

**ASSEMBLY BILL NO. 3036**  
**(Third Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3036 (Third Reprint) with my recommendations for reconsideration.

This bill, denominated the "Swift Access For Emergency Response Actions Preservation Program (SAFER APP)" bill, seeks to address ongoing emergency traffic conditions in the State that are created or exacerbated by the guidance provided to motorists through turn-by-turn navigation systems. These programs have become indispensable for motorists navigating their way through the Garden State, helping people make their way to hard-to-find destinations or to needed services or amenities, avoid detours, delays, and traffic gridlock, seek faster or more efficient alternate routes, and get motorists back on course when they go astray. By and large, these navigation systems generally are responsive to immediate road hazards, effectively redirecting motorists to help avoid accidents, construction zones, and roadway backups and thereby alleviating traffic congestion.

The sponsors recognize, however, that in rare instances the algorithms employed by these useful tools could create the very problems that they seek to help avoid, by providing directions that unintentionally cause ongoing emergency traffic conditions, perhaps directing multitudes of vehicles into neighborhoods or onto streets that cannot handle the volume, notwithstanding that the navigation system algorithm has identified the route as optimal or efficient. Accordingly, this bill does not target short-term traffic problems or sporadic issues but rather seeks to remedy longer term, systemic periods of excessive vehicular traffic that materially interfere with emergency response operations or endanger public safety, as evidenced by - in the words of the bill - "significant diversion of traffic from highways onto roads not intended or engineered to accommodate the volume of the diverted traffic, substantiated delays in emergency vehicle response times, or a

pattern of vehicular or pedestrian accidents associated with changes in routing behavior."

The bill provides the Attorney General ("AG") with tools to address these ongoing traffic problems, authorizing the AG to order the operator of a navigation system, when providing instructions to a driver, to detour, reroute, or divert vehicular traffic so as to alleviate or eliminate the ongoing emergency traffic condition. The bill fashions a process through which local governing bodies may request the AG to investigate whether turn-by-turn navigation system guidance has resulted in or contributed to an ongoing emergency traffic condition within their municipality. If the AG conducts an investigation and determines that it has, the AG would be able to order the navigation system operator to take steps to revise their instructions to motorists to alleviate or eliminate the problem. Failure to comply with such orders would subject the navigation system operator to fines that accrue with each day of non-compliance. The bill further requires the AG, in consultation with the Commissioner of Transportation ("Commissioner"), to submit a report to the Governor and Legislature assessing the implementation and public safety impacts of rerouting directives issued under the bill within 24 months of the bill's implementation.

I commend the sponsors for their commitment to making New Jersey roads safer, and for their efforts to preserve and promote the public safety and well-being of our people and communities. I recognize, however, that in these circumstances, cooperation may yield better results than compulsion, so I recommend amending the bill to provide the AG with some flexibility to work collaboratively with the navigation system operators when a problem arises. Specifically, I propose that the bill be amended to give the AG the discretion, in consultation with the Commissioner, to engage with the operator of a navigation system to devise an alternative solution to alleviate or eliminate the ongoing emergency traffic condition, rather than simply ordering the navigation system to modify its instructions to drivers. I believe that providing an avenue for collaboration will enhance the effectiveness of this

initiative to attain its laudable goals. I also recommend a minor clarifying amendment to the reporting requirement, which tasks the AG with assessing the implementation and public safety impact of rerouting directives issued under the act, to also make a recommendation regarding retention or repeal of the legislation, based on the experience garnered over the two-year period. Finally, I recommend amending the bill to ensure there is adequate time to develop an appropriately deliberated rule proposal and to give the public sufficient opportunity to weigh in, in accordance with the time frames established under the Administrative Procedure Act.

Therefore, I herewith return Assembly Bill No. 3036 (Third Reprint) and recommend that it be amended as follows:

Page 6, Section 4, Line 33:

After "condition" insert "or, in consultation with the Commissioner of Transportation, engage with the operator of that system to devise an alternative solution to alleviate or eliminate the ongoing emergency traffic condition"

Page 8, Section 6, Line 8:

After "recommendations" insert "for retention or repeal of the legislation and"

Page 8, Section 8, Lines 18-19:

Delete "within 90 days of enactment"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor