

THE CITY OF SUMMIT

N E W J E R S E Y

City Hall

512 Springfield Avenue

Summit NJ 07901

MICHAEL F. ROGERS
CITY ADMINISTRATOR

Telephone 908 277-9419

Fax 908 273-2977

e-mail: mrogers@cityofsummit.org

STATEMENT REGARDING 2022 CREATION OF TEMPORARY PEDESTRIAN MALL ON MAPLE STREET

May 2, 2023

At the April 18, 2023 meeting and several prior meetings of the Common Council, members of the public expressed concern regarding the procedure followed by the City to create a temporary Pedestrian Mall on Maple Street in 2022, as the City had temporarily closed Maple Street in 2020 and 2021. In an effort to address those concerns, I will review the actual timeline of events surrounding the creation of a temporary Pedestrian Mall on Maple Street in 2022:

- On February 15, 2022, the Common Council approved a resolution authorizing a temporary and extended closure of Maple Street, which would become effective upon approval from the New Jersey Department of Transportation, Bureau of Traffic Engineering (“NJDOT”). For prior year closures of Maple Street, this was the standard process whereby Council authorized an action, and then subsequently sought NJDOT approval.
- On February 24, 2022, Aaron Schrager, Director of the Department of Community Services and City Engineer, sent a letter to Jaime Oplinger, Executive Manager of NJDOT, along with a Maple Street detour map, requesting approval to close Maple Street from April 15, 2022 to November 30, 2022. See Attachment A.
- On March 2, 2022, Director Schrager had a conversation with the NJDOT about the City’s approved February 15, 2022 resolution to close Maple Street. The NJDOT verbally stated that closures under Governor Murphy’s public health emergency executive orders would no longer be permitted. It was brought to the City’s attention that the Governor’s relevant executive orders were going to be rescinded, and another executive order extension would not be issued. Further, NJDOT responded that a request for a closure permit would need to be filed through the NJDOT Major Access Group.

In a March 4, 2022 email to Director Schrager, Jaime Oplinger of NJDOT outlined necessary steps for a Major Access pre-application meeting request and requisite information to provide. The first step in the process is for a municipality to submit a formal, written request for a pre-application meeting with the Major Access Group. One project example that the City is currently going through the Major Access permit process is for the median barrier construction project near Fernwood and Route 24. That pre-application process commenced in October 2021, which the project has yet to be given the go ahead to start from the NJDOT.

- On March 8, 2022, Director Schrager emailed Rebecca Schwartz, a Senior Aide to Governor Murphy (this is the city’s intergovernmental liaison to the Governor’s office), (Mayor Radest copied) informing her of the City’s communications with Jaime Oplinger on street closure, and the suggested option of applying for a Major Access permit to close Maple Street. Director Schrager had concerns about a lengthy Major

May 2, 2023

Access permit process and whether it was the appropriate application for the type of temporary closure intended for Maple Street.

- On March 9, 2022, Rebecca Schwartz communicated with Director Schrager (Mayor Radest copied) that she would follow up with NJDOT and get back to the City.
- On March 16, 2022, the City's Engineer Division submitted a request for a pre-application meeting to the NJDOT as a part of the Major Access permit process.
- In addition to pursuing a permit through the Major Access Group, Director Schrager concurrently explored additional statutory/regulatory methods by which Maple Street could be closed on a temporary basis.
- On April 4, 2022, a NJDOT Project Engineer from the Major Access Permit office corresponded to Sam Koutsouris, Assistant City Engineer, regarding temporary closure of Maple Street. NJDOT determined that the pre-application meeting for the Maple Street temporary closure did not meet the criteria with the pre-application submission. Appendix H-1 (Pre-Application Meeting checklist) of the NJ State Highway Access Management Code was referenced. See Attachment B letter.
- After discussions with the NJDOT and various engineering colleagues throughout the State, Director Schrager determined that Maple Street could be closed on a temporary basis with the establishment of a Pedestrian Mall in a Special Improvement District ("SID") in accordance with N.J.S.A. 40:56-65. Significantly, Maple Street is contained in Summit's SID, and does not intersect and/or abut any State Highway.
- On April 8, 2022, Director Schrager sent an email message to the Council Capital Projects Committee (Councilmembers Little and O'Sullivan) (copying Council President Fox and City Administrator Michael Rogers) about an update on NJDOT's denial of the City's request for a closure more than 48 hours. This denial was the result of the Governor's Executive Order 292, which lifted the COVID-19 Public Health Emergency as of March 4, 2022.

It communicated the following:

- One option to consider was to continue the pre-application process with the NJDOT Major Access Group, which would require a lengthy review by NJDOT.
- Another option identified was the concept of the Pedestrian Mall, which is a section contained within the SID law, N.J.S.A. 40:56-65, and requires an ordinance to be adopted by the governing body. The NJDOT did not advise Director Schrager that it would need to approve such an ordinance creating a Pedestrian Mall. Further, the statute does not contain any provision that NJDOT approval is required for the creation of a Pedestrian Mall in a SID. See Attachment C (April 8, 2022 e-mail).

- On April 19, 2022, the Common Council introduced an ordinance establishing a temporary Pedestrian Mall on Maple Street in accordance with N.J.S.A. 40:56-65, et seq. Property owners within a 200-foot radius of Maple Street were duly notified by certified mail prior to the public hearing.
- On May 3, 2022, the Common Council adopted the temporary Pedestrian Mall ordinance. See Attachment D.

- On May 18, 2022, following the passage and publication of the ordinance creating the temporary Pedestrian Mall, Director Schrager and Mayor Radest spoke with NJDOT Deputy Chief of Staff Vanessa Holman who indicated that NJDOT was considering streamlining the process for street closures in the future.
- On May 23, 2022, Millburn Township's Engineering department requested that Director Schrager send a copy of the City's recently enacted ordinance. Then on June 28, 2022, when asked whether the City sent the ordinance to NJDOT for approval, Director Schrager advised that it was not sent to NJDOT as he did not believe, at the time, the applicable statute required such approval. See Attachment E (May 23, 2022 and June 28, 2022 e-mail communications).
- On June 21, 2022, Millburn Township passed an almost identical ordinance creating a temporary Pedestrian Mall on its Main Street, which is in Millburn's SID and does not intersect and/or abut any State Highway. Millburn Township temporarily closed Main Street in late June 2022.
- After temporarily closing Main Street, Millburn Township sent its ordinance along with a Main Street detour map to NJDOT for review and approval on July 1, 2022. See Attachment F.
- Two weeks later and after almost one month after the passage of the Millburn ordinance and the temporary closure of Main Street, NJDOT sent a July 15, 2022 letter to Millburn approving its ordinance creating a temporary Pedestrian Mall in its SID; an ordinance nearly identical to the City's ordinance. See Attachment G.
- On August 2, 2022, Director Schrager corresponded with Ms. Oplinger of NJDOT, who advised that there was a temporary and permanent process by which the City could close Maple Street going forward. The temporary option (street closure of more than 48 hours but less than one year) was to enact an ordinance pursuant to N.J.S.A. 40:67-16.9 and submit requirements under NJAC 16:27-4.3(c) to the NJDOT Bureau of Traffic Engineering. The other permanent closure option (more than one calendar year) was to adopt an ordinance creating a Pedestrian Mall pursuant to N.J.S.A. 40:56, et seq. Additionally, Ms. Oplinger specifically cited Millburn's recently enacted ordinance creating a temporary Pedestrian Mall in a SID, which was a nearly identical ordinance that the City had adopted on May 3, 2022. Ms. Oplinger also noted that either way of establishing a pedestrian mall by ordinance, temporary or permanent, was acceptable. Please note that in the August 2, 2022 email, NJDOT attached a sample ordinance for future use and consideration that relied upon an entirely different statutory provision – N.J.S.A. 40:67-16.9 – which is different than creating a temporary Pedestrian Mall in a SID in accordance with N.J.S.A. 40:56, et seq. See Attachment H (August 2, 2022 e-mail communications).

In conclusion, the Common Council passed the temporary Pedestrian Mall Ordinance in accordance with the law. Like prior Maple Street closures, the Council believed that the temporary pedestrian mall ordinance would be sent to the NJDOT for approval after adoption; as had been done in the previous two years (2020 and 2021). However, at the time, given the City Administration's understanding that there was no clear process in place that required NJDOT approval for a temporary Pedestrian Mall until August 2022, the ordinance was never sent. Once the City knew Millburn had transmitted its Pedestrian Mall ordinance to the NJDOT and it received quick approval, we should have done so as well. It is reasonable to conclude the City would have received approval of its temporary Pedestrian Mall ordinance. Nevertheless, as the City Administrator, I take responsibility for not following up on whether the adopted ordinance was forwarded to the NJDOT for approval. I hope this statement clarifies for the Common Council and public what occurred during the process to temporarily close Maple Street in 2022. And I sincerely apologize for not providing this statement sooner to the governing body and the Summit community.

ATTACHMENT

A

THE CITY OF SUMMIT

NEW JERSEY

City Hall

512 Springfield Avenue

Summit NJ 07901

Aaron J. Schrager, PE, PP

City Engineer

Dept. of Community Services

aschrager@cityofsummit.org

Telephone 908 273-6404

Fax 908 608-1214

February 24, 2022

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

Re: Road Closure in Excess of 48 Hours
Extension Request

Ms. Oplinger:

The City of Summit is once again formally requesting approval for a street closure longer than 48 hours on Maple Street, here in Summit NJ from April 15, 2022 to November 30, 2022. Enclosed is the passed City of Summit Council Resolution that was approved by the City's Governing body at the February 15, 2022 Council Meeting.

The closure has been utilized with great success and no reported incidents nor major disruptions to traffic. As in the past years, the City will reserve the right to close it immediately should health and safety concerns arise as identified by the City's Police Department or Department of Community Services

Should you need anything additional, do not hesitate to contact me.

Sincerely,



Aaron J. Schrager, PE, PP
City Engineer

Enclosure

**AUTHORIZE TEMPORARY AND EXTENDED CLOSURE
OF A SECTION OF MAPLE STREET**

February 15, 2022

WHEREAS, the COVID-19 Global Health Pandemic continues to have a significant negative economic impact on restaurants and eateries located in the City of Summit; and

WHEREAS, by Resolution No. 39359, adopted June 9, 2020, the Common Council temporarily expanded outdoor dining to help the City's restaurants and eateries during this difficult time; and

WHEREAS, in a continued effort to assist businesses in the City's downtown, and at the request of Summit Downtown, Inc., ('SDI'), the Director of the Department of Community Services recommends a continuation of the temporary closure of a section of Maple Street from March 15, 2022 through November 30, 2022; and

WHEREAS, the purpose of the closure is to offer restaurants and eateries additional space to set up tables and chairs for outdoor dining; and

WHEREAS, pursuant to N.J.S.A. 39:4-8, street closings that exceed forty-eight (48) continuous hours require the approval of the Commissioner of the New Jersey Department of Transportation.

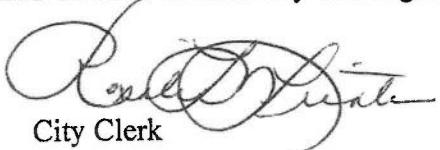
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

1. Pending approval from the New Jersey Department of Transportation, Maple Street shall be closed to vehicular traffic between DeForest Avenue and Springfield Avenue and Union Place and Springfield Avenue effective March 15, 2022 through November 30, 2022.
2. During the temporary closure of Maple Street, the detour routes shall be along the municipal roadways of Union Place, Beechwood Road, DeForest Avenue and Springfield Avenue.
3. The Department of Community Services shall work with the Police Department to prepare a plan to minimize any traffic issues that may result from the closure.
4. Restaurants and eateries located on Maple Street who wish to utilize outdoor dining must apply for and receive an outdoor dining permit from the City.
5. All Restaurants possessing a liquor license shall be subject to obtaining the required permissions from State of New Jersey Division of Alcoholic Beverage Control associated with the COVID-19 Expansion of Premises Permit, should the state require same.

6. Restaurants possessing a liquor license must also enter into a Sidewalk Café license agreement with the City pursuant to Chapter III, Section 3-1, Consumption of Alcoholic Beverages in Public Streets or Public Places, Subsection 3-1.3 c.2 of the City Code.
7. The sidewalk on Maple Street may not be used for outdoor dining during the period of temporary closure of Maple Street.

Dated: February 15, 2022

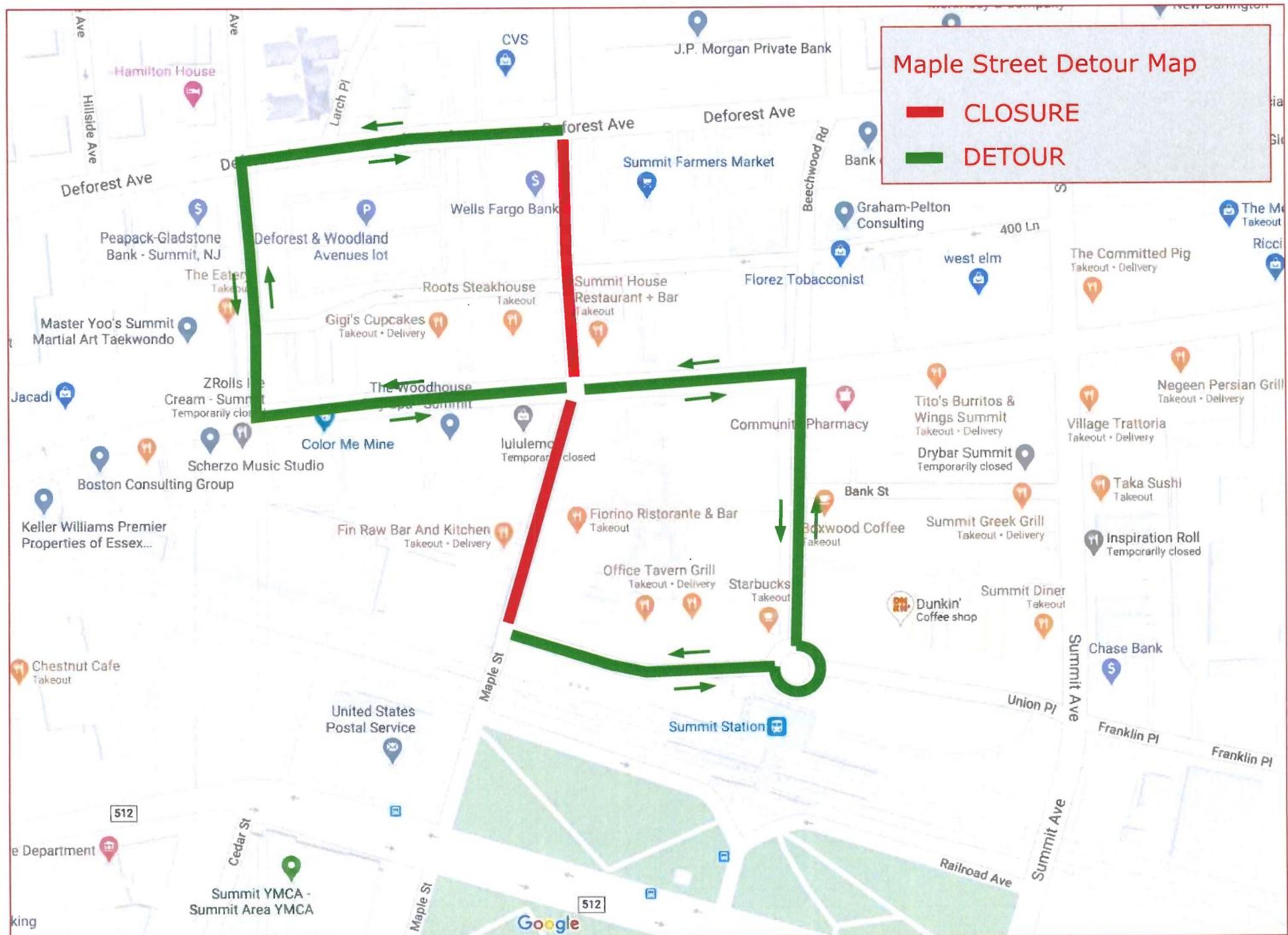
I, Rosalia M. Licatese, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, February 15, 2022.



Rosalia M. Licatese
City Clerk

Maple Street Detour Map

CLOSURE
DETOUR



ATTACHMENT

B



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

April 4, 2022

Mr. Sam Koutsouris, PE
Assistant City Engineer
City Hall
512 Springfield Avenue
Summit, NJ 07901

DEPT. OF COMMUNITY SERVICES
SUMMIT, NJ 07901

R E C E I V E D

4/4/22
By KK
App'd By KK

RE: Temporary Street Closure

Dear Mr. Koutsouris,

I am sending you back your request for the pre-app meeting for the above-mentioned Temporary Street Closure as it does not meet the criteria set forth with the pre-application submission.

Please follow the Appendix H-1 (Pre-Application Meeting Checklist) of the New Jersey State Highway Access Management Code for the procedure.

You may get the code from the link: 16-47Statehighwayaccessmanagementcode.pdf.

Sincerely,

A handwritten signature in black ink, appearing to read "Pinakin Tank".

Pinakin Tank
Project Engineer
Major Access Permits

CC: Elaine Schwartz, Asst. Div. Director

ATTACHMENT

C

Schrager, Aaron

From: Schrager, Aaron
Sent: Friday, April 8, 2022 3:44 PM
To: Beth Little; Danny O'Sullivan
Cc: Marjorie Fox; Michael Rogers
Subject: Maple Street Closure

CAPS and CP,

I wanted to provide a brief update on the Maple Street Closure.

1. NJDOT denied our request for a closure in excess of 48 hours. Other towns as well. This is due to the expired Executive Order.
2. The proper process is to obtain a Major Access Permit through NJDOT which will take many months and the process has started. It is lengthy and time consuming. Highland Park is going through that process now and we are communicating with them. They are in a different situation as their proposed street intersects a State highway. We do not so we will probably have less hoops, but TBD.
3. Title 39 of the State code currently permits municipalities to close roads for up to 48 hours without NJDOT.
4. The Department has identified the concept of declaring the area a Pedestrian mall which can be done by law through an ordinance.
5. As part of the ordinance, adjacent property owners need to be notified via certified mail.
6. This ordinance is being drafted by our legal team and will be circulated next week for review. The introduction would be on the May 3rd meeting, with a hearing on May 17th.

