

**Revised Rules and
Regulations [for]
Construction of
Access Driveways**

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STATE HIGHWAY DEPARTMENT,

Maintenance Division

State House Annex

Trenton, N. J.

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DRIVEWAY RULES AND REGULATIONS

Revised

By virtue of the powers and duties set forth in Title 27 of the Revised Statutes, and in the interests of highway safety, on March 17, 1933, the New Jersey State Highway Commission adopted certain regulations outlining the procedure, limitations and methods of construction under which abutting owners may be permitted to construct vehicular entrances to State Highways. The State Highway Commissioner, under date of February 6, 1948, approved a revision of these Rules and Regulations. They apply with equal force to driveways for ingress and egress for all roadside enterprises such as gasoline service stations, public garages, automobile junk yards, tourist camps, restaurants, lunch wagons, roadstands and fruit and vegetable markets, as well as driveways to industrial plants and private homes.

In addition to the regulations by the State Highway Commissioner, there are certain other conditions and limitations which have become matters of established policy. In brief, this policy may be stated as follows:

(1) The Highway Department will authorize no construction within the limits of the right-of-way which will adversely affect the stability, appearance or designed functioning of the highway itself, or any of its component or auxiliary structures. The Department will expend no public funds in assisting abutting owners to obtain access to the highway.

(2) The State has acquired a strip of land of varying width outside of the curb or gutter line for sidewalk and other purposes. Whether or not this area is improved, it is reserved for pedestrian use. Vehicles may cross this area at such places that are legally designated for the purpose. The Attorney General, by written opinion, has held that the use of sidewalk areas for parking places is illegal.

Therefore, in planning roadside enterprises which depend for the most part on the patronage of the motoring public, it becomes imperative that the property to be developed should be adequate in size to provide off-the-road parking facilities for customers' vehicles.

Traffic surveys indicate that the number of parking spaces available should equal about 60% of the number of patrons at peak business hours. The average passenger car requires a space of about 8½'x18' plus an aisle width of about 25' between rows of cars. If parking space is required for heavy commercial vehicles, as well as passenger cars, a separate parking area of adequate size should be provided at the sides or in the rear of the establishment.

(3) Driveway locations for ingress and egress must be reasonable from the viewpoint of the traveling public in that no unusual hazard to pedestrians or motorists should be created, nor should they invite or compel vehicular movement in directions or locations contrary to those for which the highway was designed, neither should they invite or compel illegal or unsafe traffic movements. Driveways may not be constructed which interfere with the highway itself, its component structures or with normal maintenance operations or possible future construction.

General Remarks

(1) The Department may decline to issue entrance construction permits in locations which may be affected by future highway improvement, or it may issue such permits subject to future cancellation or relocation.

(2) Curb reductions for driveways on new highway construction are not favored unless the improvement of the abutting parcel of land is in progress or in contemplation for the immediate future, in which case full and accurate plot plans should be furnished to the Department.

Specific Limitations On Driveways

(1) The Highway Department will respect local building, zoning or setback ordinances and regulations and will not issue a permit that will in any way violate the spirit or purpose of such ordinances and regulations. However, where the standard established by such regulation authorizes a setback of less than that required by the State Highway Department or permits a driveway more than thirty-six (36) feet in width, the regulations of the State Highway Department shall prevail and the setback or width of driveway shall comply with the standard established by the State Highway Department.

REGULATIONS

(1) Highway Department regulations are set forth below with comments following each and will serve as a guide to those contemplating construction or alteration of driveways on New Jersey State Highways.

Protection of the Traveling Public

(1) The permittee shall properly safeguard all work performed under this permit and, during the hours of darkness, maintain sufficient warning lights.

Protection from Suits

(1) The permittee shall also save harmless the State of New Jersey, its officers and servants, from and against any loss, injury or damage resulting from any negligence or fault of the permittee, his agents or servants, in performance of the work covered by this permit.

Protection of Structures and Drainage

(1) The work shall be so conducted that there shall be no interference with any structures on, over or under the highway. The existing cross section and drainage of the highway shall not be disturbed. Interference with drainage structures must be avoided.

(2) Unless curb returns are constructed, the Highway Department does not authorize the construction of driveways approaching nearer than 5' to catch basins. The substitution of flat grates for the standard curb inlet type catch basin will not be allowed. The Department, in instances where storm sewer and highway grades and other conditions are favorable, may consent to the relocation of a catch basin at the expense of a permittee, under Department inspection. Attention is called to the fact, however, that under the highway law, pavements may not be disturbed for a period of five years from the date of acceptance by the Department.

(3) Where property adjacent to the highway is to be filled to highway grade, the owner may be required to make adequate provision, at his own expense, for the disposition of highway drainage by installing such pipe of adequate size and material, catch basins, manholes, headwalls and ditches as may be necessary to protect the State's drainage rights.

