



LINCROFT VILLAGE GREEN ASSOCIATION Inc.

P.O. BOX 101 LINCROFT, NEW JERSEY 07738

"A COMMITMENT TO THE PRESERVATION AND RESTORATION OF OUR COMMUNITY"

June 14, 2005

Senator Joseph M. Kyrillos
One Arin Park Building
1715 Highway 35
Middletown, NJ 07748

Dear Senator Kyrillos,

The Monmouth County Engineering Department and the New Jersey Department of Transportation, Bureau of Traffic Engineering and Investigation are considering raising the temporary speed limit on Swimming River Road in the Lincroft section of Middletown Township with the unconditional assertion that the speed limit must be set at the 85th percentile speed. They're implying the 85th percentile guidance is binding by law, without exception. This is absolutely not true.

What is the 85th percentile speed? The 85th percentile speed is defined as the maximum speed in which 85% of the motorists are traveling. Engineers believe that most drivers will select the speed that is safe for the roadway and the 85% rule is used to set the speed limit on highways. It's a good practice on limited access highways and rural roadways. However, the Monmouth County Engineering Department and the NJ DOT, Bureau of Traffic Engineering and Investigation want to use the 85th percentile speed as the ONLY factor in the determination of proper speed limits on streets. This is in complete contradiction to the Federal standards.

The U.S.DOT, Fed. Highway Administration's Manual for Uniform Traffic Control Devices (MUTCD) indicates that substantial compliance with the MUTCD is required for the states to receive federal highway funds. The MUTCD has been adopted by the State of New Jersey as its standard. The MUTCD indicates "Standards" and uses the term "should" while it also provides "Guidance", using the term "shall". The standards are required while the guidance sections are recommendations but not requirements.

The following is an excerpt from the Manual of Uniform Traffic Control Devices, Section 2B.13:

Speed Limit Sign (R2-1)

Standard:

After an engineering study has been made in accordance with established traffic engineering practices, the Speed Limit (R2-1) sign shall display the limit established by law, ordinance, regulation, or as adopted by the authorized agency. The speed limits shown shall be in multiples of 10 km/h or 5 mph.

Guidance:

At least once every 5 years, States and local agencies should reevaluate non-statutory speed limits on segments of their roadways that have undergone a significant change in roadway characteristics or surrounding land use since the last review.

No more than three speed limits should be displayed on any one Speed Limit sign or assembly.

When a speed limit is to be posted, it should be within 10 km/h or 5 mph of the 85th-percentile speed of free-flowing traffic.

Option:

Other factors that may be considered when establishing speed limits are the following:

- A. Road characteristics, shoulder condition, grade, alignment, and sight distance;**
- B. The pace speed;**
- C. Roadside development and environment;**
- D. Parking practices and pedestrian activity; and**
- E. Reported crash experience for at least a 12-month period.**

Note that the MUTCD used the word "should" in recommending the 85th percentile rule. That means it's recommended but not mandatory.

We feel the Monmouth County Engineering Department and the NJ DOT, Bureau of Traffic Engineering and Investigation are ignoring the guidance part of the MUTCD which includes other factors that may be considered in establishing speed limits, especially pedestrian activity, roadside characteristics and crash history. The following characteristics of Swimming River Road should mandate a permanent 35 MPH speed limit.

- ✓ The lack of a shoulder on most of the roadway.
- ✓ Segments with poor sight distance.
- ✓ Excessive grade at the south end.
- ✓ Extreme curvature of the road.
- ✓ Road is lined with homes, which are close together and close to the road.
- ✓ A dozen intersecting streets along the 1.1 miles.
- ✓ Parking is not allowed on any portion of the road, even where there is a shoulder because of safety concerns.
- ✓ Children must cross the road to get to the 3 school bus stops.
- ✓ Children walk and bike to town.
- ✓ Over a dozen accidents a year in addition to numerous unreported run-off-the-road accidents.

Many crashes on Swimming River Road involved children: one on a bike and one on foot. Another recent accident was a rear end crash involving a stopped school bus unloading children. A tragic death of a 17 year-old driver resulted when the driver lost control of his vehicle just beyond the curves on Swimming River Road. These crashes all occurred when the speed limit was set at 40 MPH.

Please intervene on our behalf to convince the Monmouth County Engineering Department and the NJ DOT, Bureau of Traffic Engineering and Investigation to make the 35 MPH speed limit permanent on Swimming River Road.

Thank you for your attention to this matter.

Sincerely,

Roger Foss, Esq.
Co-President

Abe Littenberg
Co-President

Cc: Monmouth County Board of Chosen Freeholders
Middletown Township Committee
Tinton Falls Town Council
Ms. Patricia Ott, NJ DOT Bureau of Traffic Engineering and Investigation
Mr. Joe Ettore, Monmouth County Engineer
Ms. Carol C. Melnick, Monmouth County Traffic Engineer