In the meantime, we met with Police in an effort to find other options for closures prior to any formal approval. Unfortunately, and understandably, Police feel that too many safety issues exist to be able to do anything other than a full closure. Therefore, what we can offer the restaurants is the following.

1. The ability to close the road fully on Fridays and going through the weekend.
2. To implement such weekend closure beginning next week.
3. The ability to remove some parking areas and/or create a coned off corral for their furniture and items to be stored on the street during the week to avoid costly and continual off-site removal.
4. Exact details and timing of the weekend closures could be worked out at CAPS next week.

Please review this points so we can discuss them on Monday.

Thanks

Aaron J. Schrager, P.E., C.M.E., P.P.
Director - Department of Community Services
& City Engineer
512 Springfield Avenue
Summit, NJ 07901
(908)277-9440
(908)608-1214 Fax



ATTACHMENT

D

Ordinance #:	22-3255
Introduction Date:	4/19/22
Hearing Date:	5/3/22
Passage Date:	5/3/22
Effective Date:	5/5/22

AN ORDINANCE ESTABLISHING A PEDESTRIAN MALL PURSUANT TO N.J.S.A. 40:56-65, ET SEQ., IN THE CITY OF SUMMIT, COUNTY OF UNION, NEW JERSEY
(Establish Pedestrian Mall on Maple Street, between Union Pl and Springfield Ave. and Springfield Ave. and DeForest Ave.)

Ordinance Summary: The purpose of this ordinance is to establish a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. on Maple Street between Union Place and Springfield Avenue and Springfield and DeForest Avenues for outdoor dining and other permitted uses through November 30, 2022.

WHEREAS, the Capital Projects and Community Services Committee desires to establish a Pedestrian Mall on Maple Street between Union Place and Springfield Avenue and Springfield and DeForest Avenues for outdoor dining and other permitted uses; and

WHEREAS, Summit Downtown, Inc. ("SDI") has indicated its support of the closure of Maple Street in these two (2) locations for pedestrian use; and

WHEREAS, N.J.S.A. 40:56-65 authorizes the governing body of a municipality to limit the use of streets by private vehicles when such limitation is found to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes; and

WHEREAS, N.J.S.A. 40:56-65 further provides that the governing body of a municipality may adopt an ordinance in order to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such municipality; and

WHEREAS, pursuant to N.J.S.A. 40:56-66, a "pedestrian mall" or "pedestrian mall improvement" means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of the municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties; and

WHEREAS, in accordance with N.J.S.A. 40:56-68(a), the Common Council finds that:

- (1) Maple Street or any part thereof is not a part of any State highway, is located primarily in a business district, and is improved to its maximum feasible width with regard to adjoining buildings and improvements;
- (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles;
- (3) continued unlimited use of Maple Street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians;
- (4) abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials; and
- (5) it is in the best interests of the municipality and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

WHEREAS, Common Council of the City of Summit finds it in the best interests of the City to establish a Pedestrian Mall as herein described.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Summit, County of Union, State of New Jersey, as follows:

SECTION 1. Pursuant to the findings set forth above, Maple Street between Union Place and Springfield Avenue and Springfield and DeForest Avenues be and is hereby designated as a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. Such designation shall expire on November 30, 2022 except that nothing shall prevent the City from abandoning the Pedestrian Mall at any time prior to November 30, 2022.

SECTION 2. The use of the surface of the above described portions of Maple Street shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required.

SECTION 3. Under the direction of the Common Council, the Pedestrian Mall may be used for any purpose or activity which will enhance the movement, safety, convenience, or enjoyment of pedestrians.

SECTION 4. The City Administrator or his designee shall provide for the control and regulation of (1) the issuance of permits to conduct any special activities or operations consistent with the broad purpose of the Mall, (2) the designation of parking spaces and/or other specifically reserved uses of the Mall or portions thereof, (3) the regulation of a limited amount of local

vehicular traffic in order to allow for deliveries, pickups, and or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall

SECTION 5. The City Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed on first reading, as required by N.J.S.A. 40:56-71, the City Clerk shall, at least ten (10) days prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the date, time and place when this Ordinance shall be considered for final passage to the owners of the lots or parcels of land abutting or directly affected by the proposed pedestrian mall.

SECTION 6. SEVERABILITY. If any paragraph, section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 7. INCONSISTENCY. All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication according to law.

(Latest additions are indicated by underline, deletions by ~~strikethrough~~)

Dated: May 3, 2022

I, Rosalia M. Licatese, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, May 3, 2022.


Rosalia M. Licatese
City Clerk

Approved:



Mayor

SUMMARY

The Capital Projects and Community Services Committee desires to continue of the closure of Maple Street for outdoor dining and selective other uses for a third consecutive year. This closure, consists of two (2) separate locations on Maple Street. The first is between Union Place and Springfield Avenue and the second is between Springfield Avenue and DeForest Avenue.

As in the past, access to the tier garage and 400 alley will be maintained. This closure has the support of SDI and was previously approved by Council at the February 15, 2022 meeting. At that time the request gave permission for the City to apply for the closure through NJDOT. Unfortunately, with the expiration of certain Executive Orders enacted as a result of the pandemic have expired and NJDOT no longer has a mechanism in place for rapid approval of these requests. Although the City will begin the process of filing for the applicable permit for this road closure, through our networking with other towns and professionals, another option has presented itself, which is the creation of a pedestrian mall at these locations. Creation of these malls need to be done by ordinance and are governed by NJSA 40:56-67.

At this time, I am requesting the introduction of an ordinance designated the two (2) locations on Maple Street listed above as "Pedestrian Malls". I am also recommending that the ordinance sunset on November 30, 2022. The City shall retain the right to have any/all temporary seating and or uses removed and/or suspended within these areas during the ordinance period.

ATTACHMENT

E

Schrager, Aaron

From: Schrager, Aaron
Sent: Monday, May 23, 2022 11:40 AM
To: Bugel, Christine
Subject: RE: Question for you about Maple Street Closure
Attachments: Pedestrian Mall.pdf

Aaron J. Schrager, P.E., C.M.E., P.P.

Director - Department of Community Services
& City Engineer
512 Springfield Avenue
Summit, NJ 07901
(908)277-9440
(908)608-1214 Fax



From: Bugel, Christine <cbugel@millburntwp.org>
Sent: Monday, May 23, 2022 10:44 AM
To: Schrager, Aaron <ASchrager@cityofsummit.org>
Subject: Question for you about Maple Street Closure

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Hi Aaron,

If you have a minute can you give me a call? Alex is putting together a package for the TC on how Summit is tackling the NJDOT restrictions on road closures. Martha filled me in on a little of what you were doing, but Alex has specific questions and Martha is out today.

Thanks for your help.

Christine Bugel, P.E.
Assistant Township Engineer

Township of Millburn
375 Millburn Avenue
Millburn NJ, 07041
(973) 564-7051
cbugel@millburntwp.org

Schrager, Aaron

From: Schrager, Aaron
Sent: Tuesday, June 28, 2022 5:00 PM
To: Bugel, Christine
Subject: RE: Redundant Question

We did not.... Would have to re-read it, but didn't think it required us to.

AJS

Aaron J. Schrager, P.E., C.M.E., P.P.
Director - Department of Community Services
& City Engineer
512 Springfield Avenue
Summit, NJ 07901
(908)277-9440
(908)608-1214 Fax



From: Bugel, Christine <cbugel@millburntwp.org>
Sent: Tuesday, June 28, 2022 4:51 PM
To: Schrager, Aaron <ASchrager@cityofsummit.org>
Subject: Redundant Question

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Hi Aaron,
I'm sure I've asked you this but I can't remember your answer. When Summit implemented the pedestrian mall ordinance did you send it to NJDOT for Commissioner's approval?

Christine Bugel, P.E.
Assistant Township Engineer

Township of Millburn
375 Millburn Avenue
Millburn NJ, 07041
(973) 564-7051
cbugel@millburntwp.org

ATTACHMENT

F



THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE
MILLBURN, NEW JERSEY 07041

OFFICE OF TOWNSHIP ENGINEER
MARTHA J. CALLAHAN, P.E., C.M.E.

(973) 564-7052
FAX: (973) 379-3927

July 1, 2022

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

RE: Request for Road Closure in Excess of 48 Hours
Main Street, between Essex Street and Millburn Avenue
Township of Millburn, Essex County, NJ

Dear Ms. Oplinger:

The Township of Millburn is seeking approval to continuously close a one block section of Main Street between Essex Street and Millburn Avenue this summer through August 28, 2022, as well as each weekend beginning 4PM Friday and ending 7AM Monday, weather permitting, until November 30, 2022. The purpose of this closure is to create a pedestrian mall as authorized under N.J.A.S. 40:56-65. This section of Main Street is within the Special Improvement District within the Downtown. As businesses continue to recover, the Township supports the community through creation of this pedestrian mall to enhance the movement, safety, convenience and enjoyment of pedestrians and enhance the function and appearance of the business district. Closure of the roadway provides for a large shared outdoor dining space, entertainment space and improved pedestrian safety.

This section of Main Street is well positioned in the center of downtown Millburn with many restaurants and businesses located within and adjacent to this one block. Main Street is a municipal roadway that intersects two County Roads. The existing traffic patterns on Millburn Avenue (CR 577) and Essex Street (CR 577) are not altered when Main Street is closed, as both roadways are one way in opposite directions and left turns onto Main Street from either roadway are prohibited. Northbound and southbound Main Street each have one thru lane and one exclusive right turn lane. During closure of Main Street traffic control devices and signs are used to close the thru lanes and all traffic is detoured to the right. Northbound traffic is detoured to Lackawanna Place and Essex Street (CR 577), while southbound traffic is detoured to Essex Street (CR 577) and Millburn Avenue (CR 577). The detour route is shown on the attached plan. The impact to traffic is low as the only displaced movement is that of thru traffic on Main Street.

The plan for closure of Main Street includes installation of MUTCD compliant traffic control devices including traffic cones and advance warning signs to close the thru lanes on Main Street, water-filled Jersey barriers with road closed signs across the limits of Main Street to close the roadway, as well as detour signing along the route. Special traffic signal timing plans have been programmed into the controllers at the intersections of Main Street with Millburn Avenue and Essex Street to accommodate the new traffic

pattern by rebalancing green time to fully utilize each cycle. The signal timing plans were prepared by Maser Consulting, approved by Essex County and have been used in the past to successfully manage traffic during past closures of Main Street.

As a licensed Professional Engineer in the State of New Jersey, I hereby certify that I have conducted an analysis of the data, as well as an investigation of traffic movements and conditions on the non-State highway to be closed and those non-State highways that are proposed to serve as the detour route. Further, I certify that the recommendation to close Main Street and the proposed detour route is in the interest of safety and the expedition of traffic on public highways, and that the erection of signs and placement of traffic control devices to support the closure, are in conformance with the current edition of the MUTCD for Streets and Highways.

In considering this request, please do not hesitate to contact me should additional documents or information be required.

Sincerely,

Christine Bugel
Christine L. Bugel, P.E. (LIC. #24GE04966200)
Assistant Township Engineer

PE SEAL

cc: A. McDonald, Business Administrator

Attachment: Traffic Detour Plan



THE TOWNSHIP OF MILLBURN

375 MILLBURN AVENUE
MILLBURN, NEW JERSEY 07041

OFFICE OF TOWNSHIP CLERK

(973) 564-7073
FAX (973) 564-7468

MILLBURN TOWNSHIP NOTICE OF HEARING Millburn Township Ordinance No. 2616-22

Dear Property Owner:

Enclosed please find a copy of Ordinance #2616-22 entitled:

ORDINANCE 2616-22

ESTABLISHING A PEDESTRIAN MALL PURSUANT TO N.J.S.A. 40:56-65, ET SEQ., IN THE TOWNSHIP OF MILLBURN,
COUNTY OF ESSEX, NEW JERSEY (Establish Pedestrian Mall on MAIN Street,
between MILLBURN AVE. and ESSEX ST.)

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish a Pedestrian Mall pursuant to N.J.S.A., 40:56-65 et seq. on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses through November 30, 2022.

which was introduced by the Township Committee of the Township of Millburn on June 7, 2022. The ordinance will be considered for final passage at a public hearing held at a meeting beginning at 7:00 p.m. on June 21, 2022 at the Millburn Township Municipal Building, 375 Millburn Avenue, Millburn, New Jersey. All persons interested will be given an opportunity to be heard concerning said ordinance. Millburn Town Hall will open for this meeting beginning at 6:30PM and details on the meeting and agenda may be located at town hall, on our website <https://www.twp.millburn.nj.us/AgendaCenter> or by contacting the Municipal Clerks Office at 973-564-7092.

