

NJ Statutory Provisions for Pedestrians and PSE as a Program for Enforcement



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Presentation Outline

- Current NJ Statutory Framework
 - NJ Pedestrian Safety Act
- Pedestrian Safety Enforcement Overview

Current NJ Statutory Framework

Unit Name

Statutory Scheme

- There are several statutes that comprise a statutory scheme that is intended by the Legislature to define the obligations of motorists and pedestrians and their responsibilities to each other.

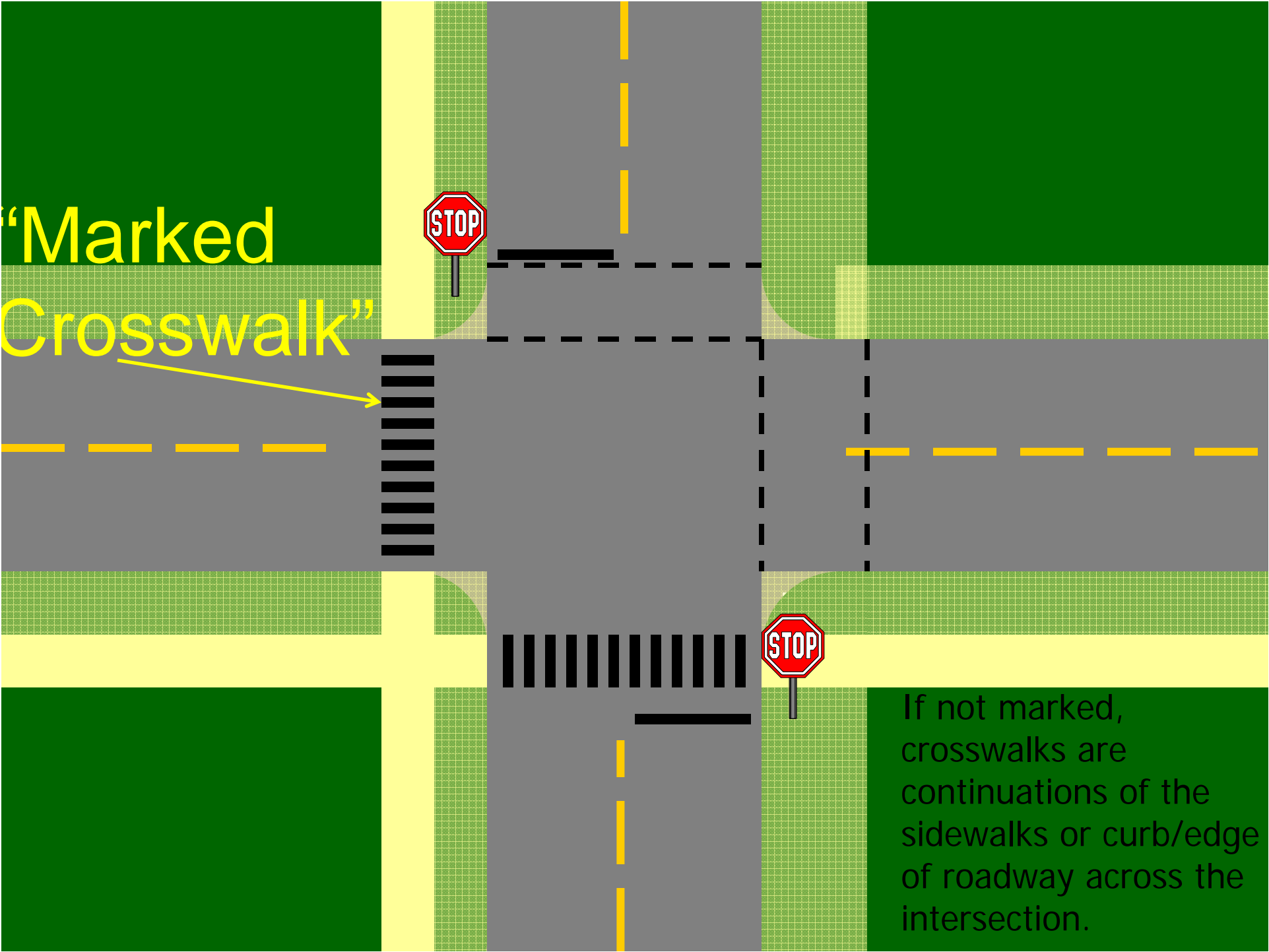
Crosswalk Defined:

- 39:1-1: "Crosswalk" means that part of a highway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway; also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface.
- **Every intersection has a crosswalk whether marked or unmarked**

“Marked Crosswalk”



If not marked, crosswalks are continuations of the sidewalks or curb/edge of roadway across the intersection.



