

REPORT

OF

# SPECIAL COMMISSION

APPOINTED BY

HON. JAMES F. FIELDER

To Investigate Traffic Laws and Ordinances  
and the Enforcement thereof  
in New Jersey

974.90  
T764  
1915

TRENTON, N. J.  
MACCRELLISH & QUIGLEY CO., STATE PRINTERS.

1915

# REPORT.

---

*To His Excellency Honorable James F. Fielder, Governor of New Jersey:*

Your committee, appointed under your authority on August 31st, 1914, to investigate and report to you on the traffic situation in New Jersey, with special reference to the statutes and ordinances governing traffic and the method of enforcement, and to further make recommendations for the adoption of a complete and efficient system of traffic regulation and enforcement, beg leave to report as follows:

## INTRODUCTION.

In preparing the report your committee has decided to divide the report into the following general classifications:

- I. An analysis of existing statutes governing traffic;
- II. An analysis of existing local ordinances;
- III. Investigation into the validity of local ordinances;
- IV. Recommendations for legislative action;
- V. Recommendation for municipal action;
- VI. Special recommendations affecting, directly or indirectly, traffic.

Traffic rules are adopted to provide safe and facile use of the highways. Whether the enforcement of traffic rules improve highway conditions depends very largely upon the method used and the rules adopted by the various municipalities. Generally, in the large cities complicated ordinances have been passed, and have thereafter been largely disregarded.

In the few congested streets of our larger and medium sized

cities, there has been apparently some effort made to obtain intelligent traffic enforcement.

However, as a general thing, your committee has found that traffic ordinances have been too complex and too sweeping in their provisions to be properly enforced in any but the congested sections of a city. Probably strict enforcement is not required elsewhere.

In order to arrive at a true basis of reasonable traffic regulation, our first duty is to examine existing systems. The statutes affecting traffic are fragmentary, and in many cases cumbersome and unenforceable, and appear to have been a gradual accretion, commencing with the Act of 1813 and ending with the Motor Vehicle Act of 1906, with its supplements and amendments.

As each new condition arose, efforts were apparently made to meet the condition without very much reference to previous regulations.

The first traffic statute of the State in 1813 is a simple statement of the law of the road, providing a small penalty for its violation, which is uncollectible unless the injured party institutes suit.

This traffic statute was not added to with the exception of a law in 1880, prohibiting the use of dogs to draw carts, and in defective law requiring lights on vehicles, passed in 1909.

When the use of the bicycle became prevalent, we find an act passed allowing municipalities to pass ordinances upon certain subjects with regard to the operation of bicycles, and at the same time prohibiting any municipality from prohibiting the use of bicycles. This act simply allows the municipalities to pass ordinances and in itself provides for no direct regulation.

The next traffic statutes that we find deal with the motor vehicle, and provide an incomplete system of regulation, re-enacting the law of the road, providing by statute for lamps, signal bells, equipment, etc., and prohibiting the passing of local ordinances regulating the use or speed of motor vehicles.

From this it will be seen that the Legislature, in dealing with the question of traffic regulation, has adopted three distinct systems: first, with regard to horse-drawn vehicles, providing

by statute for the most simple character of regulation and placing no responsibility upon municipalities either to pass or refrain from passing ordinances on this subject.

Next we find the problem incident to the use of the bicycle determined by the Legislature by simply giving to the municipality the power to pass ordinances on certain given subjects within certain limitations.

Again, we find the Legislature grappling with the question of the regulation of motor vehicles in a totally different fashion. Instead of giving to municipalities the power to pass ordinances on this question, that power is definitely withheld and placed alone in the hands of the Legislature. The law of the road as applied to horse-drawn vehicles is re-enacted to apply to the motor vehicles, and added to that are similar general provisions which under the old bicycle law were allowed to be passed upon by the municipalities with reference to the operation and equipment of motor vehicles enacted into a statute.

The Motor Vehicle Act further provides for its violation that the moneys collected shall be returned to the State Department, and shall not be kept by the municipality in which the violation occurred, the theory being that moneys derived from violations of the Motor Vehicle Act should be used for general road purposes.

Of the three systems which appear to have been used by the Legislature of this State in dealing with the problems of traffic during the last hundred years, there is little in any one of them to commend itself as a scientific method of determining this question.

Therefore, it is not strange that the municipalities, finding very little relief in the statutes, should proceed to the passage of extensive local ordinances on this subject. Unfortunately, the method used in the adoption of local ordinances seems to have been that most of the municipalities in New Jersey have taken the complicated traffic ordinances of some of the largest cities in the world and endeavored to adapt them to the less complicated requirements in their own community.

A number of ordinances adopted by the larger cities of the

country, and in fact of the world, have been designed to fit a totally different legal system, and do not accord with the legal system of New Jersey.

An examination of these ordinances indicates a serious conflict between them and the existing statutes, as well as radical differences in the provisions of one city as compared with the provisions of another city.

In an adjustment of such a situation, there would appear to be no other solution possible except to repeal all existing traffic ordinances by a State law on the subject which will standardize traffic regulations by combining the local ordinances now existing and the traffic statutes now among our laws into one system.

That such an act can be prepared which can be made to apply with justice to all classes of communities is undoubted. That to endeavor to harmonize the various ordinances of the various municipalities with the idea of having every ordinance on a standard basis is impossible, is capable of no argument.

Were a standardization of ordinances made to-day, it would only be a question of a few years before that standard would be violated by the whim of any new local governing body.

With the general use of the motor vehicle and the fact that the use of the motor vehicle is closely bound up in the use of all other classes of vehicles, traffic regulations may be said to be required equally upon the country road as upon the city street, and that general and simple provisions for the regulation of traffic are applicable equally to one as to the other. The question has therefore ceased to be local, and has become a State-wide question, which, of course, can be settled only by legislative enactment.

This does not apply to those regulations which are made necessary in the individual municipality owing to purely unique conditions, and ample power should be given in any such act to each municipality to regulate those things which are, from the very nature of such municipality, purely local matters.

That such authority be given in any statute designed for the general regulation of traffic is essential.

Your committee has therefore proceeded to present in the report which follows an analysis of conditions and proposed regulations which would bring about the result which we have indicated in this general introduction. Added to this your committee presents for your personal action as Governor, suggestions which would tend to influence local authorities in their methods of enforcement and suggestions for future work.

## PART I.

### ANALYSIS OF STATUTES AFFECTING TRAFFIC.

#### STATUTES CONCERNING ANIMAL-DRAWN VEHICLES.

*Law of the Road.*—Driver shall keep to the right and when overtaken shall keep to the right. For violation, shall forfeit two dollars to any person who shall be obstructed or hindered in passing, and will sue for the same. (Compiled Statutes, section 91, page 4469.)

*Lights on Horse-Drawn Vehicles.*—Provides for one lighted lamp thirty minutes after sunset and thirty minutes before sunrise or when fog renders it impossible to see, which would shine two hundred and fifty feet in the direction in which the vehicle is proceeding and two hundred and fifty feet in the direction from which the vehicle is proceeding, and provides a fine of from two and one-half to five dollars, the money to go to the municipality. (Chapter 27, P. L. 1911.)

*Note.*—The act is defective for the reason that it gives magistrates no power to commit for failure to pay fine.

*Width of Horse-Drawn Vehicles.*—Shall trace not less than four feet ten inches from the center of felloes; not less than a fine of five dollars.

*Dogs Not to be Used to Draw Carts.*—Subject to a fine of one dollar for the first offense and ten dollars for each subsequent offense, the dog and the vehicle to be brought before the justice and execution forthwith issued on same. (P. L. 1880, page 217.)

*Cattle.*—Prohibits driving of cattle through the streets on Sunday. (P. L. 1894, page 82.)

*Width of Tires.*—Common Council given power to regulate by ordinance the use of tires of not more than four inches in width. (P. L. 1900, page 410.)

#### STATUTES AFFECTING BICYCLES.

*Bicycles*—Declared to be carriages. Local authority restrained from prohibiting the use of bicycles by local ordinance.

Authorizes local regulation of the bicycle.

Defines limitation of the ordinances affecting bicycles, as follows: "Lamps visible one hundred yards ahead one hour after sundown to one hour before sunrise."

*Alarm Bells.*—To carry audible bell to be heard for one hundred feet.

*The Rate of Speed.*—Same as applies to carriages. Provides for permits to allow machine to be ridden at specified times or on specified streets at any speed and to allow machines operated by children to be ridden upon the sidewalks.

*Prohibition Against Riding on Sidewalks.*—Made not to apply to footpaths outside of thickly-settled portions of towns. Also prohibits the passing of ordinances in conflict with this act.

*Penalty*—Provided not to exceed five dollars.

(Compiled Statutes, pages 204, 5, 6 and 7.)

*Bicycle and Footpaths.*—Sums of money may be used to construct bicycle and footpaths not less than three feet in width or

greater than six feet in width, and prohibits driving on the same, subject to a penalty of five dollars.

*Bicycles.*—Provides that bicycles, if ownership is sworn to, may be held in lieu of the payment of fine for violation of any ordinance referring to bicycles.

#### MOTOR VEHICLES.

*Law of the Road.*—Provides that when met by another vehicle, or by a carriage, sleigh or sled, shall keep to the right, and when overtaken by another vehicle, carriage, sleigh or sled shall likewise keep to the right. (Section 22, Chap. 113, P. L. 1906.)

*Powers of Local Authorities.*—Provides that local authorities shall have no power to regulate the use or speed of any motor vehicle duly registered in the State by the Department of Motor Vehicles. (Section 22, subsection 2, Chapter 113, P. L. 1906.)

*Racing Prohibited.*—Provides that no person shall race motor vehicles on the public highway. (Subsection three, section 22, Chapter 113, P. L. 1906.)

*Duty in Case of Accident.*—Provides that in event of accident the driver of the motor vehicle shall stop, go back, and lend any assistance possible, etc. (Subsection 4, section 22, P. L. 1906, Chapter 113.)

*General Speed Rates.*—Provides a speed of one mile in seven minutes upon sharp curves of streets or corners; a speed of one mile in four minutes at the intersection of prominent cross-roads; a speed of one mile in five minutes in built-up communities where houses are on an average less than one hundred feet apart; a speed of one mile in four minutes within two hundred feet of any horse or other beast of burden upon the highway; a speed of twenty-five miles in the open country or where the houses are on an average greater than one hundred feet apart; provided, how-

ever, that nothing in the act shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to safety and rights of others.

*Physicians Exceeding Speed Limit.*—Provides that no physician shall be summarily arrested for violating the speed limit; that his number be taken, and proceedings instituted afterwards.

*Exemptions.*—Motor vehicles belonging to the military establishment and in use for official purposes and vehicles operated by motor vehicle inspectors are exempt from speed limits. (Section 23, Chapter 113, Laws of 1906.)

*Exceptions.*—Automobile fire engines, steam road rollers and traction engines are excepted from the provisions of the Motor Vehicle Act.

*Signalling Devices.*—Every motor vehicle must be equipped with a plainly audible signal trumpet.

*Lamps.*—Provides that every automobile shall carry from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, two lighted lamps showing white light visible two hundred and fifty feet in which the vehicle is proceeding, and one red light in the rear, which shall shine on the number plate and make it visible for fifty feet in direction from which the motor vehicle is proceeding.

*Brakes.*—Automobiles of more than ten horse power must have two brakes; on automobiles not exceeding ten horse power one brake is sufficient.

*Chains.*—Provides that motor vehicles may have chains on tires when roads are slippery because of rain, snow, ice, oil, etc.; provides that chains shall not be used when not necessary.

*Mufflers—Smoke Preventatives.*—Provides that motor vehicles shall have devices to prevent excessive noise, smoke and escape of gases and steam, as well as the falling out of embers; all exhaust pipes shall be directed parallel to ground, or slightly upward; muffler cut-outs shall not be used in cities, towns or boroughs, or within two hundred feet of any horse-drawn vehicle on the public highway.

RECENT STATUTES DESIGNED TO APPLY TO ALL CLASSES OF  
VEHICLES.

*Right of Way.*—Fire apparatus, hose-carts, etc., and ambulances shall be entitled to unobstructed use of streets when answering a call. Any person interfering with such vehicle is liable to a fine of one hundred dollars or imprisonment of thirty days, or both. (Chapter 264, P. L. 1914.)

*Weight of Heavy Vehicles.*—Provides that no vehicle or load totalling twenty-five thousand pounds shall be used upon a road or bridge without permit; nor any vehicle, together with load, the weight of which resting on the surface of any road or bridge exceeds eight thousand pounds upon any inch of tire width, without a permit, making the owner or driver of a vehicle operated without such permit responsible for damage, recoverable in action for tort; provides that no motor or steam-driven vehicle in excess of eight thousand pounds weight of vehicle and load together shall be operated at a greater speed than twelve miles per hour; in excess of twelve thousand pounds, eight miles per hour, provided the tires are altogether or partially made of rubber. If, however, the tires are of other material than rubber, ten miles an hour; *provided*, that the State Road Commissioner or county authority in charge of roads are authorized to give permits and to regulate the speeds of such loads over bridges down to a speed of six miles per hour.

For a violation of the permit a fine of ten dollars to one thousand dollars is provided, to be used for road construction. (Chapter 362, P. L. 1913.)

*Note.*—This act is cumbersome, and its machinery of enforcement is defective. Since its passage no permits have been issued and no prosecutions have been made under this act for its infraction. The theory of the act is good, and it should be revised and placed in enforceable form.

## PART II.

### ANALYSIS AND COMPARISON OF LOCAL TRAFFIC ORDINANCES.

For the purposes of comparison, and in order that such comparison may be made from an existing standard, the traffic ordinance of the City of Newark has been selected.

While such traffic ordinance is not, in the opinion of the committee, a model ordinance, it would appear to be more complete and more nearly what the committee would regard as a model ordinance than that which is presented by any other municipality in the State.

The ordinance of Jersey City is, however, very nearly identical with the Newark ordinance, and the committee were in some doubt as to which ordinance should be taken as a standard.

The committee, however, determined upon the Newark ordinance from the fact that it would appear that there is a more complete enforcement of the Newark ordinance by the officials of the city of Newark than there has been of the Jersey City ordinance, and, therefore, a greater test of experience than has been made under the Jersey City ordinance.

The first step in determining the relation of one ordinance to another is to make as brief a comparison as possible. We are, therefore, taking each section of the Newark ordinance, quoting same, and upon such section indicating to what extent the ordinances of other municipalities which have been examined agree or differ with the specific provisions in the Newark ordinance.

Your committee is further indicating a number of special provisions which appear in the ordinances of other municipalities and which do not appear in the ordinance of the city of Newark,

and, further, a number of provisions which appear in the ordinances of other cities and which are especially applicable to those cities are also made the subject of analysis.

We find the ordinance of the city of Newark is divided into twelve parts, as follows:

- Part I. Definitions.
- Part II. Passing, Turning, Crossing and Stopping.
- Part III. Signals.
- Part IV. Right of Way.
- Part V. Speed.
- Part VI. Control of Horses.
- Part VII. Vehicles and Drivers.
- Part VIII. Condition and Treatment of Horses.
- Part IX. Street Cars.
- Part X. Obedience.
- Part XI. Penalties.
- Part XII. Time When Ordinance Takes Effect.

Your committee would point out that in their opinion the above classifications are not as extensive as modern city traffic conditions would seem to demand.

It is further worthy of notice that a number of these classifications, rules and regulations might appear to be properly classified under other headings, and that in a number of traffic regulations, it is very difficult to absolutely determine under what general classification they should be placed.

Under PART I, entitled "Definitions," your committee have determined that there is no need to make a digest or comparison of the definitions as used in the ordinances.

The definitions as used in local ordinances are ordinarily the simple dictionary definitions, and really have but slight bearing upon the provisions of the ordinance, in fact, it would appear that but very few of the municipalities have used definitions to any extent.

Outside of Newark, Englewood, Jersey City, Hoboken, Paterson, Phillipsburg, Freehold, Trenton and Princeton, there are no

extensive efforts on the part of the drafters of the ordinances to define terms.

Your committee has therefore made no attempt at a comparison of definitions, believing that in the interests of brevity it was unnecessary.

Under PART II dealing with "Passing, Turning, Crossing and Stopping," the Newark ordinance provides as follows:

*Section One.*

"A vehicle, except when passing a vehicle ahead, shall keep as near as possible to the right-hand curb."

Substantially the same provision is found in the ordinances of Atlantic City, East Newark, Rutherford, Passaic, Chatham, Bloomfield, Paterson, Hoboken, Jersey City, New Brunswick, Caldwell, Kearny.

In the towns of Boonton and Dover a slight variation is made, as follows:

"Keep to the right of the center of the street and near the right-hand curb," and the term which is used in the Newark ordinance, "except when passing a vehicle ahead" does not appear. The effect of the ordinance in these two towns would, however, be the same.

In the towns of Madison, Bridgeton, Morristown, East Orange, Orange, Perth Amboy, the ordinance requires that vehicles keep to the right of the center of the street and near the right-hand curb.

In Trenton, Princeton and Ridgewood, the ordinance simply provides that "a vehicle except when passing a vehicle ahead, shall keep to the right," without requiring that the vehicle keep as near as possible to the right-hand curb.

In Elizabeth, Hackensack, Freehold, Englewood, Irvington, the requirement is identical, with the exception that the words "except when passing a vehicle ahead" does not appear in the ordinance.

*Section Two.*

"A vehicle meeting another shall pass to the right."

On this section there seems to be very little division of opinion among the municipalities. The following communities have substantially the same provision:

Passaic, Englewood, Irvington, Vineland, Asbury Park, Ridgewood, Elizabeth, Hackensack, Chatham, Bloomfield, Paterson, Hoboken, Jersey City, New Brunswick, Perth Amboy, Trenton, Orange, East Orange, Morristown, Bound Brook, Bridgeton, Atlantic City, Freehold, Millville, Dover, Boonton, Madison.

*Section Three.*

"A vehicle overtaking another shall pass on the left side of the overtaken vehicle, and not pull over to the right until entirely clear of it."

The municipalities of Atlantic City, Vineland, Caldwell, Asbury Park, Lakewood, Hoboken, Jersey City, Trenton, Princeton and Millville have practically an identical provision, while the municipalities of Freehold, Dover, Boonton, Madison, Passaic, Englewood, Irvington, Ridgewood, Elizabeth, Phillipsburg, Hackensack, Chatham, Bloomfield, Paterson, New Brunswick, Perth Amboy, Orange, East Orange, Morristown, Bound Brook and Bridgeton have the same provisions with the exception that they do not provide as in the Newark ordinance that the vehicle shall "not pull over to the right until entirely clear of it."

In the opinion of your committee, this last phrase of the Newark ordinance is unnecessary.

*Section Four.*

"On an avenue or street, divided longitudinally by a parkway, walk, viaduct or similar obstruction, vehicles shall keep to the right of such division."

The above section is essentially one that would apply to the larger municipalities, and no provision of a similar nature is

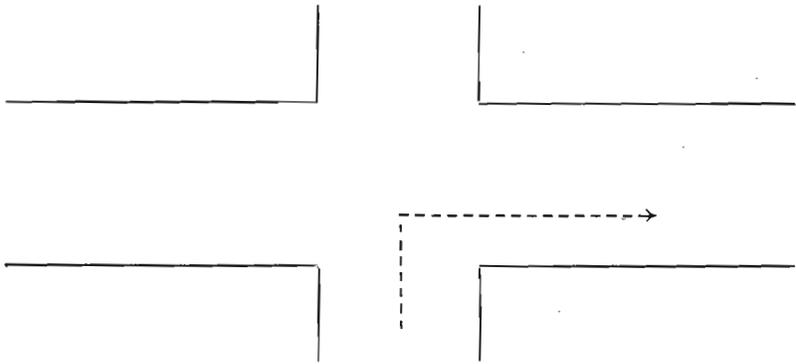
found, except in the ordinances of Hoboken, Jersey City and New Brunswick.

In the opinion, however, of your committee, there would be no objection to such an ordinance in a municipality of any size, in view of the present policy of municipal development.

*Section Five.*

“A vehicle turning into another street to the right shall turn the corner as near the right-hand curb as practicable.”

Thus:



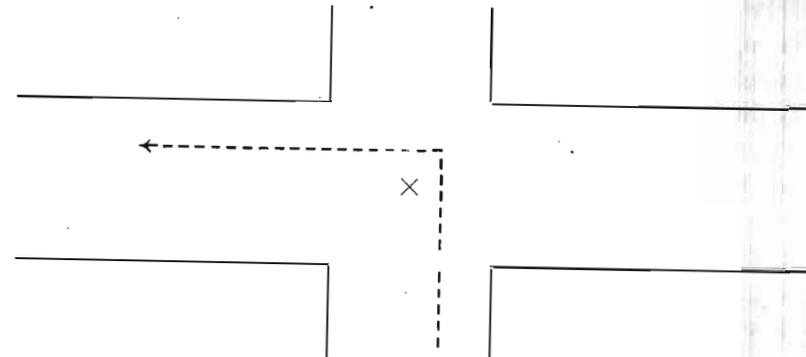
Under this section there would appear to be an agreement among the ordinances of practically all of the larger communities in the State, the following communities having substantially the same provision:

Jersey City, Phillipsburg, Hackensack, Chatham, Bloomfield, Paterson, Hoboken, New Brunswick, Perth Amboy, Princeton, Orange, East Orange, Morristown, Bound Brook, Bridgeton, Atlantic City, Freehold, Ridgewood, Millville, Dover, Boonton, Madison, Passaic, Englewood, Irvington, Vineland, Caldwell, Asbury Park, Elizabeth.

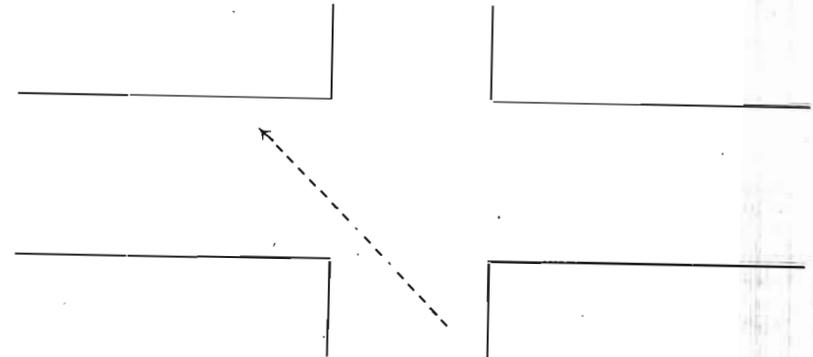
*Section Six.*

“A vehicle turning into another street to the left shall, before turning, pass to the right of and beyond the center of the intersection of the two streets.”

