities where such systems may be installed.

2. As used in this act:

¹["Automated traffic law enforcement" means the utilization of an automated traffic control monitoring system to issue summonses for traffic control signal violations.]¹

"Recorded image" means a digital image recorded by a traffic control signal monitoring system ¹[that shows the rear view of a motor vehicle]¹.

"Summons" means a citation alleging a violation of a traffic control signal.

"Traffic control signal" means a device, whether manually, electrically, mechanically^{1,1} or otherwise controlled ^{1,1} by which traffic is alternatively directed to stop and to proceed ^{1, and}¹ which has been approved by the Commissioner of Transportation in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways."

"Traffic control signal monitoring system" means an integrated system or device utilizing ¹[a camera] ²[multiple, synchronized digital] ²a camera ²[units¹], or a multiple camera system,² and vehicle sensors which work in conjunction with a traffic control signal and is capable of producing:

a. high resolution color digital recorded images that show: (1) the traffic control signal while it is displaying a red light; (2) a motor vehicle unlawfully ¹[in] entering and continuing through¹ the intersection while the traffic control signal is displaying a red light; and (3) 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 ²; provided, however, that the license plate image used to issue a summons for a violation shall be ¹[extracted as a sub-image] a unique close-up image¹ obtained ¹[entirely from an original scene image captured at the same time from the same camera] from an independent camera, integrated as part of the traffic control signal monitoring system that has been installed, resulting in a series of synchronized images¹²; and

b. a video recording of the violation ²¹that is integrated with the still images at the point of violation¹ that shows the violation occurring².

A digital camera may be used as part of a traffic control signal monitoring system provided the violation images are captured by ¹[a single,] ²[multiple, synchronized¹] ²a digital camera ¹[unit] ²[units¹], or a multiple camera system,² which ¹[produces a set of two] ²[produce no less than three¹] produces a set of at least two² images for each violation. At least one of the ¹[two] ²[three¹]² digital color images shall contain the following: (1) the scene of the location where the violation occurred; (2) the violating motor vehicle; (3) ¹[sufficient resolution to show a cropped, close-up view of the rear license plate which shall be extracted from one of the two original images and shall not be captured by a separate image capturing device; (4)]¹ the license plate numbers, letters ^{2,2} and issuing jurisdiction ²¹[, which¹ shall be identified from]² ¹[one of the two original images and may not be identified through the use of a separate image capturing device] ²[an image produced by a unique and multiple, synchronized digital camera unit]¹²; ¹[(5)] (4)¹ the day, month^{1,1} and year of the violation; ¹[(6)] (5)¹ the time of the violation in hours, minutes^{1,1} and seconds; ¹[(7)] (6)¹ the amount of time that had passed between the time the light turned red and the violation occurred; and ¹[(8)] (7)¹ the frame sequence ²[number] code². This information shall be imprinted along the bottom or top edge of the image frame so as not to obstruct the violation image.

3. a. The Commissioner of Transportation shall establish a ²¹[two-year¹] five-year² pilot program to determine the effectiveness of the installation and utilization of traffic control signal 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 traffic control signal monitoring system;

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

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

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

The commissioner may approve ¹[no more than two of the] as many¹ municipalities making application ¹as he deems appropriate,¹ and shall indicate which of the intersections in those applications are approved for the installation and utilization of traffic control signal monitoring systems.

b. Notwithstanding the provisions of P.L.1992, c.91 (C.39:4-103.1 et seq.), the governing body of a municipality, by ordinance, may determine to install and utilize a traffic control signal monitoring system to facilitate the lawful observance of and compliance with traffic control signals 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 traffic control signal monitoring system installed and utilized pursuant to this section shall be of a type approved by the governing body of the municipality.

d. In any municipality where the governing body has authorized the installation and use of a traffic control signal 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 ¹[shall be]¹ 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 traffic control signal monitoring system shall be inspected and certified at least once every ²[two] six² months by the ¹[municipality] municipal engineer¹ from the date of its installation ²[for a period of one year] for the duration of the five-year pilot program prescribed by P.L. , c. (C.) (pending before the Legislature as this bill)².

4. a. ¹In any municipality where the governing body has authorized the installation and use of a traffic control signal monitoring system, ²[the] a² law enforcement ²[agency] official² of such municipality shall review the recorded images produced by the traffic control signal monitoring system. In conducting such review, the law enforcement ²[agency] official² shall determine whether there is sufficient evidence to conclude that a traffic control signal violation has occurred and shall issue a summons where it is deemed appropriate.¹ A traffic control signal violation summons issued pursuant to a traffic control signal monitoring system established in accordance with this act shall be ²[sent]² ¹[by certified mail, return receipt requested, or by personal service to the owner of the motor vehicle within 30 days of the date of violation] ²served by a law enforcement official² in accordance with the Rules of Court¹. ²Except as otherwise provided in this subsection, the recorded images produced by the traffic control signal 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 traffic control signal monitoring system shall not be deemed a public 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 control signal violation.

Any recorded image or information produced in connection with the traffic control signal 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 a traffic control signal violation within 40 business days, all recorded images and information collected pertaining to that alleged violation shall be purged within two business days. Any municipality operating a traffic control signal 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).²

b. Except as provided in subsection c. of this section, the owner and operator shall be jointly liable for a traffic control signal violation summons issued pursuant to a traffic control signal monitoring system established in accordance with this act, unless the owner can show that the vehicle was used without his consent, express or implied. ²[¹For the purposes of this subsection, there shall be a permissive inference that the owner of the motor vehicle involved in a violation occurring under the provisions of this act was also the operator of the motor vehicle at time the violation occurred.¹]² An owner who pays any fine, penalty, civil judgment, costs or administrative fees in connection with a traffic control signal violation issued pursuant to a traffic control signal 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 traffic control signal violation summons issued pursuant to this act when the motor vehicle is under the control or in the possession of the lessee, if upon notice of a traffic control signal 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 ²[a notarized statement] an affidavit² of the name and address of the lessee. The ²[notarized statement] affidavit² 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.

¹d. 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 under the provisions of this act.¹

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

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

¹[6.] 5.¹ The Commissioner of Transportation, the Chief Administrator of the Motor Vehicle Commission, and the Superintendent of the State Police¹ [, working as needed in conjunction with the Administrative Office of the Courts,]¹ may, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations to

effectuate the purposes of this act. ¹The Supreme Court of New Jersey may adopt Rules of Court appropriate or necessary to effectuate the purposes of this act.¹

¹[7.] 6.¹ The municipalities whose applications have been approved for the pilot program established pursuant to this act shall submit reports ¹every ²[six] ¹² months after a traffic control signal monitoring system has been installed¹ to the Commissioner of Transportation detailing increases or decreases in violations and accidents at intersections where traffic control signal monitoring systems have been installed. ¹[Not later than 18 months after the installation of such systems, the] The¹ Commissioner of Transportation shall prepare and submit ¹[a report] ²[two] an² annual ²[reports] ¹ report² to the Governor, the President of the Senate, the Speaker of the General Assembly, and the Senate Transportation Committee and the Assembly Transportation and Public Works Committee or their successor committees describing the pilot program developed pursuant to this act, including accident and violation information reported by the affected municipalities ²[, evaluating the program's effectiveness, and discussing its extension to other intersections in the State]². ¹The first such report shall be submitted no later than one year after the installation of the first traffic control signal monitoring system authorized pursuant to this act² [, and the second report shall be submitted no later than two years after the installation of such system]². ¹Thereafter, subsequent reports shall be submitted annually for the duration of the five-year pilot program prescribed by P.L. , c. (C.) (pending before the Legislature as this bill), with the fifth and 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.²

¹[8.] 7.¹ This act shall take effect ninety days following enactment ¹and shall expire upon the submission of the Commissioner of Transportation's ²[second] ^{fifth}² and final report to the appropriate parties pursuant to section 6 of this act¹.