

State of New Jersey

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SUBJECT: Scope and Enforcement of Emergency Travel Ban

Emergent circumstances, particularly hazardous road conditions, can arise where it may be necessary to temporarily prohibit nonessential travel on selected State roadways. Because of the Statewide impact of this kind of restriction, it is important that the public, business and industry understand the reasons for prohibiting nonessential travel, how the prohibition will be implemented and enforced, and the role they can play to ensure its success.

Authority, Rationale, Implementation

Under New Jersey law, the Governor has the authority to declare a State of Emergency and to exercise the Governor's emergency powers with the assistance of and by delegation to the State Director of Emergency Management. N.J.S.A. App.A:9-37. The Superintendent of the New Jersey State Police serves as the State Director of the Office of Emergency Management (OEM). The Division of State Police and the OEM are agencies of the Department of Law and Public Safety, which is headed by the Attorney General.

During a declared State of Emergency, including but not limited to acts of terrorism or threats of terrorism, it may be necessary to impose restrictions on travel on selected State roadways. These restrictions may be imposed pursuant to the Governor's emergency powers, N.J.S.A. App. A:9-45. Additionally, the Attorney General has certain emergency traffic control authority which the Attorney General may separately invoke to enforce travel restrictions. N.J.S.A. 39:4-213. Such restrictions are intended to protect the public from hazardous conditions. These restrictions will also enable police, fire and emergency medical and emergency management personnel to execute their duties efficiently and expeditiously. Travel restrictions, in a blizzard situation, expedite snow removal and reduce the hazards to authorized emergency personnel traveling the roadways. They also expedite the maintenance, repair or restoration of vital public utilities and transportation and communication systems. In some circumstances it is critical to the State's emergency management efforts that only essential travel by emergency personnel, authorized to abate the emergency or protect the health, safety and welfare of the public, be permitted.

Essential travel includes travel by police, fire and emergency medical services (EMS)





and authorized emergency management personnel to perform assigned duties. Travel in motor vehicles other than ambulances or other emergency vehicles for the purpose of obtaining or providing emergency medical treatment may also be authorized as essential upon advising police authorities with jurisdiction of the circumstances. Other essential travel for purposes authorized by the State Director will include, but not be limited to travel to maintain public utilities, communications, and fuel supplies.

Once an emergency travel restriction is deemed necessary, the State Director will communicate the decision to all police departments, county and municipal emergency management coordinators, State department and supporting agency coordinators and major media outlets in the State. The State Director will also provide all supplemental information, including the State Director's determinations as to the parameters of permissible essential travel. Penalties for violations may be imposed under the Emergency Management Act N.J.S.A. App. A:9-33 et. seq. or the emergency traffic control authority of the Attorney General N.J.S.A. 39:4-215. Local authorities will be advised to exercise discretion in the enforcement of the travel restrictions in their jurisdictions. Discretion will be predicated on local road conditions, exigent circumstances, and the need to ensure the health and safety of individuals.

Essential Travel and Exceptions

Because of their role in emergency operations, travel by authorized emergency personnel during a State of Emergency is essential. Authorized emergency personnel includes personnel of the State, County and Municipal Offices of Emergency Management. It also includes the personnel of supporting organizations in the public and private sector authorized by the State Director to perform assigned duties during the State of Emergency. Employees in the public and private sector with duties and responsibilities, the performance of which is essential to the public's health, safety and welfare, may also be authorized to travel. Government and private sector entities should review or, if necessary develop, an emergency operations plan that identifies essential operations, employees who are responsible for these operations and procedures to help reduce travel. This plan should be discussed with municipal and county emergency management coordinators. This process will enable local emergency management officials to more fully prepare the jurisdiction's emergency plan in the event of travel restrictions.

The following personnel **may be considered** essential or **may be eligible** for a travel restriction exemption:

- Police, fire and emergency medical services and authorized emergency management personnel,
- Other persons providing emergency medical treatment or other assistance necessary to prevent an immediate threat to life,
- Designated emergency government employees,
- Persons who are employed, contracted, or responsible for performing duties necessary to:
 - ensure maintenance of acceptable conditions at facilities providing health and medical care, veterinary and/or daily residential care

facilities,

- prevent an immediate danger to the public safety arising from unattended chemical, industrial or other processes involving hazardous materials,
- restore, maintain, or safely operate a public utility, transportation or communication system,
- permit operations of a business for the purpose of providing fuel, heating, electrical, plumbing and other services necessary to prevent an immediate threat to the health, safety, and welfare of the public,
- conduct news reporting activities.

These descriptions are meant to provide general guidance to the public and local authorities who will be called upon to exercise discretion in the enforcement of travel restrictions at the local level.

/s/ Captain Joseph R. Fuentes Acting Superintendent of State Police Acting State Director, Office of Emergency Management