Thus:



Not this way:



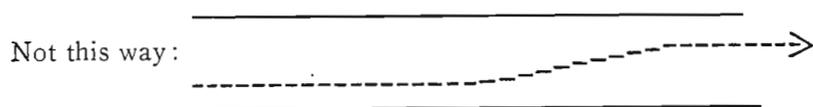
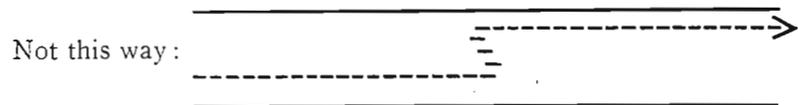
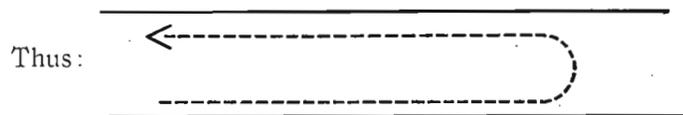
Under this section there would also appear to be an agreement among the ordinances of practically all of the larger communities in the State, the following communities having substantially the same provision:

Jersey City, Phillipsburg, Hackensack, Chatham, Bloomfield, Paterson, Hoboken, New Brunswick, Perth Amboy, Princeton, Orange, East Orange, Morristown, Bound Brook, Bridgeton,

Atlantic City, Freehold, Ridgewood, Millville, Dover, Boonton, Madison, Passaic, Englewood, Irvington, Vineland, Caldwell, Asbury Park, Elizabeth.

*Section Seven.*

A vehicle turning so as to proceed in the opposite direction, in making such turn shall cross the street to the opposite side thereof and turn to the left, so as to head in the same direction as the traffic on that side of the street.



Under section seven, the towns of Dover, Boonton, Passaic, Caldwell, Vineland, Bloomfield, East Orange, Bridgeton, Chatham, Hoboken, New Brunswick, Perth Amboy, Orange and Morristown have almost identically the same provision.

In the towns of Madison, Englewood, Irvington, Asbury Park, Atlantic City, Millville, Elizabeth, Princeton, Phillipsburg, Hackensack, Paterson, Freehold and Ridgewood, the ordinance provides in effect that a vehicle "crossing from one side of the street to the other" shall do so as above.

Probably the use of the word "crossing" is better than the use of the term "to proceed in the opposite direction," as used in the

Newark ordinance, owing to the fact that a vehicle might turn in the street in order to stop at an opposite curb, and not necessarily to proceed.

The Bound Brook ordinance used the words "for the purpose of changing direction or otherwise," which would in effect be similar to the Newark ordinance.

The Jersey City ordinance would appear to further limit the effect of the Newark provision, and would make it operative only on congested traffic streets.

Under subsection A of the same section of the Jersey City ordinance we find this provision:

"A vehicle crossing from one side of the street to the other shall do so as above illustrated, etc.," the "above illustration" requiring the same method of turning as in the Newark ordinance.

Your committee is of the opinion that there is an apparent conflict in this ordinance, which has evidently been caused by an effort to distinguish between turning to proceed in the opposite direction and turning for the purpose of stopping after such turn be made.

*Section Eight.*

"No vehicle shall stop with its left side to the curb, except in such streets as may be designated as one-way traffic streets."

The ordinances of Lakewood, Rutherford, East Newark and Long Branch state this in the reverse order, and make no provision for one-way streets.

Madison, Passaic, Vineland, Caldwell, East Orange, Orange, Dover, Jersey City, Perth Amboy, Trenton, Princeton, Morristown, Bound Brook, Ridgewood, Millville and Boonton provide for substantially the same regulation, with the exception that no mention is made of one-way streets.

Englewood allows vehicles to stop with their left side to the curb on certain designated streets, and in a number of instances between certain designated blocks, and also in front of and adjoining the property of churches, schools or other public buildings.

In Paterson an exception is made by a certain bounded territory, indicating streets and railroads as the boundary line. The provision is also made that the police department may, within such boundary, designate districts where no vehicle will be permitted to stop with the left side to the curb.

In Allenhurst exception is made of established cab and hack stands; and a similar provision is made in the New Brunswick ordinance.

In Hoboken and Kearny the proposition is stated in the reverse order, and the exception made that where "an emergency occurs," etc., the rule would be suspended.

In Elizabeth and Phillipsburg an exception is made where road excavation or other legalized obstructions would prevent the operation of the rule.

In Hackensack the police may designate streets in which the regulation would have no effect.

#### *Section Nine.*

"No vehicle shall be stopped in any street except close to the curb thereof, unless in case of emergency, or to allow another vehicle, street car or pedestrian to cross its path."

The following places have substantially similar provisions: New Brunswick, Rutherford, East Orange, Elizabeth, Phillipsburg, Hackensack, Chatham, Paterson, Jersey City, Perth Amboy, Orange, East Orange, Morristown, Bridgeton, Freehold, Ridgewood, Dover, Boonton, Madison, Passaic, Irvington, Englewood.

#### *Section Ten.*

"No vehicle shall stop or stand within the intersection of any cross-street, nor within ten feet of any cross-walk or street crossing."

Elizabeth, Chatham, Dover, Boonton, Madison, Irvington, Jersey City, Perth Amboy, Bridgeton, have substantially the same provision.

Lakewood and Bloomfield omit the words "ten feet of any cross-walk or street crossing."

Paterson, Passaic, Englewood, Orange, East Orange, Morristown, Freehold, Ridgewood, Hackensack, Phillipsburg, have substantially the same provision, with the exception that they provide for "ten feet of any street corner"; while Hoboken, Jersey City, Rutherford, New Brunswick, Kearny, East Newark, provide that no vehicle shall stop in a manner "to obstruct the crossing."

New Brunswick provides that no vehicle shall remain standing at a curb nearer than twenty feet of a street crossing.

Princeton provides that no vehicle shall stop "in such a manner as to interfere with the passage of pedestrians at crossings."

Bound Brook has a similar provision, making the exception "to allow another vehicle or pedestrian to cross its path."

#### *Section Eleven.*

"No vehicle shall stand backed up to the curb when loading or unloading except when it is impossible to load or unload such vehicle while standing parallel to the curb. If necessary to back up to the curb, if the vehicle is horse-drawn and has four wheels, the horse or horses must stand parallel to the curb and faced in the direction of traffic. Drivers and owners must at all times comply with any directions or orders given by any member of the police department."

Jersey City has substantially the same provision.

Under the Elizabeth ordinance, no vehicle shall stop for the purpose of setting down passengers or loading freight in such a manner to obstruct a crossing, except when ordered to do so by the police, and further, no vehicle, loading or unloading, is allowed to obstruct any street for a greater period than three minutes, and in streets occupied by street car tracks where there is not sufficient space for such vehicle to stand at right angles with the curb line, the vehicle must be placed in a longitudinal position with the said street.

Phillipsburg has a similar provision.

The Hackensack ordinance simply provides that no vehicle shall stop for the purpose of loading or unloading or letting out passengers, except in cases of emergency, in such a way to obstruct a street crossing.

Paterson simply provides for no obstruction of cross-walks.

In Englewood a provision similar to the first part of the Elizabeth provision is made, with reference to the obstruction of street crossings, and the vehicle is prohibited from loading or unloading for a greater period than three minutes.

The ordinances of Morristown, Hoboken, New Brunswick, Trenton, Kearny, East Newark and Rutherford, provide that vehicles shall not stand backed up to the curb, except when actually loading or unloading, and then under the general conditions as provided in the Newark ordinances.

#### *Section Twelve.*

"No vehicle shall back to make a turn in any street, if by so doing it interferes with other vehicles, but shall go around the block or to a street sufficiently wide to turn in without backing."

Substantially the same provision is contained in the ordinances of Millville, Atlantic City, Princeton, New Brunswick, Jersey City and Vineland.

#### *Section Thirteen.*

"Every driver or operator of any vehicle following any street car, when passing such street car while it is stopping to take on or discharge passengers, shall keep at least four feet from the right-hand running board or lowest step of said car, shall give audible indication of approach to said car and shall exercise due precaution not to interfere with or injure the passengers getting on or off the car; if by reason of the presence of other vehicles at the place where such car is stopping, or by reason of the narrowness of the street, or for any other reason, it is not possible to preserve such distance of four feet, then said driver or operator shall bring his vehicle to a full stop until the car shall have taken on or discharged its passengers and again started."

Jersey City would appear to be the only city that has an ordinance that has a provision entirely in accordance with the above.

In Dover, Boonton, Madison, Bound Brook, Morristown, Princeton, New Brunswick, the local ordinance does not provide that the vehicle shall stop when passing a standing trolley car, but simply use due care; while in Washington, New Jersey, the ordinance provides that the vehicle must stop ten feet from the car until the passengers have alighted.

In Trenton, Chatham, Phillipsburg, Pleasantville and Elizabeth the ordinance provides that the vehicle shall stop and shall not pass the car until same is again in motion.

In Orange and Bloomfield, the driver must stop his vehicle in the rear of the street car stopped to take on or let off passengers, but may proceed along side and ahead of such car at a distance of not less than six feet from the lower step or running board of the car.

In Montclair the vehicle shall not proceed until the car is again in motion.

In Millville the ordinance provides that every vehicle shall come to a stop when approaching a street car which is stopped to take on or let off passengers, and gives no direction as to when the vehicle shall be again put in motion.

The effect of such ordinance would probably be that the vehicle could not proceed until the car was again in motion.

The same is true in the ordinances of Atlantic City, Vineland, Caldwell, Irvington.

Englewood, Paterson and Hackensack have substantially the same provisions in their ordinance, except that they allow the vehicle to pass the standing trolley car, but not at a greater speed than four miles an hour.

#### *Section Fourteen.*

"Drivers of vehicles shall pull to the right side of the street when signalled from a vehicle behind desiring to pass."

Substantially the same provision is contained in the ordinances of the following municipalities:

Jersey City, Lakewood, Chatham, Perth Amboy, Orange, East Orange, Morristown, Bridgeton, Dover, Boonton, Madison, Asbury Park.

*Section Fifteen.*

"No two vehicles shall stop abreast of the street curb. When it becomes necessary for more than one to stop at the same place they shall face toward the curb in a slanting direction at an angle of about forty-five degrees with the curb."

Only the towns of Bloomfield and Jersey City would appear to have a similar ordinance.

In addition to the above provisions, a number of towns have adopted other regulations governing these subjects.

For instance, Ridgewood has a section which provides that no vehicle shall turn completely in that section of Ridgewood Avenue between Broad and Oak Streets.

Long Branch provides that vehicles may make their turns at street intersections only, but that they shall not make a turn at certain street intersections.

The same is true of Bound Brook.

Plainfield has a special ordinance which provides that no driver of a hack or stage shall stand or move his horse or vehicle within less than fifteen feet of the curb in front of the passenger depot on North Avenue, or within fifteen feet of a point directly in front of any entrance to any place of public assemblage or entertainment for the purpose of soliciting customers.

Washington has a specific ordinance with reference to the keeping to the right of trolley tracks on certain streets.

Bound Brook has specific regulations with reference to vehicles approaching the Central Railroad Station.

The ordinance of Long Branch gives the police authorities the power to adopt regulations with reference to any special streets, and has a long list of special rules governing the operation of vehicles on or about specific streets or railroad station.

Trenton has an ordinance which regulates the length of time a vehicle shall stand upon certain streets.

The same is true of Bound Brook.

In Freehold no vehicle shall be allowed to stand within ten feet of a fire hydrant on certain streets within certain boundaries, nor shall any vehicle be allowed to park on certain streets.

In Hackensack, a peculiar ordinance appears which might properly be placed under this classification namely, that automobiles may not be repaired on the streets by persons owning garages.

In Trenton, between certain hours on certain streets, vehicles are prohibited from backing into the curb.