Sincerely,

Christine Gatti
Christine A. Gatti, RMC
Millburn Township Municipal Clerk

Dated: June 8, 2022

Enclosure (Ordinance 2616-22)
Sent via Certified Mail and Regular Mail

cc: Explore Millburn Short Hills (SID); Township Planner; Engineering; Administration; Police; Fire; DPW; Department of Transportation

**TOWNSHIP OF MILLBURN
ORDINANCE 2616-22**

**ESTABLISHING A PEDESTRIAN MALL PURSUANT TO N.J.S.A. 40:56-65, ET SEQ., IN THE
TOWNSHIP OF MILLBURN, COUNTY OF ESSEX, NEW JERSEY (Establish Pedestrian Mall on
MAIN Street, between MILLBURN AVE. and ESSEX ST.)**

STATEMENT OF PURPOSE: The purpose of this ordinance is to establish a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses through November 30, 2022.

WHEREAS, the Township Committee desires to establish a Pedestrian Mall on Main Street between Millburn Avenue and Essex Street for outdoor dining and other permitted uses; and

WHEREAS, Millburn Short Hills Business Organization, Inc. ("SID") has indicated its support of the closure Main Street in this location for pedestrian use; and

WHEREAS, N.J.S.A. 40:56-65 authorizes the governing body of a municipality to limit the use of streets by private vehicles when such limitation is found to be in the public interest of the municipality and State, to be of benefit to adjoining properties and to be essential to the effective use of such streets for street purposes; and

WHEREAS, N.J.S.A. 40:56-65 further provides that the governing body of a municipality may adopt an ordinance in order to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of such municipality; and

WHEREAS, pursuant to N.J.S.A. 40:56-66, a "pedestrian mall" or "pedestrian mall improvement" means any local improvement designed to be used primarily for the movement, safety, convenience and enjoyment of pedestrians, and a pedestrian mall improvement shall include but not be limited to pedestrian thoroughfares, perimeter parking, public seating, park areas, outdoor cafes, shelters, trees, flower plantings, sculpture, traffic signs, kiosks, fire hydrants, street lighting, ornamental signs, ornamental lights, trash receptacles, display cases, marquees, awnings, canopies, overhead radiant heating fixtures, underground radiant heating pipes and devices, walls, bollards and chains and all such other fixtures, equipment, facilities and appurtenances which in the judgment of the governing body of the municipality will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the municipality and adjoining properties; and

WHEREAS, in accordance with N.J.S.A. 40:56-68(a), the Township Committee finds that: (1) Main Street or any part thereof is not a part of any State highway, is located primarily in a business district, and is improved to its maximum feasible width with regard to adjoining buildings and improvements; (2) reasonably convenient alternate routes to other parts of the municipality and State exist for private vehicles; (3) continued unlimited use of Main Street or part thereof by private vehicles may constitute a hazard to the health and safety of pedestrians; (4) abutting properties can reasonably and adequately be provided with emergency vehicular services and receive and deliver merchandise and materials from

other streets and alleys or by provisions for limited use of the streets by emergency vehicles and carriers of such merchandise and materials; and (5) it is in the best interests of the municipality and the public and of benefit to adjacent properties to use such street primarily for pedestrian purposes, and that pedestrian use is determined to be the highest and best use of such street or part thereof.

WHEREAS, the Township Committee of the Township of Millburn finds it in the best interests of the Township to establish a Pedestrian Mall as herein described.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, as follows:

1. Pursuant to the findings set forth above, Main Street between Millburn Avenue and Essex Street be and is hereby designated as a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 et seq. Such designation shall expire on November 30, 2022 except that nothing shall prevent the Township from abandoning the Pedestrian Mall at any time prior to November 30, 2022.

2. The use of the surface of the above described portions of Main Street shall be limited at all times to pedestrians and also emergency, public works, and other maintenance and service vehicles as required.

3. Under the direction of the Township Committee, the Pedestrian Mall may be used for any purpose or activity which will enhance the movement, safety, convenience, or enjoyment of pedestrians.

4. The Business Administrator or his designee shall provide for the control and regulation of (1) the issuance of permits to conduct any special activities or operations consistent with the broad purpose of the Mall, (2) the designation of parking spaces and/or other specifically reserved uses of the Mall or portions thereof, (3) the regulation of a limited amount of local vehicular traffic in order to allow for deliveries, pickups, and or drop-offs of business patrons or employees, and/or other loading and unloading of personnel, materials or other goods to be used directly or indirectly by a business and/or residence along the Pedestrian Mall.

5. As more specifically set forth in N.J.S.A. 40:56-75, the Township shall retain its police and other rights and powers relating to the street constituting the pedestrian mall. No such action shall be interpreted or construed to be a vacation, in whole or in part, of any municipal street or part thereof, it being intended that the establishment of a pedestrian mall is a matter of a regulation only. This ordinance shall not prevent the Township from abandoning the operation of the pedestrian mall, changing the extent of the pedestrian mall, supplementing or amending the description to be specially assessed or taxed for annual costs of the pedestrian mall, or changing or repealing any limitations on the use of the pedestrian mall streets by private vehicles or any plan, rules or regulations adopted for the operation of a pedestrian mall.

6. The Municipal Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed on first reading, as required by N.J.S.A.

40:56-71, the Municipal Clerk shall, at least ten (10) days prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the date, time and place when this Ordinance shall be considered for final passage to the owners of the lots or parcels of land abutting or directly affected by the proposed pedestrian mall.

