

NEW JERSEY REGISTER
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VOLUME 38, ISSUE 16

ISSUE DATE: AUGUST 21, 2006

RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE**

38 N.J.R. 3243(a)

Proposed Readoption with Amendments: N.J.A.C. 13:56

Proposed Repeal: N.J.A.C. 13:56-1.7 and 1.8

Traffic Control and Parking on State Property in Trenton

Authorized By: Colonel Joseph R. Fuentes, Superintendent of State Police.

Authority: N.J.S.A. 39:4-208.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-254.

Submit comments by October 20, 2006 to:
Colonel Joseph R. Fuentes
Superintendent of State Police
P.O. Box 7068
Trenton, NJ 08628-0078
Attn: State Governmental Security Bureau

The agency proposal follows:

Summary

The rules governing parking were originally promulgated by the Division of State Police in 1972 and were not subject to Executive Order No. 66 (1978). Pursuant to N.J.S.A. 52:14B-5.1c, these rules are scheduled to expire on December 28, 2006. The Division has reviewed the rules and has determined that they are still necessary for the purposes for which they were promulgated and proposes to readopt the chapter with amendments.

N.J.A.C. 13:56-1.1 provides that a permit is required for parking but that spaces are on a first come, first served basis. The Division proposes amendments to subsection (a) to specify that the permit must be valid and to update the name of the issuing authority. The proposed amendment to subsection (b) inserts a cross reference to N.J.A.C. 13:56-1.11, Reserved parking spaces.

N.J.A.C. 13:56-1.2 explains the rules for visitor parking. The Division proposes to amend subsection (a) to add that the area must be marked as visitor parking, and amendment to subsection (c) to specify that State Police or their designee will issue visitor permits for Area Six. Amendments to improve grammar are also proposed.

N.J.A.C. 13:56-1.3 sets forth the application procedure. Technical amendments are proposed to improve grammar. N.J.A.C. 13:56-1.4 restricts permits to full-time State employees or those connected with State government in Trenton.

N.J.A.C. 13:56-1.5 describes the content and requirements for display of parking permits. The proposed amendment to subsection (b) clarifies the requirement for display of the permit and deletes obsolete requirements.

N.J.A.C. 13:56-1.6 prohibits counterfeiting or loaning parking permits. The proposed amendment to subsection (b) inserts an exception to the requirement that permits are only for the person to whom it was issued for State-owned pool vehicles.

N.J.A.C. 13:56-1.7 concerns display of the permit. The Division proposes to repeal and reserve this section due to redundancy.

N.J.A.C. 13:56-1.8 provides that all permits expire on December 31 of each year. The Division proposes to repeal and reserve this section because it is obsolete.

N.J.A.C. 13:56-1.9 concerns recordkeeping requirements. A technical amendment is proposed to improve grammar and to clarify that the employing agency is responsible to keep records of permits issued.

N.J.A.C. 13:56-1.10 concerns temporary permits. Technical amendments are proposed to improve grammar and to clarify the display requirement.

N.J.A.C. 13:56-1.11 concerns reserved parking. Technical amendments are proposed to improve grammar.

N.J.A.C. 13:56-1.12 concerns emergency parking conditions as determined by State Police.

N.J.A.C. 13:56-1.13 concerns parking at the State House Complex. The Division proposes to delete subsection (b) because it is obsolete.

N.J.A.C. 13:56-1.14 prohibits parking in driveways.

N.J.A.C. 13:56-1.15 requires that vehicles be parked only in marked spaces.

N.J.A.C. 13:56-1.16 provides that illegally parked vehicles may be towed at the owner's expense.

N.J.A.C. 13:56-1.17 requires operators to obey all traffic control devices and police officers. An amendment is proposed to add security officers, who have authority to direct traffic in State parking areas. Technical amendments are also proposed to improve grammar.

N.J.A.C. 13:56-1.18 establishes an offense of careless driving.

N.J.A.C. 13:56-1.19 establishes a maximum speed of 15 miles per hour in State parking areas.