In Elizabeth there is an ordinance prohibiting the backing or driving of vehicles over the curb upon the sidewalk or other place reserved for pedestrians in any street or allowing them to remain upon the sidewalk for the purpose of loading or unloading. The ordinance, however, allows the driving of vehicles over the sidewalk to load or unload such vehicles upon any premises to which they may have a lawful right of entry.

The Englewood ordinance, however, changed the wording, and in a slight degree, the effect, by allowing vehicles to cross the sidewalks going from private property bordering thereon.

The Phillipsburg ordinance permits driving over the sidewalks with permission of the owner of the property abutting, in order to gain access to the same.

The Ridgewood ordinance on this subject is similar to the Elizabeth ordinance, except when crossing or going directly to or from private property bordering thereon.

The Paterson and Hackensack ordinances provide that there shall be no crossing of curbs or cross-walks except in places designated by the police.

Another section of the Elizabeth ordinance provides that the driver of the vehicle before turning a corner or turning out or starting from the curb line of any street shall first see that there is sufficient space for other vehicles; further, that he shall give a plainly visible and audible signal.

A similar provision is found in the ordinances of Irvington, Phillipsburg, Hackensack, Freehold, Ridgewood and Englewood.

In Millville and Vineland there is an ordinance that on streets

intersected by street railway tracks all vehicles shall turn to the right of the track.

In Trenton there is an ordinance which prohibits the driver from leaving any animal or vehicle standing in such a way as to interfere with an entrance to a hospital.

The Rutherford ordinance provides that where traffic stations have been placed in the street it shall be unlawful for persons to run to the left of them, the same proposition being stated in a reverse way in the Freehold and Long Branch ordinances.

In Bound Brook there is an ordinance which provides that no vehicle shall stop in any public street within ten feet from a fire hydrant or fire apparatus house unless to allow a pedestrian or other vehicle to cross its path.

The same provision appears in the Long Branch ordinance, and in the ordinance of Trenton, with the exception of the provision in the Trenton ordinance, "Unless vehicle is in charge of some person capable of driving or operating same."

Special provisions are found in the Orange ordinance governing the approach and standing of vehicle at the railroad station.

In Atlantic City the ordinance provides that vehicles shall not stand along curb for space of 25 feet opposite regular stopping place for street cars, nor to apply to delivery wagons owned by abutting owners. Vehicles shall move 25 feet from corners when requested by police.

### PART III.

#### SIGNALS.

(Newark ordinance governing question of signals.)

##### *Section One.*

"Every driver in slowing up or stopping shall signal those behind by raising the whip or hand."

Substantially the same provision appears in the ordinances of Irvington, Ridgewood, Freehold and Jersey City.

In the ordinances of Bloomfield, Asbury Park, Vineland, Englewood, Millville, Atlantic City, Princeton, Trenton, New Brunswick, Hoboken, Paterson, Hackensack, Lakewood, Elizabeth, the hand must be raised vertically.

In the ordinances of Orange and Dover the arm must be horizontal and the whip vertical for crossing from one side to the other, as well as the provision in the Newark ordinance.

In Madison, Boonton, Morristown, East Orange, Perth Amboy, Chatham and Phillipsburg the hand must be raised vertically for crossing to the other side, as well as for slowing up or stopping.

In Bound Brook a proviso appears in the ordinance exempting trolley cars, and no mention is made of the whip.

##### *Section Two.*

"In turning, while in motion, or in starting to turn from a standstill, a signal shall be given by extending the whip or hand, indicating with it the direction in which the turn is to be made."

Jersey City has the same ordinance as Newark.

In Asbury Park, Vineland, Millville, Atlantic City, Princeton, Trenton, New Brunswick and Hoboken the whip or hand is to be raised, while in Lakewood the whip is to be raised and the hand extended.

##### *Section Three.*

"Before backing, ample warning shall be given, and while backing unceasing vigilance must be exercised not to injure those behind."

The following municipalities have substantially the same provision: Vineland, Millville, Atlantic City, Princeton, Trenton, New Brunswick, Jersey City.

##### *Section Four.*

"Every driver of an automobile or motor car shall, at the request of, or upon signal given by raising the hand above the head by any person driving or riding a restive horse, cause such

automobile or motor car to come to an immediate stop and to remain stationary so long as may be necessary to allow such restive horse to pass it."

The following municipalities have practically the same provision in their ordinances:

Bloomfield, Madison, Boonton, Dover, Morristown, East Orange, Orange, Perth Amboy, Jersey City and Chatham.

*Section Five.*

"Any driver shall, upon one blast of a whistle being given by a police officer, slow up; upon two blasts of the whistle being given by such police officer, in quick succession, the driver shall come to a full stop and shall not proceed again until receiving a signal so to do from such officer; three or more blasts of the whistle is a signal of alarm and indicates the approach of a fire engine or some other danger. The single blasts of the whistle given at some intersections for the regulation of traffic are exceptions to this rule."

Perth Amboy has the same provision as Newark.

In Passaic, Phillipsburg and Elizabeth the ordinance simply provides that the signal of the officer be obeyed.

In Madison, Boonton, Dover, Morristown, East Orange, Orange and Chatham the ordinances are the same as the Newark ordinance, providing, however, for no emergency or exceptions.

In New Brunswick and Trenton the ordinances are the same, except that they make no exceptions whatsoever.

Paterson, Bridgeton and Bound Brook require simply that the signal of the officer be obeyed, but includes street cars.

The Jersey City ordinance provides that at three blasts of the whistle all traffic stops, and that such blasts may be an alarm signal, and makes no exceptions.

*Section Six.*

"At such street intersections as may be designated from time to time by the Board of Police Commissioners, drivers of all vehicles shall come to a full stop at least ten feet before reaching

the intersection of streets and shall not again proceed until receiving a signal from the police officers, there stationed, so to do."

Jersey City alone has a similar provision.

*Section Seven.*

"When in case of accident or emergency, it becomes necessary to leave any vehicle unhitched in the street at night, a red light must be conspicuously displayed thereon by owner or person in charge."

Jersey City has a similar provision to the section in the Newark ordinance, and also provides in addition that such vehicles shall not be so left in any main or congested thoroughfare.

*Section Eight.*

"Street cars carrying construction material and vehicles of burden when carrying material projecting from behind, such as iron rails, planks or other similar material, shall, in the day time, carry a red flag and at night a red light, which flag or light shall be attached to the end of the material projecting."

Jersey City alone has a similar provision.

*Section Nine.*

"Every motor vehicle or motor cycle while being used upon the streets, alleys and public places of this city shall be provided with a suitable bell, horn, or other signal device, and it shall be unlawful for any person to use any device which will not produce an abrupt sound sufficiently loud to serve as an adequate warning of danger, and it shall be unlawful for any person operating any motor vehicle or motor cycle to make or cause to be made, any unnecessary noise with any such bell, horn or other signal device, or to use the same except as a warning of danger. This shall not apply to public ambulances or vehicles belonging to the police or fire departments or to the salvage corps."

Jersey City has a provision similar to the section in the Newark ordinance.

In Bound Brook and Trenton the ordinance simply provides that automobiles and motor cars must signal when approaching street corners or when approaching pedestrians or other vehicles.

The Princeton ordinance requires that signal be sounded.

In the New Brunswick ordinance signal shall be sounded as provided by law.

In the Washington ordinance a provision occurs requiring that trumpet shall be sounded in approaching any cross-street.

#### *Section Ten.*

"No person shall drive any horse or horses attached to any sleigh or sled through any street unless there shall be a sufficient number of bells attached to the harness of such horse or horses to give warning of their approach."

Jersey City alone has a similar provision.

#### *Section Eleven.*

"All bicycles when in use on any street at night shall have a lamp of such illuminating power as to be plainly seen one hundred yards ahead, such lamp to be attached thereto and kept lighted between one hour after sunset and one hour before sunrise."

*Note.*—Copies of traffic ordinances submitted do not appear to indicate any similar provision in any of the ordinances. In all probability the question of lighting bicycles was adopted previous to the adoption of the regular traffic ordinances and was not included in the revision.

The Jersey City ordinance provides that all vehicles and street cars when in use on the street at night shall have a lamp or lamps, etc., and shall show lights forward and backward, or placed in front and rear in accordance with the New Jersey Motor Vehicle Law providing for the hours when they shall be kept lighted.

In the New Brunswick ordinance there is a provision that no vehicle shall use any street or highway unless provided with lights.

#### PART IV.

#### RIGHT OF WAY.

##### *Section One.*

"Police, fire department, fire patrol, traffic emergency repair, United States mail vehicles and public ambulances shall have the right of way in any street and through any procession."

The following communities have substantially the same provision:

Elizabeth, Lakewood, Phillipsburg, Hackensack, Chatham, Bloomfield, Paterson, Hoboken, Jersey City, New Brunswick, Perth Amboy, Trenton, Orange, East Orange, Morristown, Bound Brook, Ridgewood, Dover, Boonton, Madison, Passaic, Englewood, Irvington, Vineland, Asbury Park, East Newark.

In Montclair the ordinance does not include the United States mail wagons.

In Freehold neither ambulances nor United States mail wagons are included.

##### *Section Two.*

"Subject to section one of this part, every driver or operator of a vehicle approaching a street intersection shall grant the right of way at such intersection to any vehicle approaching from his right."

*Note.*—This regulation requires that every driver or operator must, on approaching intersection, give special attention to the traffic approaching from his right hand, and in case some other vehicle approaching from his right hand reaches the intersection practically at the same time, he must stop until such vehicle approaching from the right hand has crossed in front of him.

Jersey City appears to be the only city that has a similar ordinance.

In Lakewood, Hoboken, New Brunswick, and Asbury Park traffic moving in a northerly and southerly direction has the right of way over easterly and westerly traffic.

In Long Branch the ordinance provides that vehicles continuing along any street shall have the right of way over vehicles turning into the same at street intersections or from private driveway.

*Section Three.*

"Subject to section one of this part, street cars shall have the right of way between cross-streets over all other vehicles; and the driver or person in control of any vehicle proceeding upon the track in front of a street car shall immediately turn out upon a signal from the motorman or person in control of the street car."

Hoboken, New Brunswick, Trenton and Asbury Park have similar provisions.

Jersey City has a similar provision with the further requirement that no slow-moving vehicle shall proceed on a trackway.

*Section Four.*

"Any driver or operator of any vehicle on the street car tracks preceding or following a street car shall keep at least fifteen feet from said car, and when following a street car shall turn off the track when the car stops and proceed as provided for in Part II, section 13."

Jersey City alone has this provision.

*Section Five.*

"No vehicle or street car shall so occupy any street as to interfere with or interrupt the passage of other street cars or vehicles."

New Brunswick, Morristown, Trenton, Princeton, Hoboken, Ridgewood, Madison, Irvington, Asbury Park, have similar provisions.

In Jersey City and Irvington no vehicle loading and unloading is allowed to obstruct a street car for more than five minutes.

In Jersey City, in addition to the provision in the Newark ordinance, the section provides that no vehicle shall be so backed up as to interrupt the passage of other vehicles.

In Lakewood the ordinance prohibits the soliciting of fares for hacking in such a way as to interrupt traffic.

In Freehold the ordinance prohibits vehicles from interrupting traffic for more than five minutes.

*Section Six.*

"A vehicle waiting at the curb shall promptly give place to a vehicle about to take on or let off passengers."

The following municipalities have practically the same provision:

Jersey City, New Brunswick, Trenton, Atlantic City, Millville and Vineland.

*Section Seven.*

"Slow-moving and heavily laden vehicles shall keep as near to the right-hand curb as possible, so as to allow freer passage for faster moving vehicles."

The following municipalities have substantially the same provision:

Ridgewood, Elizabeth, Lakewood, Phillipsburg, Hackensack, Paterson, Trenton, Princeton, Bound Brook, Atlantic City, Freehold, Long Branch, Ridgewood, Englewood, Irvington, Asbury Park, Jersey City.

*Section Eight.*

"The driver of a vehicle, on the approach of a fire engine or any other fire apparatus, shall immediately draw up said vehicle as near as practicable to the right-hand curb and parallel thereto, and bring it to a standstill until such fire apparatus has passed. The driver or person in control of a street car shall immediately stop said car upon the approach of a fire engine or other fire apparatus and keep it stationary until such engine or apparatus has passed."

The following communities have substantially the same provisions:

Hoboken, Jersey City, New Brunswick, Trenton, Bound Brook, Atlantic City and Millville.

In Montclair the ordinance prohibits, in addition, the racing of fire apparatus, etc.

*Section Nine.*

"All persons driving vehicles on any street railway in this city, in the direction that the cars travel on said roads, shall have the right to the railway track when meeting any other vehicle going in the opposite direction; and the driver of the vehicle going in the opposite direction shall be compelled to turn entirely off the track, provided that the railway cars shall in all cases have the first right of way."

Jersey City alone has this provision.

PART V.

SPEED.

*Section One.*

"No person or persons shall drive or ride any vehicle upon or along any street at a greater speed than at the rate of twelve miles an hour, excepting, however, when turning a corner of any street the rate of speed shall not be greater than six miles an hour.

"This provision shall not apply to public ambulances or vehicles belonging to the police or fire departments or to the salvage corps."

Practically the same ordinance is found in Caldwell.

The ordinances of Asbury Park and Lakewood provide for no greater speed than the law allows and is safe and proper.

The ordinances of Englewood, Ridgewood, Paterson, Hackensack and Elizabeth require safe and proper speed.

The ordinances of the Borough of Collingswood provide for a speed on sharp curves of one mile in seven minutes for motor vehicles, and upon and over any streets or highways of the Borough of Collingswood one mile in five minutes.

In Allenhurst the ordinance provides for a speed of ten miles per hour for motor vehicles.

The Bound Brook ordinance provides for twelve miles an hour for motor vehicles.

The Princeton ordinance provides for a speed of eight miles an hour, applying to horses and bicycles.

New Brunswick requires "safe and proper speed," and in crossing streets running north and south, or making a turn, one-half the legal speed limit.

Jersey City has the same ordinance as Newark, but does not make it apply to ambulances.

In Hoboken the ordinance provides for a speed "not greater than the legal speed."

In East Newark the ordinance provides for a speed of twelve miles an hour, and at corners six miles an hour.

The Ridgewood ordinance prohibits the racing of horses or driving of horses at a greater speed than twelve miles an hour. It also provides that no motor vehicles or trolley cars shall run at a greater speed than eight miles an hour, and that trolley cars shall be brought to a full stop before passing any street or highway.

In the ordinance of Morristown, Dover, Boonton, Madison and Chatham there is a provision that speed shall be reduced at least ten feet before crossing the intersection of certain designated streets, and shall not be resumed again until it has passed ten feet beyond such intersections.

The Perth Amboy ordinance provides for the slowing up one hundred feet before reaching intersection and not to proceed again until fifty feet beyond the corner.

## PART VI.

## CONTROL OF HORSES.

*Section One.*

"1. No horse shall be left unattended in any street unless securely fastened or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained and the vehicle is of sufficient weight to prevent its being dragged at a dangerous speed with the wheels so secured."

Substantially the same ordinance is adopted by Jersey City, New Brunswick, Trenton, Elizabeth, Phillipsburg, Hackensack, Paterson, Princeton, Freehold, Ridgewood, Englewood, Irvington, with the exception that the following portion of the Newark ordinance is omitted:

"Unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained, and the vehicle is of sufficient weight to prevent its being dragged at a dangerous speed with the wheels so secured."

The Perth Amboy ordinance provides that vehicles against curb shall chain front wheels.

The ordinance of Bound Brook is similar to the Newark ordinance, requiring only that the horse shall not be left standing, "unless tied or held by a drop weight."

In East Newark, Pleasantville, Orange, Rutherford and Kearny the ordinances specify in detail how a horse must be hitched even to weight, namely, fifteen pounds of the dropweight. Nothing is said about tying the wheels of a vehicle.

*Section Two.*

"No horse shall be unbitted in any street unless secured by a halter."

The following communities have practically the same provision as the Newark ordinance:

Princeton, Elizabeth, Phillipsburg, Hackensack, Paterson, Hoboken, Jersey City, New Brunswick, Trénton, Ridgewood and Englewood.

*Section Three.*

"No person shall remove a wheel, pole, shaft, whiffle-tree, splinter-bar, or any other part of a vehicle or any part of a harness likely to cause accident if the horse or horses start, without first unhitching the horse or horses attached to said vehicle."

The following communities have practically the same provision as that contained in section three of the Newark ordinance: Hoboken, Jersey City and New Brunswick.

*Section Four.*

"No person shall cease to hold the reins in his hands while riding, driving or conducting a horse."

Hoboken, Jersey City and New Brunswick have practically the same provision in their ordinances.

*Section Five.*

"No person shall at any time fasten any horse or horses in such manner that the tie-rope, reins or lines shall be an obstacle to the free use of any sidewalk or cross-walk."

Only Jersey City appears to have this ordinance.

*Section Six.*

"No horse shall be hitched or fastened to any pole carrying wire of any description, nor to any public lamp post or pole, nor to any shade tree or its protecting box or casing, not to any water hydrant in any street."

Only Jersey City appears to have this ordinance.

*Section Seven.*

"No person shall run or race any horse in any street whether the running, racing or trotting be for a trial of speed or for the purpose of passing another horse or vehicle. And it shall be the duty of police officers to stop and detain any person or persons who shall be guilty of immoderate driving or riding in any street."

Only Jersey City appears to have an ordinance similar to this and the Jersey City ordinance does not provide, as in the Newark ordinance, that "and it shall be the duty of the police officers to stop and detain any person or persons who shall be guilty of immoderate driving or riding in any street."

This portion of the Newark ordinance would seem in any case to be superfluous.

## PART VII.

## VEHICLES AND DRIVERS.

*Section One.*

"No person shall drive a vehicle that is so constructed or so covered in as to prevent the driver thereof from having a sufficient view of the traffic following and at the sides of such vehicle."

Jersey City and New Brunswick have practically the same provision.

*Section Two.*

"No person shall drive or conduct any vehicle in such condition, so constructed, or so loaded as to be likely to cause delay in traffic or accident or injury to man, beast or property."

Hoboken, Jersey City, New Brunswick and Bound Brook ordinances contain substantially similar provisions.

*Section Three.*

"No person shall so load a vehicle, or drive a vehicle so loaded, with iron or other material that may strike together without its being properly "deafened" so as to cause no unnecessary noise."

Hoboken, Jersey City and New Brunswick have substantially similar provisions.

*Section Four.*

"No person shall drive a public, numbered, licensed or business vehicle who is less than sixteen years of age."

New Brunswick and Rutherford have practically the same ordinance.

The ordinances of Hackensack, Paterson, Passaic and Englewood provide that with the permission of the police department a person under the age of sixteen years may drive a public, numbered, licensed or business vehicle.

In East Newark and Kearny the ordinances are made to apply only to horse drawn vehicles.

In Jersey City the same provisions as in the Newark ordinance prevail, with the addition, "under the influence of liquor or otherwise incompetent."

*Section Five.*

"No person shall ride upon the rear end of any vehicle without the consent of the driver, and when so riding no part of the person's body must protrude beyond the limits of the vehicle."

Jersey City and New Brunswick have substantially the same ordinance.

The ordinance of Princeton on this subject simply prohibits the "stealing of rides," making no provision as to the protruding of a body beyond the limits of the vehicle when riding in the rear.

*Section Six.*

"The rider of any bicycle shall not allow the same to proceed in any street by inertia momentum with his feet removed from the pedals. Nor shall any such rider remove both hands from

the handle-bars while riding a bicycle, nor practice any trick or fancy riding in any street. Nor shall he carry upon his bicycle any child under the age of ten years."

Jersey City and Madison have a substantially similar provision.

In Phillipsburg the ordinance prohibits the carrying of a passenger or any other person on a bicycle or motor cycle, or any person other than the driver.

In Chatham, Orange, East Orange, Morristown, Dover and Boonton the ordinance prohibits the carrying of any child under five years of age.

In Bloomfield the ordinance provides that no other person than the operator shall be carried on a bicycle.

In Perth Amboy trick riding may be allowed by special permission of the chief of police, but no child under the age of eight years shall be carried on any bicycle.

In Collingswood the ordinance provides only that the rider shall have at least one hand on the guide-bar.

#### *Section Seven.*

"No person shall convey, or cause to be conveyed, any gun-powder, nitro-glycerine, or any other high explosive, through any street in the city, in any cart, wagon, wheelbarrow or other vehicle, unless said vehicle shall bear a license issued by the bureau of combustibles and fire risks."

Jersey City has the same provision, and, in addition, requires that a red flag shall be exposed.

#### *Section Eight.*

"No person shall drive or back any horse or vehicle across or allow the same to stand on any sidewalk unless it be in crossing same to go into a yard or lot and then not without the consent of the owner of the premises. This does not prohibit the crossing of any horse or vehicle over the sidewalk in front of any alleyway, gateway or passageway on the premises of the owner."

Collingswood and Jersey City have practically the same provision.

#### *Section Nine.*

"No person shall ride or propel any bicycle, tricycle, automobile or similar vehicle upon any sidewalk within the city; provided, nothing in this section shall be deemed, taken or construed to prevent the use of velocipedes or similar machines by children under ten years of age on any sidewalk, public way, square or park of the city."

Collingswood and Jersey City have practically the same provision.

#### *Section Ten.*

"No person shall cause or permit any vehicle to be heaped up with manure, sand, earth, mud, clay or rubbish, so that the contents, or any part thereof, shall be scattered in any street."

Trenton has a similar provision to that of Newark.

Jersey City, in addition, requires that such load shall have a covering of canvas.

Under this head there are a number of specific provisions which have not been classified as above, as follows:

The Long Branch ordinance prohibits the drivers of all licensed vehicles from leaving their vehicles to solicit passengers, and further provides that drivers of licensed hacks at stations and hack stands are not to leave the line unless called for the purpose of going to some other part of the city.

The ordinance of Bound Brook designates certain portions of the town as public hack stands, and prohibits any but duly licensed drivers with vehicles at their immediate command from soliciting passengers; also that such drivers must not leave the seat of their respective vehicles in so doing; that no driver shall place his horse or vehicle nearer than twenty feet to the station platform.

In Plainfield the ordinance prohibits the soliciting of customers, by licensed hackmen, in a noisy, persistent or offensive manner, and that the driver shall not proceed beyond the curb line in soliciting customers at certain passenger depots and places of public assembly.

In Jersey City there is an ordinance that provides that no vehicle shall be driven on any street where the sign appears: "No heavy trucking allowed on this thoroughfare."

The Jersey City ordinance also prohibits the use of loud, profane or boisterous language by any person in charge of a vehicle, whether driving or stopped for loading or unloading.

The Jersey City ordinance further provides that the owners or lessees of public or business vehicles shall have legible signs with the owner's or lessee's name and address thereon.

In New Brunswick no vehicle shall be permitted to stand unattended on the highway so as to obstruct traffic, and no driver shall crack or so use a whip as to annoy, interfere with or endanger any person, or excite any horse other than that which he is using.

The ordinance of Bound Brook practically re-enacts the motor vehicle law with reference to the requirements governing motor vehicles in the matter of license and also in the matter of lighting motor cycles.