39:4-32

- On highways where traffic at intersections is controlled by a traffic control signal or by traffic or police officers, **pedestrians** shall not cross a roadway against the "stop" signal unless otherwise specifically directed to go by a traffic or police officer, or official traffic control device. A pedestrian crossing or starting across the intersection on a "Go" signal shall have the right of way over all vehicles, including those making turns, until he has reached the opposite curb or place of safety, and no **operator** of a vehicle shall fail to yield the right of way to him.

39:4-33

- At intersections where traffic is directed by a police officer or traffic signal, no **pedestrian** shall enter upon or cross the highway at a point other than a crosswalk. **Pedestrians** shall move, whenever practicable, upon the right half of crosswalks.

39:4-36

- a. The **driver** of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or within any unmarked crosswalk at an intersection, except at crosswalks when the movement of traffic is being regulated by police officers or traffic control signals, or where otherwise prohibited by municipal, county, or State regulation, and except where a pedestrian tunnel or overhead pedestrian crossing has been provided, but no **pedestrian** shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. Nothing contained herein shall relieve a **pedestrian** from using due care for his safety.

39:4-36

- Whenever any vehicle is stopped to permit a pedestrian to cross the roadway, the **driver** of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Every **pedestrian** upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Nothing contained herein shall relieve a **driver** from the duty to exercise due care for the safety of any pedestrian upon a roadway.

39:4-34

- Where traffic is not controlled and directed either by a police officer or a traffic control signal, **pedestrians** shall cross the roadway within a crosswalk or, in the absence of a crosswalk, and where not otherwise prohibited, at right angles to the roadway. It shall be unlawful for a **pedestrian** to cross any highway having roadways separated by a medial barrier, except where provision is made for pedestrian crossing. On all highways where there are no sidewalks or paths provided for pedestrian use, **pedestrians** shall, when practicable, walk only on the extreme left side of the roadway or its shoulder facing approaching traffic.

39:4-34

- Where sidewalks are provided it shall be unlawful for any **pedestrian** to walk along and upon an adjacent roadway.

39:4-36.1

- Any **pedestrian** crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

39:4-35

- No **operator** of a vehicle shall fail to give the right-of-way to a pedestrian at a crosswalk, whether marked or unmarked, where the pedestrian having started to cross with the proper signal finds himself still within the intersection when the signal changes.

39:4-37.1

- Any blind person using as a guide a walking cane, predominantly white or metallic in color or any blind person using as a guide a seeing-eye dog or other dog trained as a guide for the blind, equipped with a rigid "U" -shaped harness such as customarily used on dog guides or any guide dog instructor engaged in instructing a guide dog shall have the right-of-way in crossing any highway or any intersection thereof, and all **drivers** of vehicles shall yield the right-of-way to such blind person or guide dog instructor engaged in instructing a guide dog although traffic on said highway or intersection thereof is controlled by traffic signals, anything in the motor vehicle and traffic laws of this State to the contrary notwithstanding.

39:4-115

- The **driver** of a vehicle or the motorman of a streetcar
a. intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a traffic or police officer, shall proceed to make either turn with proper care to avoid accidents and, except as provided in b. below, only upon the "Go" signal unless otherwise directed by a traffic or police officer, an official sign or special signal; or b. intending to turn right at an intersection where traffic is controlled by a traffic control signal shall, unless an official sign of the State, municipality, or county authority having jurisdiction over the intersection prohibits the same, proceed to make the turn upon a "Stop" or "Caution" signal with proper care to avoid accidents after coming to a full stop, observing traffic in all directions and yielding to all pedestrians and other traffic traveling in a direction in which the turn will be made.