N.J.A.C. 13:56-1.20 requires operators to obey the directions of traffic or police officers on duty notwithstanding any specific provisions in this chapter. A proposed amendment adds security officers, who also have authority to control traffic, and updates the section heading to refer to officers, no just police officers.

N.J.A.C. 13:56-1.21 provides for the revocation of a parking permit for violation of these rules.

N.J.A.C. 13:56-1.22 concerns overflow parking.

N.J.A.C. 13:56-1.23 requires permit holders to notify the permit issuer of a change in vehicle registration number. A proposed amendment updates the name of the Property Bureau.

N.J.A.C. 13:56-1.24 sets forth the penalties established in N.J.S.A. 39:4-208 for violations.

N.J.A.C. 13:56-1.25 requires the permit holders to surrender permits on termination of employment. A technical amendment is proposed to correct the name of the issuing authority and to improve grammar.

The proposal is exempt from the rulemaking calendar requirement of N.J.A.C. 1:30-3.3 because the Division has provided a 60-day comment period.

Social Impact

The rules proposed for readoption with amendments provide for the orderly distribution of parking permits for State employees and visitors to government offices in Trenton. The rules also establish traffic control standards for State parking facilities and thereby contribute to public safety and security at State offices.

Economic Impact

The rules proposed for readoption with amendments do not impose any costs on employees or visitors. Persons who violate parking rules are subject to the fines prescribed by N.J.S.A. 39:4-208 and set forth in N.J.A.C. 13:56-1.24.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments are not subject to any Federal standards.

Jobs Impact

The rules proposed for readoption with amendments will have no impact on the creation or loss of jobs in New Jersey.

Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on the agriculture industry in the State of New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments apply to State employees who are issued parking permits, to visitors who park at State facilities in Trenton and to the issuing authority, none of which are small businesses.

Smart Growth Impact

The rules proposed for readoption with amendments will not have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:56.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:56-1.1 Parking permit

(a) Except as hereinafter provided, the operator of a vehicle[,] shall not park the vehicle in any parking area constructed, owned and maintained [at] **in** Trenton by the State of New Jersey unless such vehicle is registered with and a **valid** parking permit issued by the [Property Bureau] **Department of Treasury, Division of Property Management and Construction.**

(b) This permit does not guarantee a parking space; **except as provided in N.J.A.C. 13:56-1.11**, a first come, first served, policy exists.

(c) (No change.)

13:56-1.2 Visitor parking

(a) All visitor parking areas are lined in yellow **and marked as visitors parking.**

(b) Visitor parking permits issued to persons on State business [will] **shall** be issued by an authorized department receptionist of the State building being visited that has a visitor parking area posted:

"Visitor--State Parking Area--Parking by Permit Only--Obtain Permit from Receptionist".

(c) Visitor parking permits [will] **shall** be issued to visitors in the [area Six] **Area Six** visitors parking area by the [Capitol Police] **State Police or their designee.**

(d) All visitors permits [will] **shall** be issued at a first come, first served basis.

(e) All visitors **shall display** permits [will be displayed] from the dashboard of the vehicle.

13:56-1.3 Application procedure

(a) [Such application] **Applications** for the registration and the issuance of a parking permit shall be made in the following manner:

1. Prior to the ending of the calendar year, December 31, unless otherwise specified, each State department head will be notified by letter by the issuing agent [notifying him] of the parking spaces available in each parking area for [his] **department** personnel.

2. Upon receipt of such notification, the department head [will] **shall** submit in writing a list of names of the employees to whom permits should be issued.

13:56-1.5 Contents and display of parking permits

(a) (No change.)

(b) Except as [hereinafter] **otherwise provided in this chapter**, the permit [will] **shall** be designed for pasting and **shall be** affixed to the **front and rear bumper of the vehicle or displayed so as to be clearly visible through the front windshield**. [with the sticker adhesive as designated below:

1. On New Jersey registered vehicles, the permit shall be pasted upon the inside of the rear window in the extreme lower corner directly to the rear of the driver. On vehicles with no rear window area (such as certain sports cars), affix the permits to the rearmost window on the drivers side.