In Hoboken an ordinance prescribes the motor vehicles shall be lighted in accordance with the law.

In Ridgewood we find an ordinance that provides that all motor vehicles are to be lighted with "a lamp," and that such ordinance is not to apply to persons passing through such community.

In Allenhurst we find that all vehicles are to have a lamp; automobiles and similar vehicles two lamps in front and one in the rear visible three hundred yards while standing or moving.

In Trenton an ordinance provides that in case of an accident such as a collision with a person, animal or vehicle, the driver must immediately stop and give his name and place of residence, etc. This ordinance would appear to apply to motor vehicles and would appear to be practically a copy of the motor vehicle act, with the difference that it is made to apply to horse-drawn vehicles as well.

In East Newark an ordinance appears requiring horse-drawn vehicles to carry lamp visible in two directions.

In Jersey City motor vehicles are prohibited from making excessive noise or using muffler cut-outs.

We are further informed in the Jersey City ordinance that "all motor vehicles shall at all times be subject to this part of the motor vehicle act."

It would appear that substantially similar provisions were adopted by East Newark, New Brunswick, Bound Brook and Kearny.

In Bloomfield we find the use of the muffler cut-out is allowed when climbing a steep hill.

In Dover, Boonton, Morristown and Madison we find the ordinance provides that the exhaust pipe must be carried parallel to the ground.

In Pleasantville we find an ordinance that provides that the driver or an automobile or other vehicle upon any lighted street shall dim the light of such automobile or other vehicle to the extent of not being liable to blind or dazzle anyone using such street or highway.

In Bound Brook bicycles are required to carry lights of such description as are required by the State law, and shall not be ridden upon any sidewalk.

In Collingswood bicycles must be equipped with an alarm bell that when rung can be heard one hundred feet distant, and such bell shall be rung at the street corners.

Further, that they shall carry lamps one hour after sunset and before sunrise, capable of being seen one hundred yards in advance. The alarm bell shall also be rung when meeting pedestrians or other vehicles.

In Allenhurst all ambulances are required to carry a suitable alarm bell or gong.

## PART VIII.

### CONDITION AND TREATMENT OF HORSES.

#### *Section One.*

"No person shall ride or drive a horse not in every respect fit for use and capable for the work upon which it is employed and

free from lameness or sores calculated to cause pain, or any vice or disease likely to cause accident or injury to person or property."

Trenton, Princeton and Bound Brook have similar ordinances.

Jersey City has a similar ordinance, with the proviso that "unless passed by a veterinarian."

#### *Section Two.*

"No person shall ill-treat, overdrive, over-ride or cruelly or unnecessarily beat any horse, and no vehicle shall be so loaded that it may not be easily drawn over the most difficult portion of the route."

Jersey City has the same provision.

In Trenton and Princeton the same provision is found with the exception that the words "and no vehicle shall be so loaded that it may not be easily drawn over the most difficult portions of the route," are omitted.

#### *Section Three.*

"No person shall crack or so use a whip as to annoy, interfere with, or endanger any person or excite any horse other than that which he is using."

Jersey City, Trenton and Princeton have a similar provision.

We find in the ordinances of Hoboken a provision that drivers of vehicles drawn by horses shall walk their horses in any street where a hospital is located.

In Bloomfield no horse shall be fed while standing in or upon any street or public place unless the animal is secured by a halter or tie strap.

In Princeton no person shall engage in any practice, sport or exercise having a tendency to frighten horses or annoy persons passing.

In Jersey City we find the following: "It shall be the especial duty of police officers to stop and detain any driver who shall be guilty of immoderate driving or riding in any street."

## PART IX.

### STREET CARS.

#### *Section One.*

"The cars of any street railway company shall not be allowed to obstruct the cross-walks of any street."

In Dover cars are required to stop so as not to obstruct any street.

In Englewood, Morristown and Paterson, cars are required to stop at the cross-walks except on certain streets.

In Bound Brook, cars are required to stop at cross-walks.

#### *Section Two.*

"It shall be the duty of the motormen and drivers of the cars to give ample notice to the drivers of vehicles and pedestrians of their approach, and also to afford all reasonable opportunity for them to avoid collision or accident."

No city appears to have a similar ordinance.

#### *Section Three.*

"All trolley cars, when coming to a stop to take on or let off passengers, will do so on the near corner of an intersecting street, except where trolley stations are designated. Every car stopping to receive or discharge passengers, before crossing any intersecting street, shall stop so that the fender of such car shall be, when the car has stopped, not less than ten feet from the line of such intersecting street."

In Englewood a far-side stop is required except at certain designated points.

In Collingswood and Bound Brook the ordinance provides simply for the stopping on the far side of the street.

In Morristown and Paterson the ordinances provide for the far-side stops with certain specified conditions.

In Hackensack a near-side stop parallel with lot line is required.

In Elizabeth a near-side stop with certain specified conditions is required.

In Trenton we find an ordinance that prohibits the stopping of cars in the middle of blocks, except at regularly marked stops.

Cars operated by specified railroad companies are prohibited stopping at certain indicated corners.

*Section Four.*

"No person having the control of the speed of a street railway car in any street shall, except in case of accident, or to prevent injury to persons or property, allow such car to go within ten feet of a car or other vehicle in front of his car."

No other town appears to have a similar ordinance.

*Section Five.*

"No person having the control of the speed of a street railway car shall allow it in any street to go against or afoul of any person, vehicle or thing whatsoever; nor shall any such person fail to stop his car at any place in a street when directed by a police officer to do so."

No other town appears to have a similar section.

*Section Six.*

"No person having the control of the speed of a street railway car passing along a street shall fail to keep a vigilant watch for all teams, carriages and persons, especially children, nor shall any such persons fail to strike a bell several times in quick succession on approaching any street, at least one hundred feet from any street crossing, and on approaching any team, carriage or person; and no person shall, after such striking of a bell, delay or hinder the passage of the car."

In Madison, Bound Brook, Morristown, Dover and Boonton the ordinance simply provides that on signal, when proceeding in front of a car in the tracks, the vehicle must turn out.

In Trenton the ordinance provides that no vehicle shall so stand as to interrupt the passage of street cars.

In Hoboken the ordinance provides that no bell shall be rung in the vicinity of a hospital.

*Section Seven.*

"No person having the control of the speed of a street railway car in a street shall, on the approach of danger to any team, carriage or person from, or on the appearance of any obstruction to his car, fail to stop the car in the shortest time and space possible."

No other town has a similar provision.

*Section Eight.*

"All street cars operated and run on the streets of this city shall be furnished and equipped with signs so constructed and arranged that the same may be conspicuously displayed by the conductors or motormen on the front of the cars, which sign shall bear in letters at least three inches high, clearly legible at day and at night, the words "Car Full," and it shall be the duty of the conductor and motorman on each car running on the streets, when the car is filled with passengers and additional passengers cannot be properly transported therein, to display such sign conspicuously on the front of their car."

No other town has a similar provision.

*Section Nine.*

"No conductor or motorman in charge of any car operated and running upon any of the streets of this city shall display on any car the sign mentioned in section eight of this part when such car is not filled with passengers and additional passengers may be properly transported thereon."

No other town appears to have a similar provision.

*Section Ten.*

"Every motorman operating any car upon any of the streets of this city shall stop his car at any cross-street to take on passengers upon signal given to him for the purpose, unless the sign mentioned and provided for in section eight of this part is properly displayed."

In Phillipsburg, Irvington, Englewood, Paterson, Hackensack and Elizabeth the ordinance provides that in passing street cars other vehicles must pass the same to the right.

In Atlantic City the ordinance provides that in all streets that have trolley poles in the center of the street the vehicle may remain in the track to the right of the poles.

In Morristown the ordinance provides that all trolley cars shall come to a full stop before passing any fire house.

In Trenton it is made unlawful for any bicycle rider or person on roller skates to hold fast to or hitch to a trolley car or other vehicle.

The Trenton ordinance also provides that no vehicle shall remain standing on any street on which street railway cars are operated, except when loading or unloading passengers or merchandise, within sixty feet of the near side of the intersecting street.

The Trenton ordinance further prohibits the stealing of a ride upon a street car or any other vehicle without the consent of the owner.

In Hoboken the ordinance prohibits the operation of a street car with defective wheels, commonly known as "flat" wheels.

In Bloomfield street cars carrying construction material and vehicles carrying the same character of material projecting from behind should carry a red flag and at night a red light on the end of such projection.

In New Brunswick, during school hours, all trolley cars shall come to a full stop before crossing certain street intersections, such requirement to apply only on school days.

In Trenton the trolley car is required to stop immediately on the approach of fire apparatus.

In Princeton a driver proceeding on a track in front of a trolley car shall turn out immediately on signal of the motorman or conductor.

In Hackensack and Paterson no vehicle, whether loading or unloading, shall be allowed to obstruct a trolley car for more than three minutes.

In Collingswood a trolley car shall not be operated in excess of fifteen miles an hour.

In East Newark trolley cars shall not be operated in excess of ten miles an hour on Central Avenue.

## PART X.

## OBEDIENCE.

*Section One.*

"Drivers of vehicles and street cars must at all times comply with any directions by voice or hand, of any member of the police department, as to stopping, starting, approaching or departing from any place; the manner of taking up or setting down passengers or loading or unloading goods in any place."

The same section appears in Caldwell, Irvington, Englewood, Ridgewood, Long Branch, Freehold, Orange, Princeton, New Brunswick, Jersey City, Hoboken and Hackensack.

In Passaic, Madison, Boonton, Dover, Bound Brook, Morristown, East Orange, Perth Amboy, Bloomfield and Chatham the police departments are simply charged in general terms with enforcement.

In Trenton obedience is required to the command of the traffic officer, even if his orders are contrary to the traffic statute.

In Bloomfield, Perth Amboy, Orange, East Orange, Morristown, Dover, Boonton, Madison, Passaic and Chatham, the duty is placed upon the police department to cause copies of the ordinance to be posted in all public stables and garages.

## PART XI.

## PENALTIES.

"Every person violating any of the provisions of this ordinance shall forfeit and pay a fine not exceeding the sum of twenty-five dollars (\$25) in the discretion of the magistrate imposing the same, and in default of the payment of any fine imposed the person offending may be committed to jail until said fine is paid, but not exceeding the period of ten days."

On the question of penalties there is a great divergence among the various ordinances. It is needless to indicate in detail the penalty which is provided by each different municipality. The penalties seem to range from one dollar to one hundred dollars, sometimes allowing the magistrate the alternative of imprisonment; sometimes without the alternative of imprisonment. The imprisonment appears to range anywhere from five days to thirty days, and in a number of instances both imprisonment and fine may be imposed.

## PART XII.

Under section eleven of the Newark ordinance provision is simply made for the date upon which the ordinance becomes effective, and no comparison of similar sections in other ordinances has been deemed to be worth while.

Your committee found that a number of cities were without any traffic ordinance whatsoever, or with such fragmentary ordinances that they could hardly be considered a complete system.

In Camden there is no general traffic ordinance whatsoever, with the exception of an ordinance prohibiting the passing of a trolley car by an automobile when it is stopped to unload passengers. Camden is the largest community in the State that was found without any system of traffic regulation.

The following towns have no traffic ordinance whatsoever: Belmar, Salem, Point Pleasant, North Plainfield, Bordentown, Lodi, East Rutherford.

In Red Bank we found no traffic ordinance with the single exception of a provision, which is undoubtedly contrary to the statute, prohibiting the use of muffler cut-outs and providing for a fine of one hundred dollars or imprisonment of ninety days for violation of the same.