Entrapment

- 2C:2-12
- Induces or encourages
- As direct result
- Causes defendant to engage in conduct
 - Makes false representation to induce to believe not illegal
 - Employ's methods of persuasion or inducement which create a substantial risk that offense will be committed by one who is not ready to commit it.
- Strict Liability

NJ "Pedestrian Safety Act"

Unit Name

- Bill A1329: Revises laws concerning pedestrian safety and traffic control; requires drivers to stop and remain stopped for pedestrians under certain conditions.
- Sponsored by Linda Stender
- Passed by the Assembly and referred to the Senate Transportation Committee in May
- Resulted from the transportation panel's 2006 hearings on New Jersey pedestrian safety

Pedestrian Safety Enforcement Overview

Unit Name

Lecture Points:

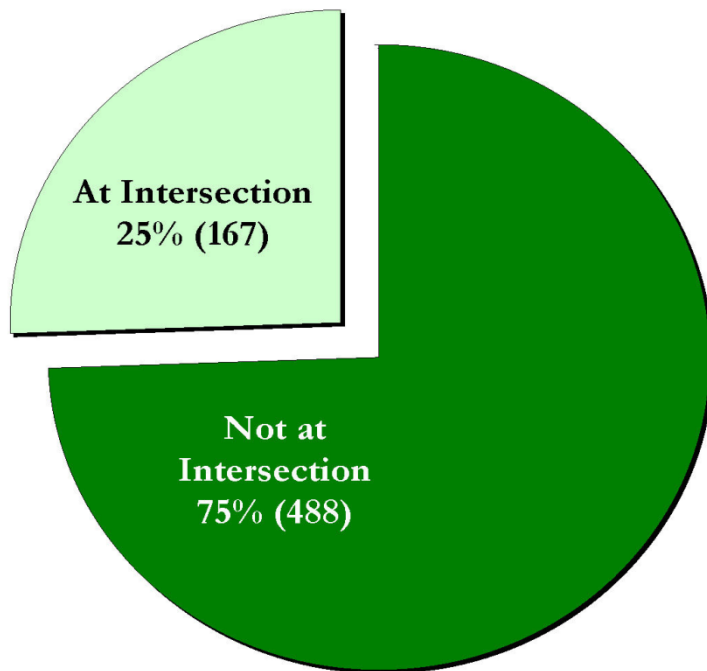
- **Is there a need for PSE training?**
- **How has it been implemented in NJ?**
- **Results**
 - Training
 - Operations
 - Montclair and South Orange Case Studies
- **Lessons Learned and Observations**

Is there a need for PSE Training?

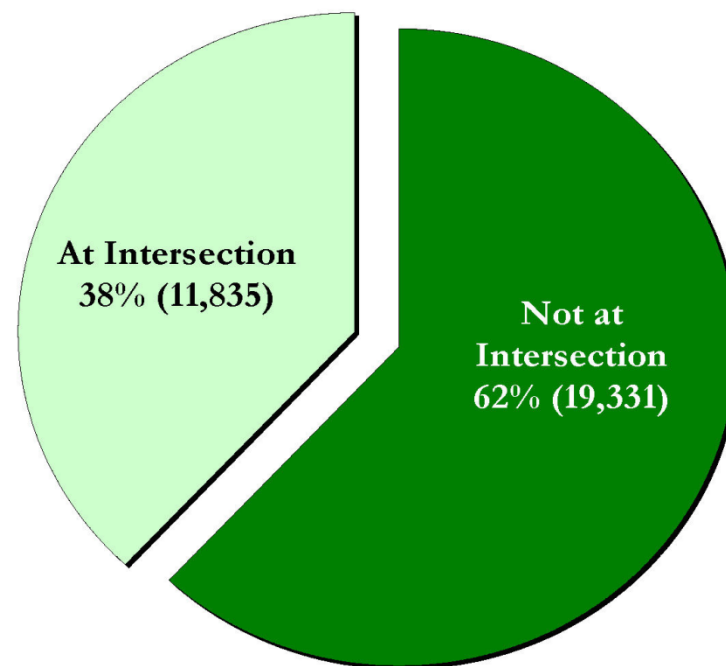
- Pedestrian safety is a key issue in NJ
 - Statistics tell some of the story:
 - 2004-2008 - 758 pedestrian fatalities ~ 150 each year
 - 1st Half of 2009 – 81 pedestrian fatalities
 - NJ has a very high pedestrian-involved crash rate, 16th worst in the nation and almost double the national average (in an average year 1/5 of our traffic fatalities are pedestrian). NJ has been a FHWA Pedestrian Safety Focus state since 2003.
 - For every pedestrian killed, two are seriously injured and another 50 are hit.