Curb Depressions

(1) Where it is necessary to depress existing curbs for the purpose of constructing entrance drives, the standard section curb shall be entirely removed and a depressed curb constructed in accordance with the State Highway Standards. The top of the depressed section shall be 2" higher than and parallel to the established gutter grade. The dimensions of the depressed curb shall, except for height, conform to existing curb. The concrete proportion shall consist of one part Portland Cement, one and three-quarter parts sand, and three and one-half parts crushed stone or washed gravel. Curved sections of existing curbs may be broken or depressed only under very exceptional conditions.

(2) Workmanship on the construction of depressed curb shall be such as to produce results equal to standard construction by the Department.

(3) Curb returns at each side of all driveways are recommended but not required. White Portland Cement concrete is required if it is used in the original curb construction.

(4) Depressed curbing shall not be constructed as a part of concrete ramps.

(5) Where granite or blue stone curbing exists, curb reductions must be made by competent mechanics with proper tools.

Drives

(1) Entrance drives shall not be wider than thirty feet at the property line. At the curb or shoulder line, this width may be increased to thirty-six feet by the use of curves at each side of the drive of radius not to exceed three feet.

(2) An exception may be made to the general provision of a maximum driveway width of thirty-six feet where the proposed driveway is to provide access to a large number of vehicles in a short period of time. In order to obtain consideration of requests for such special driveways, the applicant must submit a statement supporting the request setting forth an estimate of the number of cars which will enter and leave the highway and the approximate hour or hours at which the maximum movement or movements will occur and the willingness of the applicant to bear all expense in connection with the proposed construction within the State's right-of-way.

(3) A plan shall be submitted for the approval of the Department, which plan shall show the following:

- (a) The width, arrangement and grades of the traffic lanes on the driveway as related to the width and arrangement of the traffic lanes on the State Highway.
- (b) Location, length and other details of acceleration and deceleration lanes if such facilities are deemed necessary by the Department.
- (c) Changes in cross-over facilities, where desirable, in center islands on dual highways.
- (d) Changes in location of driveway facilities or additions thereto.
- (e) Type of pavement proposed to be constructed.
- (f) The plan must be fully dimensioned as to the curb radii, width of traffic lanes, dimension of center and channelizing islands and all other data necessary for a complete working plan.

NOTE: All pavement and other construction within the highway right-of-way must conform to Standard State Highway Specifications. Standard curb must be provided defining the edge of all traffic lanes or shoulders.

(4) Where sidewalks exist or are proposed to be constructed as part of the operation, a concrete ramp not less than six inches in thickness shall be built connecting the inner edge of the depressed curb with the outer edge of the sidewalk. The concrete shall be mixed in the proportions of 1:1½: 3½ as above specified for curbs.

(5) The standard slope of the sidewalk area is $\frac{1}{4}$ " per foot rising from the top of the standard curb.

(6) The drives on highway property shall be covered with not less than six inches of a suitable paving material not inferior to crushed stone or slag road gravel or cinders. If crushed stone, slag, cinder or road gravel is used, the six inches are to be measured after compacting.

(7) In general, these regulations are based on the desirability of circular drive-in facilities for roadside enterprises with access from two or more driveways not to exceed thirty-six feet in width at the curb or shoulder line, separated by not less than twenty-five feet of sidewalk space measured along the curb or shoulder line. So-called high speed service stations are not favored by the State. Attention is also called to Title 39:4-100 of the Traffic Act limiting speed across sidewalks to $4\frac{1}{2}$ miles per hour.

(8) The Department will not permit the location of driveways on curves of small radius at street intersections or at established pedestrian crossings.

(9) Driveways must be located not less than five feet from each side of the property line unless radius curbs are constructed at the ends of driveways. Driveways at or near street and traffic intersections, grade separations and traffic circles must be so located that traffic entering and leaving the highway will not impede, confuse, imperil or otherwise interfere with normal vehicular traffic. Driveways opposite control islands at circles and traffic interchanges are not authorized.

(10) The attached sketches illustrate in a general way acceptable layouts for corner and inside lots of various frontages. They are typical of the more simple problems ordinarily encountered. (See sketches following page 11.)

(11) Permission may be granted for the construction of a driveway at a site which includes the site of a utility pole or fire hydrant. However, the relocation of such utility property must be arranged by the permittee with the owning utility company or municipality. The Department will not enter into such negotiations in behalf of the permittee.