In Rahway we found that there was no traffic ordinance with the exception that provision is made regulating the speed of bicycles, tricycles, with similar vehicles, horses or other animals to ten miles an hour in any public street, with the proviso that the committee on lamps and police may in their discretion on any special occasion grant a permit to any person to ride a bicycle during a specified time or on specified portions of the public street under regulations which may be determined on by the said committee.

## PART III.

## INVESTIGATION OF THE VALIDITY OF LOCAL ORDINANCES.

For the purposes of determining the validity of local ordinances, your Committee will take the same general classification as is found in PART II of this report, under which ordinances are analyzed under the general classification used in the Newark ordinances.

Under section twenty-two, subsection two, the motor vehicle act prohibits the passing of local ordinances in the following words: "No city, town, township, borough, or other municipality shall have power to make any ordinance, by-law, or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law, or resolution heretofore or hereafter made by any city, town, township, borough or other municipality, or local authority, by whatever name known or designated, in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity."

Under the heading of "Passing, Turning, Crossing and Stopping," as used in the foregoing analysis, almost every section applies to the use of motor vehicles as well as to other classes of vehicles.

On a strict construction of the section of the motor vehicle act referred to, it would appear that no motor vehicle driver could be tried for a violation of these ordinances, as ordinances are prohibited from "limiting or restricting the use" of motor vehicles.

It has, however, been generally held by Attorney-Generals in New Jersey that this portion of the motor vehicle act does not prohibit the passing of ordinary police regulations by municipalities, and it has been generally held in opinions of the Attorney-General that where the motor vehicle act itself fails to specify a course of action in a circumstance, that this section would not prevent the municipalities from covering the question by ordinances, but that where the motor vehicle act does specify a course of action, either generally or specifically, that a municipal ordinance would not be of any force or effect.

For instance, under the above general classification, ordinances as found in Boonton and Dover: "Keep to the right of the street and near the right-hand curb," would appear to be partially invalid, both as applied to motor vehicles and as to horse-drawn vehicles, for the reason that the general law of the road requires all vehicles to keep to the right, while in all probability the provision that vehicles should keep near the right-hand curb would be regarded as valid, for the reason that the statutes upon traffic do not make any provision for keeping near the right-hand curb.

The same could be said of the ordinances on this subject of Madison, Bridgeton, Morristown, East Orange, Orange, Perth Amboy.

Section two of the Newark ordinance—which is the ordinance upon which comparison has been made in the foregoing report—provides that "a vehicle meeting another shall pass to the right." This section is clearly invalid, as the law of the road, both in the motor vehicle act and under section 91, Compiled Statutes, page 4469, clearly defines a course of action in effect the same as the provision of the ordinance.

Under section three of the Newark ordinance a vehicle overtaking another shall pass on the left side of the overtaken vehicle

and not pull over to the right until entirely clear of it. This section is invalid for the same reason.

It is possible that the portion of the section which provides "and not pull over to the right until entirely clear of it" might possibly have some force and effect.

It is also questionable under the law of the road as defined in the motor vehicle act and in section 91, page 4469, Compiled Statutes, whether section four of the Newark ordinance, which provides that drivers of vehicles "shall pull to the right side of the street when signalled from a vehicle behind desiring to pass" is valid, as this ordinance could be only construed to be explanatory of the law of the road.

Under the general classification of signals, section four of the Newark ordinance says in effect that the driver of an automobile or motor car shall, at the request of or upon signal, etc., of the driver of a horse, bring his motor to an immediate stop.

This section is clearly invalid, as under section twenty-three, subsection four, the motor vehicle act provides "that every person driving a motor vehicle" shall, at request of or upon signal by putting up the hand or otherwise from a person riding a horse or horses in opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow such horse or horses to pass.

Section nine of the Newark ordinance, which provides for a complete system of equipment of motor vehicles and motor cycles with audible signalling devices, is invalid, for the reason that under section three of the motor vehicle act "every motor vehicle must be equipped with a plainly audible signal trumpet."

It is possible, however, that a portion of this section, which makes it unlawful for any person operating a motor vehicle or motor cycle to make or cause to be made any unnecessary noise with any such signalling device may have some validity, although under section seven of the motor vehicle act there is a provision requiring that devices be used to prevent excessive noise. This provision, however, would appear more properly to apply to mufflers than it would to the signal trumpet.

A number of other cities have passed ordinances similar to

the Newark ordinance in this particular, varying them slightly by requiring that signals be sounded as provided by law, and other similar requirements. All of these ordinances are clearly contrary to the motor vehicle act.

Under PART IV, *Right of Way*, section one of the Newark ordinance, which gives the right of way to the police ambulance, fire department, fire patrol, traffic emergency repair, United States mail vehicles, and public ambulances, is apparently partially invalid.

Under Chapter 264, P. L. 1914, the right of way is given to fire apparatus, hose cart, etc., and ambulances. Therefore, this section of the Newark ordinance would be invalid to the extent of the provision in the above-mentioned statute.

For the same reason section eight would probably be invalid. Section eight requires that on the approach of a fire engine or other fire apparatus, drivers of vehicles or street cars shall immediately stop.

Under PART V, dealing with *Speed*, section one would be valid so far as it would apply to all vehicles except motor vehicles. This section provides for a speed of twelve miles an hour for all vehicles. Under the motor vehicle act a speed of twelve miles an hour is provided in places where the houses are on an average less than one hundred feet apart, and twenty-five miles an hour where the houses are on an average greater than one hundred feet apart, with a proviso that no one shall drive recklessly.

Under this condition the speed law in the motor vehicle act would attain.

The section goes on to exempt public ambulances, vehicles belonging to the police or fire department, or other salvage corps. This portion of the section is partially invalid, as should these vehicles be so exempted the motor vehicle act would govern, and under the motor vehicle act the only apparatus indicated which would be exempted from speed limits would be vehicles belonging to the fire department. The other vehicles would be subject to the same limitations of speed as any private vehicle.

Under PART VII, *Drivers and Vehicles*, section six of the Newark ordinance provides, among other things, that "no bicycle

shall proceed of its own momentum, nor shall the rider remove both hands from the handle bars while riding, nor practice any trick or fancy riding in any street, nor shall he carry on his bicycle any child under the age of ten years." In the Compiled Statutes, pages 204, 5, 6 and 7, the statute allows local municipalities to pass ordinances governing bicycles, and also places limitations on what such ordinances shall provide. These limitations are concerning lights, alarm bells, rate of speed, prohibition against riding on sidewalks.

We find no authority under the statute to allow any municipality to pass an ordinance similar to the Newark ordinance, and, therefore, it would appear that the Newark authorities were without power to adopt such ordinance.

We find a similar ordinance in a great many other municipalities with reference to bicycles. Any ordinance that governs any subject not included in the authority given under the above-quoted statute would appear to be invalid.

In Bound Brook we find that the ordinance practically reenacts the provisions of the motor vehicle law, both in the matter of licenses and in the manner of lighting motor cycles.

In Hoboken the ordinance requires that motor vehicles shall be lighted in accordance with law.

In Ridgewood we find that motor vehicles shall be lighted with a lamp.

In Allenhurst we find that all vehicles are to have a lamp, specifying the number of lamps that automobiles shall have and how they shall be visible.

All of these provisions or similar provisions, whether in reference to motor vehicles or horse-drawn vehicles, are clearly invalid, as the motor vehicle act, section four, subsections one and two, provides for a system of lighting of motor vehicles; and Chapter 27, P. L. 1911, provides for a system of lighting horse-drawn vehicles.

In Trenton we find an ordinance that provides that in case of an accident such as a collision, that the driver or operators shall go back and give his name and address and render assistance, etc.

This is practically a re-enactment of the motor vehicle act, and, so far as motor vehicles are concerned, procedure must be taken under the motor vehicle act and not under the ordinance.

The ordinance would appear, however, to have probable validity with reference to horse-drawn vehicles.

We find in Jersey City an ordinance that prohibits excessive noise or using the muffler cut-outs, and similar ordinances appear in a number of other municipalities. This ordinance is clearly invalid under section seven of the motor vehicle act.

In Morristown an ordinance provides that the exhaust pipe of the motor vehicle shall be parallel to the ground. This provision is clearly invalid, in view of the fact that it is an attempt to legislate on a subject which is governed by inference in the motor vehicle act.

In Plainfield the ordinance provides that automobiles or other vehicles shall, upon any lighted street, dim the light of such automobile or other vehicle to the extent of its not being liable to blind or dazzle anyone using the street or highway. Such an ordinance is clearly invalid, both as applied to horse-drawn and motor vehicles, for the reason that a system of lighting is already provided in the motor vehicle act for motor vehicles, and another system of lighting is already provided in the statutes governing horse-drawn vehicles.

In Bound Brook bicycles are required to carry lights of such a description as are required by the State law; whereas the State law does not provide for the carrying of any lights on bicycles, but simply gives to municipalities power to pass an ordinance on this subject.

It is apparent to your Committee that a number of municipalities have passed ordinances similar to the provisions now contained in the motor vehicle act for the sole purpose of diverting the fines collected for violations from the state treasury into the township or city treasuries. In a number of communities your committee has found that the speed laws of the motor vehicle act have been re-enacted into local ordinances, and it is the experience of the Motor Vehicle Department that this has been deliberately done in many cases for the sole purpose of increasing

the receipts of the local treasuries. The practice is very bad and causes the municipal authorities to lend themselves, either knowingly or unknowingly, to a scheme of obtaining money in the nature of fines to which they have no right. Such a condition is subversive of proper respect for law and the authority which is pledged to its enforcement.

From this summary of the apparent irregularities in ordinances your committee is of the opinion that with the different systems of regulation of traffic as outlined in the statutes, that to harmonize these general provisions between municipalities either with each other or with the State law is impossible. The statutes, as has been pointed out before, provide for a regulation of traffic of motor vehicles, a regulation of horse-drawn traffic, and a regulation of bicycle traffic. The conflict between local ordinances and the statutes plainly indicates that no ordinance can be drawn governing the use of the various classes of traffic which are indicated in the statutes that would be valid, and that this question can only be legally regulated by statutory enactment.

#### PART IV.

##### RECOMMENDATIONS FOR LEGISLATIVE ACTION.

In view of the foregoing investigation, your Committee recommends that a statute dealing with vehicular, animal and pedestrian use of the road be adopted.

The proposed statute, copy of which is appended to this report, is constructed under the following general divisions:

- Part I. Definitions.
- Part II. Regulations applying to all roads, streets or highways.
- Part III. Regulations for cities and towns only.
- Part IV. Regulations governing pedestrians.
- Part V. Procedure.
- Part VI. Penalties.
- Part VII. Powers and limitations of municipalities in adopting ordinances.

The rules and regulations contained in this proposed statute have been engrossed after an examination of all of the ordinances of the State, and contain what in the minds of the Committee is the best in all of our local ordinances.

The Committee has divided these regulations into those that apply in every portion of the State, whether it be town or country, and those that apply only in the cities and towns, in order that the public in reading the act will be able much more quickly to understand the different systems of traffic regulation necessary under different physical conditions. The simplicity of the act will make it easy of comprehension, thus providing in itself a text for general use.

There is nothing in the proposed traffic statute which has not been tested by practice in some part of New Jersey and your Committee has been especially careful not to recommend anything which would be considered revolutionary or experimental, believing that this proposed statute cannot at this time be expected to cover every possible traffic situation, and that such proposed statute is simply a foundation upon which ultimately a more scientific system of traffic regulation may be constructed.

Your Committee have added to these rules of the road two simple regulations governing pedestrian use of highways, and have made such regulations apply only in cities and towns.

