

CHAPTER 26

MOTORIZED BICYCLES

Authority

N.J.S.A. 39:2-3, 39:3-10a, 39:4-14.3, 39:4-14.3a et seq. and 39:5-30.

Source and Effective Date

R.2000 d.152, effective March 14, 2000.
See: 31 N.J.R. 3924(a), 32 N.J.R. 1401(a).

Executive Order No. 66(1978) Expiration Date

Chapter 26, Motorized Bicycles, expires on March 14, 2005.

Chapter Historical Note

Chapter 26, originally Electrical Bureau, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 26 was readopted as R.1984 d.316, filed July 11, 1984. See: 16 N.J.R. 1321(b), 16 N.J.R. 2151(b). Chapter 26 was retitled "Bureau of Maintenance Engineering" from "Electrical Bureau" by R.1989 d.230, effective May 1, 1989. See 21 N.J.R. 628(a), 21 N.J.R. 1151(a). Pursuant to Executive Order No. 66(1978), Chapter 26 expired on August 6, 1989.

Chapter 26, Bureau of Electrical Engineering, was adopted as new rules by R. 1989 d.458, effective September 5, 1989. See: 21 N.J.R. 1653(b), 21 N.J.R. 2804(a).

Chapter 26, Bureau of Electrical Engineering, was readopted by R.1994 d.401, effective July 8, 1994. See: 26 N.J.R. 1764(a), 26 N.J.R. 3183(c). Chapter 26, Bureau of Electrical Engineering, was repealed by R.1996 d.366, effective August 5, 1996. See: 28 N.J.R. 2510(a), 28 N.J.R. 3807(a).

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SUBCHAPTER 1. PROCEDURE TO REGULATE OPERATION OF MOTORIZED BICYCLES ON SPECIFIC HIGHWAYS

Subchapter Historical Note

Subchapter 1, Procedure to Regulate Operation of Motorized Bicycles on Specific Highways, was recodified from 13:25-8. See: 37 N.J.R. 88(b).

16:26-1.1 Recommendations of governing bodies

(a) Pursuant to the authority in N.J.S.A. 39:4-14.3 whenever the governing body of a county or municipality deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under their jurisdiction, said governing body shall adopt a resolution advising the Commissioner of Transportation of highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. The Commissioner of Transportation may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

(b) Pursuant to the authority in N.J.S.A. 39:4-14.3 whenever the Commissioner of Transportation deems it in the public interest to permit or prohibit the operation of motorized bicycles on highways under his jurisdiction, he shall specify the highways or portions thereof which are safe or unsafe for the operation of motorized bicycles. The Commissioner of Transportation may then take such action as he deems necessary in accordance with N.J.S.A. 39:4-14.3a.

16:26-1.2 Standards for resolution and recommendations

(a) In adopting the resolution and recommendation provided for in N.J.A.C. 16:26-1.1, the governing body of a county or municipality and the Commissioner of Transportation shall be guided by the provisions of N.J.S.A. 39:4-14.3a. The governing body shall attach to the resolution a statement justifying the recommendation. Said statement may include the criteria considered in reaching its conclusions.

(b) In adopting the resolution and recommendation provided for in N.J.A.C. 16:26-1.1, the governing body of a county or municipality and the Commissioner of Transportation shall consider factors such as, but not limited to, the following:

1. Accident experience;
2. Traffic patterns;
3. Traffic volumes; and
4. Physical characteristics of the highway.

16:26-1.3 Posting of regulatory signs

Upon the adoption of regulations by the Commissioner of Transportation pursuant to N.J.S.A. 39:4-14.3c prohibiting or permitting the operation of motorized bicycles on specified highways or portions thereof which are deemed unsafe or safe for the operation of motorized bicycles, the county, municipality or Department of Transportation shall cause to

be erected traffic signs regulating the use of motorized bicycles. The State or political subdivision with jurisdiction over the highway shall be responsible for the erection of such signs approved by the Department of Transportation. The design and position of the signs to be posted shall be in conformance with the "Manual on Uniform Traffic Control Devices."

16:26-1.4 Enforcement of regulations

Regulations promulgated by the Commissioner of Transportation shall be effective from the time the regulatory signs provided for in N.J.A.C. 16:26-1.3 are posted by the county, municipality or the Department of Transportation.

16:26-1.5 Operation of motorized bicycles permitted on specific highways

(a) The provisions of N.J.A.C. 16:26-1.1 and 1.2 having been satisfactorily complied with by the County of Ocean,

motorized bicycles may be operated on the dualized portion of County Road No. 7 (Long Beach Boulevard) in the Township of Long Beach.

(b) The provisions of N.J.A.C. 16:26-1.1 and 1.2 have been satisfactorily complied with by Surf City Borough, motorized bicycles may be operated on the dualized portion of Barnegat Avenue in Surf City Borough.

16:26-1.6 Operation of motorized bicycles prohibited on specific highways

The provisions of N.J.A.C. 16:26-1.1 and 1.2 having been satisfactorily complied with by the Commissioner of Transportation, the operation of motorized bicycles prohibited upon that portion of State Highway 35 between the Brielle Circle and Seventeenth Avenue in the Township of Wall.