NOTE: Motor vehicle laws in New Jersey prohibit the affixing of a sticker to the windshield or air vent window. Where a vehicle has no other glass area, special arrangements will be made for affixing permits by the Governmental Security Bureau.

2. On Pennsylvania registered vehicles, the permit shall be pasted upon the inside of the front windshield, directly behind the rear view mirror in accordance with Section 816 of the Pennsylvania Motor Vehicle Code.

3. On other out-of-State vehicles, reciprocal agreements shall control.

4.] Car pool parking permits issued for designated areas shall be displayed from the [drivers] **driver's** sun visor in such a manner to be visible through the front windshield of the vehicle.

13:56-1.6 Limitations

(a) (No change.)

(b) No person shall loan a parking permit to another person for the purpose of using it on a vehicle other than the one for which such permit was issued. No person shall use a permit not issued to him **or her, except for State-owned pool vehicles**.

(c) Under no circumstance [will] **shall** any person place a note on their vehicle in lieu of a valid parking permit. Notes indicating that a second vehicle is being utilized in place of the first vehicle, or that a new employee is awaiting a parking permit are totally unacceptable.

(d) Parking permit holders who provide written proof that their vehicle is out of service may obtain a temporary parking permit from the [Property Bureau] **employee's agency** for a limited period.

13:56-1.7 [Validity] (**Reserved**)

[To be valid, the parking permit must be pasted on the car at all times while parked in designated State parking areas.]

13:56-1.8 [Expiration of permit] (**Reserved**)

[All parking permits will expire and become void at midnight on December 31 of each year, unless otherwise specified, terminating the period for which the permit was issued.]

13:56-1.9 Records

Records of all permits [will] **shall** be kept on file at the [Property Bureau] **employing agency's** office.

13:56-1.10 Temporary permits

(a) Temporary parking permits may be issued by the issuing agent and the State [police] **Police** officer in charge of the State [police] **Police** personnel at the State Capitol for emergency purposes or for any other purpose that may be necessary for official State business.

(b) These permits [will] **are** [void except] **valid only** for the dates [mentioned] **printed** thereon.

(c) These permits will be affixed to the **driver's** sun visor [in the down position] **so as to be clearly visible through the front windshield.**

[(d) Permit must be visible when vehicle is on State property.]

13:56-1.11 Reserved parking spaces

(a) Reserved parking spaces may be established within the various parking areas and will be properly marked by signs. [and the] **The** operator of any vehicle using such areas [will] **shall** obey all reserved signs.

(b) (No change.)

(c) In addition, certain State vehicles, including, but not limited to, the Governor, [his] cabinet, State [police] **Police** and emergency vehicles in connection with designated assignments and other vehicles may park in the State complex at the direction of the **State** Governmental Security Bureau.

13:56-1.13 Entrances to parking areas

(a) (No change.)

[(b) The Annex and Education driveways are designated as exits only.]

Recodify existing (c)-(e) as **(b)-(d)** (No change in text.)

13:56-1.17 Observance of traffic laws

The operator of a vehicle upon entering, or remaining in or leaving the various parking areas [will] **shall** obey all traffic lights, signs and all police **and security** officers [that may be] on duty [at the time].

13:56-1.20 Authority of [police] officers on duty

The traffic or police officer, **or security patrol under the direction of the State Governmental Security Bureau**, on duty in any of the State parking areas may regulate and control the traffic and parking and all drivers of vehicles shall obey his **or her** orders and directions, notwithstanding anything contained in these provisions.

13:56-1.23 Changes in vehicle registration numbers

It shall be the responsibility of permit holders to notify the [Property Bureau] **Department of Treasury, Division of Property Management and Construction** of any change in vehicle registration number.

13:56-1.25 Return of permits

[All] **Permit holders shall surrender all** permits issued [pursuant to these regulations shall be returned] through their [respective Departments] **employing agency** to the [Property Bureau] **Department of Treasury, Division of Property Management and Construction** upon termination of employment with either that [Department] **employing authority** or the State government.