The regulations with reference to pedestrians deal alone with the question of crossing highways at regularly designated crossings, and the relation which horse or vehicular traffic would have to pedestrians so crossing a street.

There are a number of other rules which could be applied to pedestrians' use of the highways, but, in the opinion of your Committee, it seemed that the relation of the pedestrian to the vehicle had not been sufficiently determined by actual experience or sufficiently tested in any code to warrant the State of New Jersey to take further action than to adopt a regulation that the pedestrian has the right of way at crossings.

A feature of the act which might be misunderstood is the question of the right of way of vehicles approaching each other at the intersection of different cross-streets.

Your Committee have recommended the adoption of the ordinance now in effect in the city of Newark and Jersey City, and which has been successfully tried in a number of foreign cities, notably Berlin, and has made this regulation apply to all highways, both country and city.

The provision reads: "Every driver or operator approaching an intersection of a street or public road shall grant the right of way at such intersection to any vehicle approaching from his right."

Your Committee found that there were numerous ordinances on the question of right of way; that no system suggested by any other than the above seemed to provide a rule which was applicable under all circumstances and which would not, if applied, work a hardship upon any user of the road. There would seem to be no difficulty in understanding this provision with reference to right of way, as the rule is simple, workable and uniform in its application.

In drafting this traffic act your Committee have been careful not to infringe upon the provisions contained in the motor vehicle act, in so far as they applied to motor vehicles alone.

The reason for this has been that your committee felt that the returns from fines under the motor vehicle act are now properly applied to the repair of roads; that to bring all of the provisions relative to traffic in the motor vehicle act under the general traffic statute would be to divert funds of necessity from this purpose.

Therefore, the proposed general traffic statute does not interfere with the questions of equipment of motor cars, the licensing of same, or those few general regulations whose application could be only made to motor vehicles, such as speed.

The proposed statute does, however, combine in itself all of the traffic provisions contained in the other statutes of the State and all of the general traffic provisions provided for now by local ordinance, thus reducing the regulation of traffic in New Jersey to one compact system, namely, under the motor vehicle act as at present existing, and under the proposed traffic statute recommended for adoption.

If the proposed statute be adopted the present motor vehicle

act will not in any wise conflict with the traffic statute, thus providing under the two acts which co-ordinate for the regulation of traffic by State laws which will be uniform in their application throughout the whole State. New Jersey with this system will have the most complete and effective regulations of any State, possibly of any country.

The effect of this statute will be to repeal all local ordinances now in existence, with the exception of those local ordinances which apply entirely to a purely unique condition existing in the municipality adopting same.

The act will give the local authorities power to pass ordinances only upon questions of local application, and such ordinances would only be adopted after a certain set procedure.

Your Committee feels that the proposed traffic statute could not be effective unless its enforcement was placed in the hands not alone of the local authorities, but of the inspectors now attached to the Motor Vehicle Department.

The act therefore gives the inspectors power of enforcement in conjunction with local authorities. The act gives the Commissioner of Motor Vehicles the same powers in enforcement of the traffic statutes as are now given him in enforcement of the motor vehicle act, as in the opinion of your Committee, the said Commissioner is the only authority in the State equipped with machinery to enforce traffic regulations.

Under the powers granted to municipalities for passage of local ordinances it is proposed that before a local ordinance is passed under the restrictions in the proposed act that it shall be submitted to the Department of Motor Vehicles for examination.

This is suggested in order that some central authority might be in a position to protect the provisions of this traffic act from the encroachments on the part of the local municipalities to which the motor vehicle act has been subjected in the past, and for the purpose of preventing a conflict on the part of *de facto* ordinances with a statute of the State, thus removing the possibility of doubt in the minds of users of the road as to which code of rules should be guiding, and removing the possibility of **irregular prosecution** for alleged violations of invalid ordinances.

In the opinion of your Committee it was also desirable that proposed local ordinances might, in the event of there being reasonable doubt as to their validity, be submitted to the Attorney-General, which would undoubtedly be done by the Commissioner of Motor Vehicles when such ordinances were submitted to his department.

Your Committee is of the opinion that with the adoption of this system there will be a coördination of all traffic-regulating departments, and it will be impossible for a condition to be re-created, such as at present exists, of doubt as to what the traffic regulations of this State really are.

Your Committee believes that it has combined in the proposed act all of the best features of the various traffic systems now in existence; namely, the statutes governing traffic either by mandatory act or by delegated power to municipalities and municipal ordinances.

In addition to the proposed traffic act, your committee is submitting with this report draft of an amendment to the motor vehicle act regulating the use of glaring headlights. Under the present motor vehicle act, the municipal authorities have no power to pass an ordinance upon this subject, and if a motor vehicle has complied with the motor vehicle act in the matter of lights, the operator cannot be interfered with, no matter how glaring or dangerous those lights may be.

In the amendment proposed, the system now in existence in Chicago has been followed in principle. There are a great many devices designed to dim or eliminate glare. The merit of these devices is often very difficult of determination. The experience of the city of Chicago was that unless some authority was constituted to pass upon the efficiency of the devices, that it would be impossible for any owner to know whether they had equipped their cars with a device that would eliminate the dangerous effects of glare in the eyes of other users of the road.

In the proposed amendment it is provided that the Commissioner of Motor Vehicles or some person or persons delegated under his authority shall pass upon the efficiency of these various devices; and further, the amendment requires that every car shall

expose lights of such a character that they will not dazzle the eyes of other users of the roads.

This subject was not made a part of the general traffic act above referred to for the reason that it applied strictly to the equipment of motor vehicles and has no general application to the equipment of horse-drawn vehicles. In order to maintain the integrity of the plan originally adopted by your Committee, it seemed wise rather to amend the motor vehicle act than to include the disposition of this question in the proposed traffic statute.

In addition to this, your Committee has drafted an act which regulates the use of high-powered headlights on trolley cars, and which simply requires that no searchlight on a trolley car shall be so placed or so used, or of such a character as to dazzle the eyes of other users of the highway.

Your committee also submits a draft of a statute for the purpose of the proper marking of highways, believing that the main highway system of the State should be marked both as to local direction and as to ultimate direction, and that safe and facile use of a main highway system is dependent to some extent upon such marking.

The Committee appreciated that the State of New Jersey is not in a financial position to expend large sums of money for this purpose, and has therefore provided a graduated scale of expenditure, subject to the action of the appropriations committee, to be used from year to year upon a main highway system which, under the provisions of the act, must be duly mapped for road marking.

## PART V.

### RECOMMENDATIONS FOR MUNICIPAL ACTION.

In order to complete a system of proper regulation of the use of the road, it is of vast importance, after obtaining the adoption by the Legislature of proper regulations, to plan with the important cities and towns of the State an intelligent enforcement thereof.

It is therefore the opinion of your Committee that with the

adoption of a traffic statute, you, as Governor of the State, could very properly request a conference with the police officials of the various municipalities with the idea of discussing and formulating a uniform scheme of enforcement.

Your Committee would further recommend that the municipal authorities be asked to define all street crossings either by marking on the roadway—as is followed in a number of western cities—or by the laying of proper walks; that traffic standards used in order to keep traffic moving on its proper side of the road be of a standard construction and be not so large or cumbersome as to cause danger to the users of the highway; that the police detailed for the regulation of traffic be given a special training in the proper handling thereof and be thoroughly instructed in the provisions of the proposed statute; that the police of each municipality cooperate with the State inspectors having the enforcement of this and other statutes in charge; that street construction, where necessary, be so altered at the important corners as to eliminate the curb angles and other obstructions which have tended to congestion of traffic and difficult regulation of corners; that the police officers regulating traffic be instructed especially in the use of signals in such a manner that there can be no doubt in the minds of the traveling public as to the meaning of such signals.

We believe that with the moral prestige attached your office, that it will be necessary only for an open and general discussion of this subject, with specific request emanating from you as Governor, to have all the municipalities in the State devote their attention to a scientific solution of the problems incident to road use.

## PART VI.

### SPECIAL RECOMMENDATIONS AFFECTING DIRECTLY AND INDIRECTLY TRAFFIC.

Dependent upon proper traffic regulation is the proper construction of highways. In the opinion of your Committee, it would be wise to have a main highway system in New Jersey

mapped, and a policy adopted that would require the immediate improvement both as to width and repair of such main highway system.

Motor vehicle funds are derived from sources all over the State; and, therefore, their application in making repairs should be to a general highway system rather than to local tributary or connecting roads.

The motorist who pays a license fee uses the main highway system. He may or he may not use the connecting or tributary roads. Certainly, the revenue derived from motor vehicles should be applied to the roads which are in general use by a majority of motor vehicles so licensed.

In the opinion of your Committee, if this policy is followed, it will be possible to build a main highway system upon which a reasonably strict enforcement of the proposed traffic statute would be possible, and the State of New Jersey would, in addition to having adopted proper regulations, provide a safe highway upon which they could be enforced.

Your Committee would point out that the main highway system of the State has become vast passenger and freight lines; that with the general use of the motor truck, a large percentage of the "short-haul" freight of the State is carried upon its public roads which formerly was carried by railroad; that with the general use of the motor bus no new suburban trolley lines will be built; therefore, placing upon the surface of our main highways the strain of carrying an ever-increasing volume of passenger travel.

It would, therefore, seem that it was the duty of the State to meet the demands of modern transportation by providing a proper track upon which such transportation could be conducted.

It is the opinion of your Committee that auto bus lines should be franchised and brought under the control of the Board of Public Utility Commissioners, in order that conflicts between competing lines operating on the same highway could be eliminated, thus insuring to the safe and comfortable travel of the public, and providing regulation which could extend to time schedules and rates, and at the same time providing a proper

rate to govern in the matter of franchise taxes for the privileges extended.

With the increasing use of highways, increasing numbers of officers, both local and State, are required to enforce the laws governing the safe and proper use thereof. Thus an added burden is being continually placed upon the municipalities and upon the State departments in order to defray necessary expenses and salaries of officials.

This affords another strong argument in favor of the enfranchisement of bus lines, and with the possible extension, in a few years, to the enfranchisement of motor freight lines.

Your Committee would call attention to the condition of grade crossings on a number of the main highways of this State.

While in many instances modern devices have been adopted to prevent accidents, there are a number of such crossings on which the railroads have not placed proper crossing equipment. Planks or other paving have become worn out through use, thus causing uncomfortable travel at these points on many highways.

Your Committee would recommend that municipal and county authorities be requested to compel all railroads to properly pave the crossings over highways.

The question of the further protection of grade crossings is one of vital interest to road safety, and while conditions have become greatly improved, many grade crossings in this State should be forthwith eliminated, and others should be subject to stricter methods of protection.

Another question which might properly be considered is the elimination of advertising signs along our highways. While this has no direct connection with questions of road regulation, indirectly it has a bearing upon same. As soon as the State has properly marked its highways, advertising signs or signs of automobile clubs or other associations should be immediately removed, as they simply serve to cause confusion in the minds of the drivers as to proper direction.

CONCLUSION.

Your Committee believes that there is a broad field for further investigation and recommendation, and that this report is not conclusive, but is simply primary.

Your Committee further offers to continue this investigation without either expenses or compensation. It is, however, respectfully recommended by your Committee that all or a portion of this report might wisely be printed, as it will afford, should the act be passed, a text-book for the explanation of the specific recommendations contained in the acts attached to this report, and reasons therefor.

Respectfully submitted,

JOB H. LIPPINCOTT,

*Chairman,*

A. V. HAMBURG,

GEORGE B. LA BARRE,

*Special Commission to Investigate Traffic  
Laws and Ordinances and the Enforcement  
thereof in New Jersey.*

8