Pedestrian Fatality & Crash Locations (2001-05)

All Pedestrian Fatalities



All Pedestrian Crashes



Source: Pedestrian Safety Management In New Jersey: A Strategic Assessment

Pedestrian Maneuver

<u>Ped Maneuver/Crash Type</u>	<u>Fatalities</u>	<u>Incapacitated Injuries</u>	<u>All Ped Crashes</u>
Crossing/Entering Road (not at Intersection)	275	684	7,865
Crossing/Entering Road (at Intersection)	129	587	10,396
Walking on Road (with Traffic)	34	73	960
Walking on Road (Against Traffic)	15	30	424
Standing in Road	22	70	1,370
Pushing or Walking Vehicle	11	20	233
Coming from behind Parked Vehicle	10	69	1,395
Going on/off Vehicle	7	33	711
Other Walking in Roadway	5	25	411
Approaching or Leaving School Bus	2	3	65
Playing in Road	1	21	517
Other	91	253	4,669
No Record	128	144	5,628
GRAND TOTAL	730	2,012	34,644

Source: Pedestrian Safety Management In New Jersey: A Strategic Assessment

Crossing the Road is Dangerous!!

<u>Ped Maneuver/Crash Type</u>	<u>Fatalities</u>	<u>Incapacitated Injuries</u>	<u>All Ped</u>
<u>Crashes</u>			
Crossing/Entering Road (not at Intersection)	275	684	7,865
Crossing/Entering Road (at Intersection)	129	587	10,396
CROSSING TOTAL	404	1,271	18,261
GRAND TOTAL	730	2,012	34,644

CROSSING ROAD **55%** **63%** **52%**

As Percentage of All Crashes

Source: Pedestrian Safety Management In New Jersey: A Strategic Assessment

Is there a need for PSE Training?

- **Communities are familiar with the 3E's approach to pedestrian safety but concentrate on engineering**
 - **Engineering**
 - **Education**
 - **Enforcement**
- **Previous research**
 - **Attitudes**
 - **Availability of training**
 - **Law is fragmented and ambiguous**
- **NJBPRC**
 - **Often hear about need for enforcement**

Pedestrian Safety Enforcement (PSE)


- **Before structured PSE training....the problem**
 - Subjectivity of failure to yield
 - The issue of shared responsibility
 - Down time while team waits for pedestrians to cross
 - Drivers and pedestrians generally unaware of the law or have a pattern of violating them
- **What is PSE training?**
 - Education for enforcement personnel
 - Training on PSE operations
- **Why PSE Training?**
 - Enforcement is critical but training opportunities are unavailable
 - Pedestrian laws and the duties of motorists to pedestrians have not been a focus area in training
 - An opportunity for training on structured defensible operations

PSE Workshop Overview

- **Divided into two parts**
 - **Education**
 - **Pedestrian safety overview**
 - Statistics from national, state, and local perspective
 - **Review of key contributing factors**
 - **Driver Related:**
 - » **Failure to yield**
 - » **Excessive speeds**
 - » **Driver inattention**



- Pedestrian factors:
 - » Darting out
 - » Crossing against traffic signal
 - » Inattention
 - » Alcohol use
- Countermeasures
 - 3E's
- Review and Discussion of Title 39
 - Motor Vehicles and Traffic Regulations (The Law)
 - » Increase participant understanding and familiarity of enforceable motorist and pedestrian rights and duties
- Review PSE Operations Protocol
- Participants were given
 - Training Presentation CD
 - Training Film
 - Sample Paperwork (log sheets, educational flyers)



You have just failed to yield to a pedestrian at a crosswalk in MONTCLAIR. Drivers MUST yield to pedestrians at crosswalks. It's the law!

- New Jersey has one of the highest rates of pedestrian injuries in the Nation.
- Each year more than 5,500 pedestrians are injured and almost 150 are killed.
- The cost to the State is estimated at approximately \$150,000,000 annually.

In Essex County an average of 15 pedestrians are killed and 1110 are injured each year.


In Montclair an average of 50 pedestrians are injured each year.

The law is clear:

- Drivers must yield to pedestrians in crosswalks.
- Pavement markings are not required for crosswalks at intersections.
- Drivers may not overtake other drivers stopped at a marked or unmarked crosswalk.
- Turning vehicles must yield to pedestrians crossing during the WALK signal.