7. SEVERABILITY. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

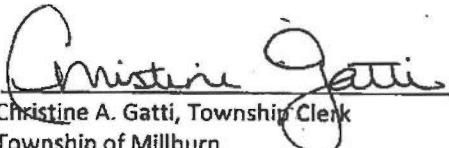
8. INCONSISTENCY. All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

9. EFFECTIVE DATE. This Ordinance shall take effect upon final passage and publication according to law.

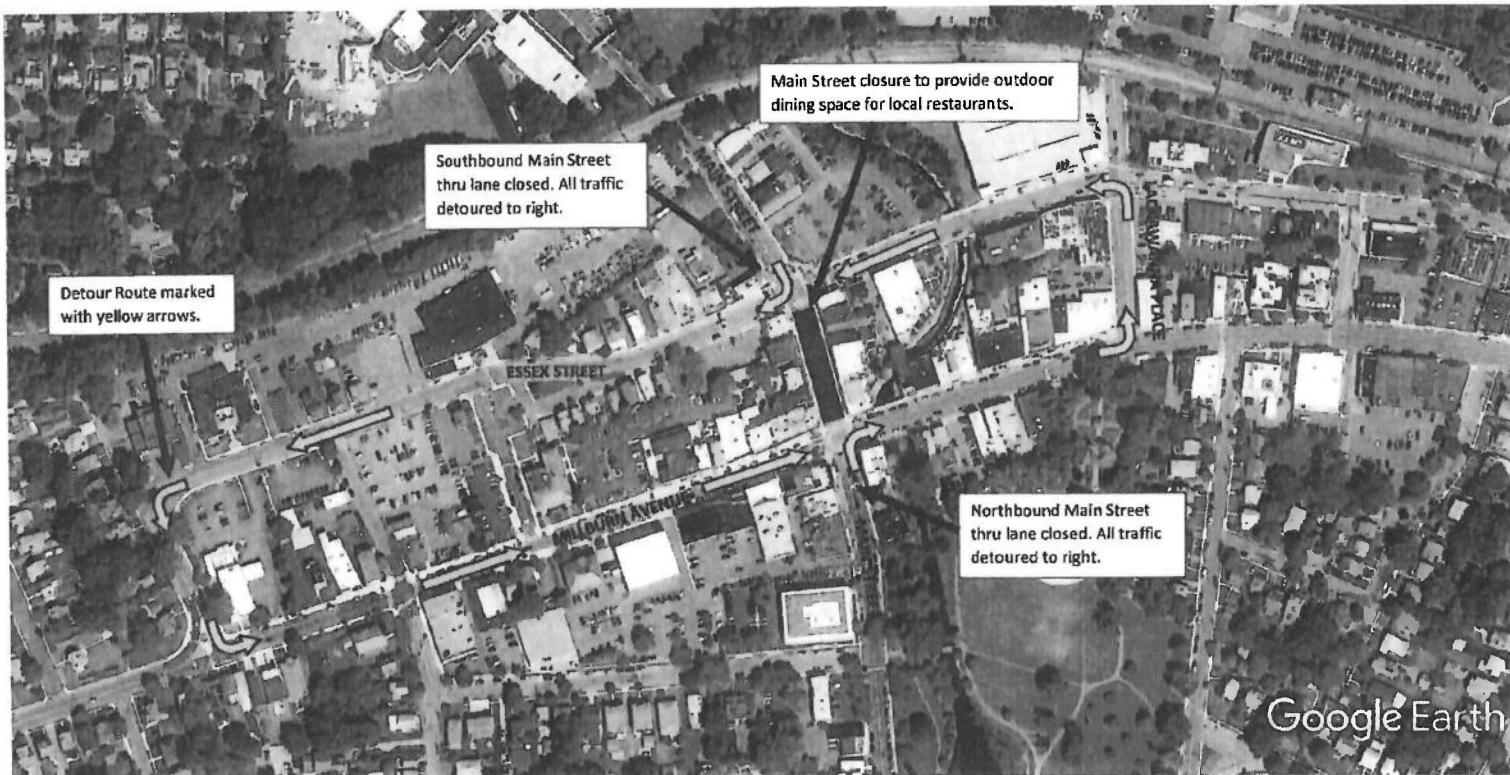
Introduced: 6/7/2022

I, Christine A. Gatti, Township Clerk of the Township of Millburn, do hereby certify this document to be a true copy of the original which is on file in my office. The ordinance was introduced by the Millburn Township Committee on June 7, 2022 and the public hearing is scheduled for June 21, 2022.

Date: 6/8/2022


Christine A. Gatti, Township Clerk
Township of Millburn

DETOUR ROUTE FOR MAIN STREET CLOSURE BETWEEN ESSEX STREET AND MILLBURN AVENUE, TOWNSHIP OF MILLBURN



prepared by: Christie Biegul
Asst Twp Eng.
6/30/2022

ATTACHMENT

G



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

APPROVAL (*Expires November 30, 2022*)
PEDESTRIAN MALL (NJSA 40:56-65)
Ordinance No. 2616-22
Main Street
Millburn Township
Essex County

July 15, 2022

Christine Gatti, RMC, CMR
Township Clerk
Township of Millburn
375 Millburn Avenue
Millburn, New Jersey 07041

Dear Ms. Gatti:

Approval is hereby issued for Millburn Township **Ordinance No. 2616-22**, adopted on June 21, 2022, designating a portion of Main Street between Millburn Avenue (CR577) and Essex Street (CR577) as a Pedestrian Mall pursuant to N.J.S.A. 40:56-65 until November 30, 2022. During the temporary closing of Main Street for the establishment of a Pedestrian Mall, the detour routes for all non-essential traffic shall be along Millburn Avenue (CR577), Lackawanna Place, and Essex Street (CR577), as indicated in the submitted Millburn Assistant Township Engineer's certified Letter/Report dated July 1, 2022.

This approval for the establishment of a Pedestrian Mall and the *temporary closing* of Main Street to non-essential traffic shall expire on **November 30, 2022** as per Millburn Township Ordinance No. 2616-22.

Pursuant to N.J.S.A. 39:4-198, traffic control signs and other traffic control devices for the *temporary* regulation(s) must be installed and maintained by the Township of Millburn and must conform to the current edition of the "Manual on Uniform Traffic Control Devices" unless otherwise specified by the Commissioner of Transportation.

Please be advised that the power of this office extends to matters of traffic and safety and does not involve any judgment concerning any penalties imposed.