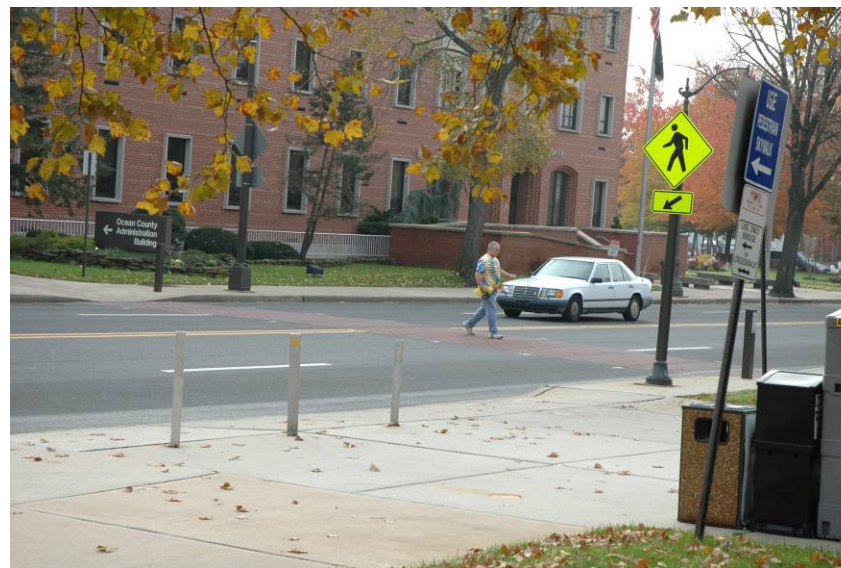
We are trying to make our streets safer for everyone. Help us by cooperating and by encouraging others to do the same.

A safety message from the Montclair PD in cooperation with the following agencies:



Operations Overview

Target Location & Setup



Assuming no grade

Speed Limit (mph)	15	20	25	30	35	40
Distance (ft)	46	73	102	140	183	234

Assuming no significant grade, table shows cone placement distance based on vehicle speeds

Distances measured from nearest crosswalk line to where cone is to be placed

These distances hold for dry pavement and daylight

The Formula:

Time = signal clearance interval in seconds

$$\text{Time} = t + v/(2a + 2Gg)$$

t = driver reaction time

v = vehicle velocity

a = safe deceleration rate

G = gravitational constant

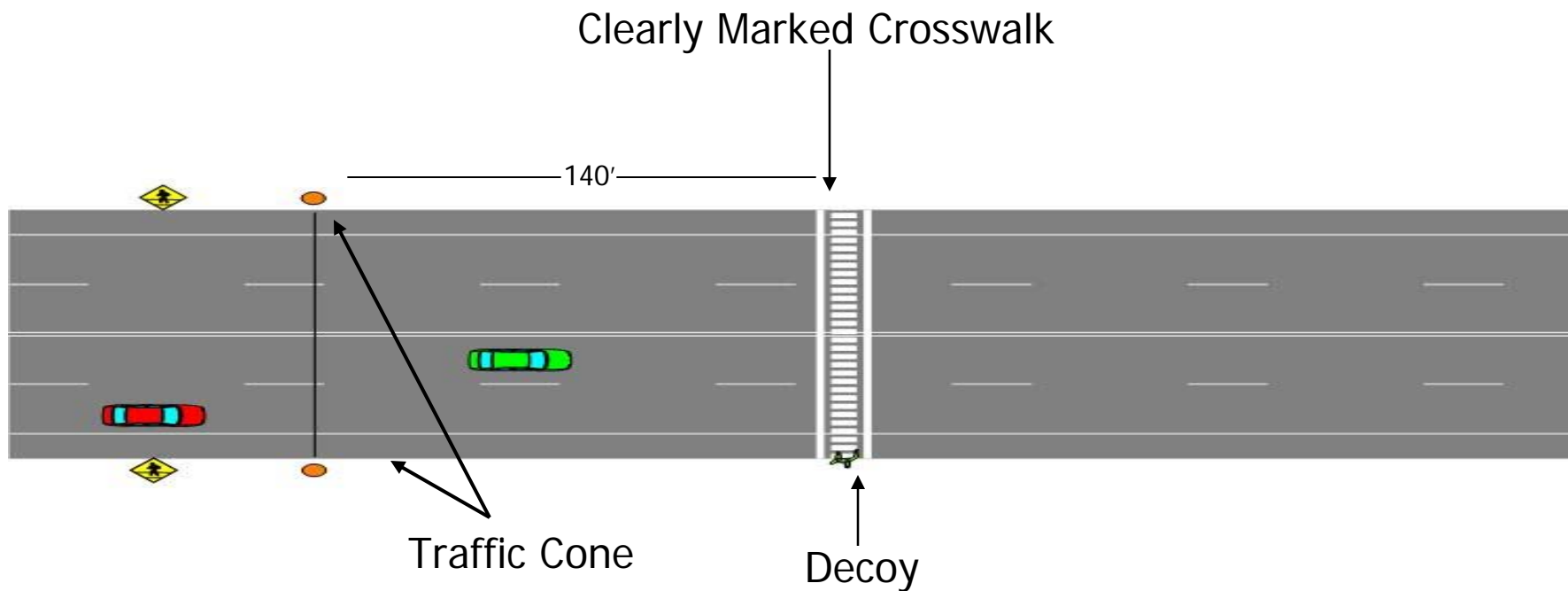
g = grade of road

- The time is multiplied by the posted speed to calculate the distance.
- The driver must be beyond the cone when the pedestrian enters the crosswalk for a valid stop.

Operational Definition of Not Yielding

- We use the signal timing formula used to time yellow duration to calculate the dilemma zone.
- If a driver can avoid running a light they can yield.
- We place a cone at the dilemma zone limit.





Example: 30 mph

The Decoy / Undercover Officer

- **Safety 1st: Wear Bright Colors**
- **This is not an attempt to trick motorists**
- **Have good site line to target violators**
- **Have a reliable 2-way radio for notification to the enforcement team**



Standard Crossing Protocol

- Start to cross only when vehicle is close to but has not yet reached the cone.
- Begin by placing one foot off curb between crosswalk lines
- Do not begin to cross in front of vehicle unless driver is clearly slowing to yield for you.
- If a gap appears finish crossing

Multilane roads

- If a vehicle yields close to crosswalk do STOP AND LOOK AT LANE LINE before proceeding
- Passing a stopped vehicle at a crosswalk is an infraction. Cite people who do this.

Flagman / Recorder

- Safety 1st – Wear a Reflective Safety Vest
- Have a safe place to stop violators
- Have good site distance between the decoy and yourself
- Have a reliable 2-way radio so you can hear the violator's vehicle description given by the decoy
- Flag all violators into the safe area
- Record all vehicles that were stopped



Contact Officers

- **Always be Courteous & Professional**
- **Your driver truly may not know why they are being stopped**
- **Educate always and Enforce when necessary**



Results - workshops

- Operations are simple but effective
- Participating officers were shocked at motorist behavior to crossing pedestrians (even officers in uniform)
- Participants universally agreed that operations were effective and expressed desire to carry them out in their communities
- Stops offer the opportunity to educate motorists
 - Added benefit is opportunity to check for other offences
- Greatest barrier to operations is funding



Initial NJ PSE Training Outcomes

- Training was evaluated and approved by:
 - **Enforcement Personnel**
 - **DHTS staff**
 - **NJDOT staff**
 - **NJBPRC**
- As a result....
 - **Has begun to morph into a “program”**
 - **The word has spread through the enforcement community**

Since then....

- PDs have carried out operations
- Multiple training requests and “fact finding” requests
- Peer-to-peer network began to develop
- Sustained state agency interest

NJ Star-Ledger: Undercover cops take steps to cut pedestrian deaths.

By William Kleinknecht, Dated June 14, 2008

Posted by lilmami on 06/13/08 at 9:31PM

As a Patrol Officer in the Essex County, I too agree that the law isn't being enforced against motorist nor pedestrians. No matter how many warnings you give, most offenders will continue to disobey the law. If they have a D.L they should already be aware of the motorist laws. Pedestrians should be aware of crossing appropriately. That's why there are signs as well as cross walks. Therefore Officers should just carry on and issue the appropriate summon(s). When you inconvenience someone and they are forced to explain their actions and/or pay a fine it is then and only then that they truly learn that the reason we are enforcing the law is for the protection of us ALL.

Posted by Kavork on 06/13/08 at 10:43PM

Cross at the green and not in between. The moronic pedestrians get what they deserve if they get run over.

Posted by 7gables on 06/13/08 at 9:00PM

This is a good idea but it is time to retrain and ticket pedestrians too. I cannot believe the number of adult pedestrians in NJ who will just walk into the street without stopping or looking. They completely ignore the fact that the cars have a green light and just walk into traffic. There is just a lot of ignorance and rudeness on both sides.

Posted by miasmom06 on 06/14/08 at 8:01AM

As a resident of South Orange and a mother I have experienced frustration and fear at the way drivers refuse to yield to me and my daughter in the crosswalk. It is amazing to see how close a driver will get their car to us to force us along and the driver thinks its okay.

I live on one of the busiest streets where I have seen numerous pedestrians hit while in the crosswalk. South Orange is a wonderful community to walk around and enjoy except for when you want to cross the street. Its time drivers in this area get a wake up call!

Baristanet: Warning: The Pedestrian You Don't Yield To Could Be A Cop. Dated June 13, 2008

The law states: A motorist must Yield to pedestrians in crosswalks. (Per N.J.S.A 39:4-36, failure to yield carries a \$100 fine, up to 15 days in jail and a 2-point license penalty.

Yet the law is silent on the pedestrian's responsibility to NOT try to cross an intersection (other than to look "all ways before crossing") until clear of traffic.

Imagine driving along about 30' from a crosswalk. If a pedestrian steps out- do you SLAM on the breaks to yield? Better yet, let's say the pedestrian just RUNS out without warning.

Here's an idea: If he town really wants to make some money, just have the cops stand on a curb of a crosswalk and as cars approach, they can just touch the crosswalk with their toes---- GOTCHA!!!

Posted by profwilliams | June 13, 2008 9:38 AM

I dare any of you to try to cross Grove Street at Oxford on foot. If it wasn't for the rail crossing, one could easily have to wait 10 minutes to get across. I don't dare attempt to drive left onto Grove or straight through on Oxford as there are ALWAYS cars parked illegally (right up to the corner) blocking the drivers view. What I need is a periscope.

I am in full support of enforcement of the current traffic laws.

Posted by 13%annualtaxhike | June 13, 2008 9:56 AM

Baristanet: Warning: Pedestrian Crosswalk Safety Checks to Continue. Dated July 30, 2008

"Their job" consists of a large number of items and I'm guessing that until lately, the great car culture of northern NJ has ranked pedestrian safety as a minor item.

I don't know if it's that the cops realized the great source of revenue this is or if the new mayor is applying some pressure because of his own bike/pedestrian ties.

In any event, I think it's a welcome change, hope that they also focus on things like the cell phone users and jay-walkers, and that this may help to change people's behaviors over the long-run.

Posted by Generically named Mike | July 30, 2008 11:22 AM

baristanet please re-do the headline it should read as follows:

"Pedestrian Crosswalk Safety Checks To Continue, along with bank robberies and muggings"

With the summer crime spree in full gear again, is it any wonder why Montclair does not make it to the top places to live in that crummy NJ magazine (forget the name)?

Posted by jn024 | July 30, 2008 3:10 PM

Or maybe let pedestrians cross. WHOA!

Had to wait 2 minutes to get across Claremont this morning. My favorite was the guy smoking AND talking on the cell phone as he failed to yield to me.

Posted by Bricriu | July 30, 2008 11:40 AM

Some Conclusions....

- **Training is simple and effective**
 - You WILL get a positive response with enforcement
 - The trick is to keep the momentum
- **Turning training into operations is the next challenge**
 - Funding is the biggest hurdle
 - Develop peer-to-peer network
 - Operations have to be sold to the community
- **A “Courtesy Promotes Safety” program**
 - Many orders of effort more than training or operations
 - A LOT of coordination
 - Significant resources
 - The benefit is an anticipated sustained change in behavior

Next Steps in NJ

- **Two workshops conducted in 09'**
- **Peer-to-peer network being developed**
 - Toms River, Camden, others
- **DHTS activities**
- **Funding?**
 - DHTS safety grants
 - SRTS funds
 - Pedestrian Safety Fund
 - Regular community operations











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