Sincerely,

Diane Gutierrez-Scaccetti
Commissioner

"IMPROVING LIVES BY IMPROVING TRANSPORTATION"
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By: Jaime Oplinger
Jaime Oplinger, Executive Manager
Bureau of Traffic Engineering
Division of Highway and Traffic Design

C. Chief Brian Gilfedder, Millburn Township Police Department
Martha J. Callahan, Millburn Township Engineer

ATTACHMENT

H

Schrager, Aaron

From: Oplinger, Jaime [DOT] <Jaime.Oplinger@dot.nj.gov>
Sent: Tuesday, August 2, 2022 12:56 PM
To: Schrager, Aaron
Subject: RE: Street Closures
Attachments: Current NJAC 16-27 highlighted 16 27 4.3c.pdf; 40 67-16 9 Ordinance (Example).pdf; Millburn Request to NJDOT Rev2022.pdf

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Hi Aaron,

Below and attached is the requested information.

Non-State Highways with no impact to a State Highway (submission to Traffic Engineering)

Temporary (more than 48 hours but less than 1 calendar year):

Non-State Highways with no impact to a State Highway which will be closed only on *specific days and times* for the preservation of "**public safety, health, or welfare**" pursuant to N.J.S.A. 40:67-16.9, must submit requirements of N.J.A.C. 16:27-4.3(c) to the Bureau of Traffic Engineering and an Ordinance. The Ordinance requires approval by the Commissioner pursuant to N.J.S.A. 40:67-16.10. An Example Ordinance is attached. Approval must be requested each calendar year.

Permanent (more than 1 calendar year):

Non-State Highways with no impact to a State Highway may be permanently closed *to vehicular traffic* to create a "**Pedestrian Mall**" pursuant to N.J.S.A. 40:56-65 thru 40:56-89 and must submit requirements of N.J.A.C. 16:27-4.3(c) to the Bureau of Traffic Engineering and an Ordinance. (Municipal Officials should develop wording for this Ordinance.) Such closures would require approval of the Ordinance by the Commissioner pursuant to N.J.S.A. **39:4-8a** by submission to the Bureau of Traffic Engineering.

As mentioned, Millburn did a temporary pedestrian mall instead of following the above temporary process. Either way is acceptable. If Summit is interested in pursuing any of the above options, my mailing address is:

Jaime Oplinger, Manager
Traffic Engineering
NJDOT
PO Box 600
Trenton, NJ 08625-0500

Thanks
Jaime

Jaime Marie Oplinger, P.E.
Executive Manager
Traffic Engineering
Division of Highway and Traffic Design
NJ Department of Transportation
609-963-1769

From: Schrager, Aaron <ASchrager@cityofsummit.org>
Sent: Tuesday, August 02, 2022 10:49 AM
To: Oplinger, Jaime [DOT] <Jaime.Oplinger@dot.nj.gov>
Subject: [EXTERNAL] Street Closures

*** CAUTION ***

This message came from an **EXTERNAL** address (ASchrager@cityofsummit.org). **DO NOT** click on links or attachments unless you know the sender and the content is safe. **Suspicious?** Forward the message to spamreport@cyber.nj.gov.

Please send me what you have, when time permits.

AJS

Aaron J. Schrager, P.E., C.M.E., P.P.

Director - Department of Community Services
& City Engineer
512 Springfield Avenue
Summit, NJ 07901
(908)277-9440
(908)608-1214 Fax



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Current Rule – June 2021

CHAPTER 27. TRAFFIC REGULATIONS AND TRAFFIC CONTROL DEVICES

Chapter 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.

Chapter expires on March 24, 2028.

SUBCHAPTER 1. PURPOSE AND SCOPE

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.
- (c) Information concerning whether a specific traffic control device on a State highway has received the approval of the Commissioner, whether the Department has information for the approvals of the traffic control devices on non-State highways, contact information, and any required fees can be found at N.J.A.C. 16:27-5.1.

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" means the effect of any traffic control device on a non-State highway that is proposed for installation or 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>; and

3. American Traffic Safety Services Association (ATSSA) at: <https://www.atssa.com/ATSSA-Store/Product-Manual#/storefront/>.

SUBCHAPTER 4. TRAFFIC REGULATION AND CONTROL

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 certification 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, 12-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, the percentage and volume of other vehicles in the traffic mix, such as bicycles, cars, cars with trailers, buses, and the number of axles per CMV;
 - 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. Copies of the required crash reports shall include 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.

ORDINANCE NO. _____

WHEREAS, N.J.S.A. 40:67-16.9 authorizes the governing body of the _____, to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days or during specified hours on any day or days whenever such closing is necessary for the preservation of the public safety, health, or welfare on streets under municipal jurisdiction;

WHEREAS, the _____ desires to authorize the temporary closing of a portion of _____ between _____ and _____ from _____ to _____, to be used primarily for the movement, safety, convenience, and enjoyment of pedestrians; and

WHEREAS, the purpose of the temporary closing of a portion of _____ between _____ and _____ from _____ to _____, is to create a vibrant atmosphere to attract patrons for all downtown business; and

WHEREAS, the abutting properties and businesses can adequately be provided with emergency services, receive and deliver merchandise and materials; and

WHEREAS, the Municipal Engineer has completed an investigation dated _____ pursuant to N.J.S.A. 39:4-8b(3), and has recommended that _____ be temporarily closed pursuant to N.J.S.A. 40:67-16.9; and

WHEREAS, the _____ Council has reviewed the request and determined that the temporary closing of _____ is in the interest of safety; and

WHEREAS, pursuant to N.J.S.A. 40:67-16.10, an Ordinance adopted pursuant to N.J.S.A. 40:67-16.9 requires the approval of the Commissioner of Transportation;

NOW, THEREFORE IT BE RESOLVED by the Mayor and Council of _____, County of _____, State of New Jersey:

1. Pending approval from the New Jersey Department of Transportation, _____ shall be closed to vehicular traffic between _____ and _____ from _____ to _____.
2. During the date and times of the street closure, the detour routes shall be along _____.
3. Proper traffic control devices must be installed and maintained by the _____ of _____, and must conform to the current edition of the "Manual on Uniform Traffic Control Devices" unless otherwise specified by the Commissioner of Transportation.

Mayor

_____, RMC
(Date)

CERTIFICATION

I, _____ do hereby certify that the foregoing is a true copy of a Resolution adopted by the

(Municipality) Committee at a meeting held on the _____ day of _____, 20_____.
(Signature)

_____, RMC
Municipal Clerk

(Municipal Seal)