(12) The Department may permit the relocation of state-owned traffic lights and electrically illuminated signs located within the site of a proposed drive, provided that a new location can be found which is satisfactory to the Department and to the Bureau of Traffic Control of the Department of Motor Vehicles. This applies also to pull boxes, conduits and other constituent parts of traffic signal and electric sign installations. The cost must be borne by the permittee. Where traffic signals are owned by

a county or municipality, the consent of said county or municipality must be obtained before final approval.

(13) The Department will arrange for the relocation of other highway cautionary and directional signs, reflectors and light houses, if requested, at its own expense, provided an equally satisfactory and adequate site can be obtained.

(14) Guardrail will be removed when an applicant has completed the fill behind the guardrail to the satisfaction of the Department.

(15) It is to be especially noted that only Department representatives may remove, disturb, relocate or otherwise alter signs, signals or guardrail.

(16) Where it has sole jurisdiction, the Department may authorize the removal or relocation of trees or landscaping material which may stand in the site of proposed driveways provided reasonable access cannot otherwise be had. In the case of landscape planting, performed under either Federal Aid or State projects, the Department reserves the right to require the relocation of the material which may be disturbed or the planting of other suitable material in substitution thereof. In municipalities having organized Shade Tree Commissions, approval of the local Commission must be obtained.

(17) Relocation of utility poles carrying units of the Highway Department lighting system usually cannot be arranged as the lamps are placed in accordance with a carefully designed spacing. Relocation of other utility poles is a matter for negotiation with the owning Company.

Sidewalk Areas

(1) That part of the highway normal right-of-way outside of the curb or shoulder line, whether improved or unimproved, is considered and controlled as sidewalk area. Where this area is seeded, sodded or otherwise ornamentally planted, it must be maintained in this same condition. Where entirely unimproved sidewalk area exists, the permittee is required to raise the sidewalk berm eight inches above the shoulder grade of the highway after which it shall be seeded, sodded or ornamentally planted with low growing material by the permittee.

(2) Driveways across sight areas owned by the State will be permitted only after careful study and under exceptional circumstances. Driveways cannot be authorized which cross or otherwise encroach upon State property, or the frontage thereof, which is held as surplus right-of-way and which may be subject to sale.

(3) In exceptional instances, a hardship may be inflicted on the property owner if a standard set-back to service facilities is used. The Department may consent to a

smaller set-back if the owner will agree to erect a curbing on and along the right-of-way between drives in order to prevent the use of the sidewalk area of the highway for parking or for service purposes.

(4) Except at corner lots, properties of less frontage than one hundred feet on the highway are generally unsuitable for roadside enterprises due to the necessity for a very sharp turn on leaving the highway. Driveways need not be of equal width. Those used principally for ingress should generally be wider than those used principally for egress. As above stated, thirty-six feet at the curb line is the maximum width which will be authorized.

(5) Driveways must be located entirely within the frontage of the property of the permittee. However, joint driveways with adjoining property holders may be arranged provided the regulatory limit of thirty-six feet is not exceeded by the combined driveways, and provided written consent of the adjoining owner is filed with the Department or joint application is made by all interested parties.

(6) Driveways shall be constructed so as to conform to the standard ultimate cross section of the highway.

Safety Zones

(1) Where sidewalks do not exist, drives must be separated by a safety zone of a length satisfactory to the State Highway Department and extending from the curb or shoulder line to the property line. This area must be raised six inches above the surface of the adjacent drives and seeded or sodded or otherwise ornamentally treated. Some form of curbing or marking the safety zone is desirable.

(2) In order to prevent parking on the right-of-way and for convenience to the traveling public, the Department urges setbacks from the line of right-of-way for restaurants, roadstands, gasoline pumps and other structures and equipment catering to passing motorists as shown in the following table.

(3) The following setbacks have been observed to produce satisfactory room for parking:

Gasoline Stations, Small	
Stands and Restaurants	40' and upwards
Dining Cars	50' and upwards
Large Fruit and Vegetable	
Stands	30' and upwards
Garages with Gasoline	
Pumps	40' and upwards
Large Restaurants	50' and upwards
Gasoline Pumps	15' and upwards

(4) These setbacks, of course, may be unsuitable for irregular lots at highway intersections. Such locations require individual study.

(5) In general, twenty-five feet is the minimum length of safety zone which the Department will approve. Greater lengths are more desirable from the standpoint of the operator, as turns into and out of the station may be made with ease by the operators of motor vehicles. Safety zones must extend the entire width between curb or shoulder line and property line.

Installation of Pipes

(1) In cases where side ditches exist, pipes of a size and material designated by the Department must be installed beneath the drives. At each end of the pipe a masonry or concrete headwall must be constructed. Where conditions are favorable, the Department may permit the installation of a continuous pipe of proper size under the safety zone and drives. Where such installation exceeds two hundred and fifty feet in length, a manhole must be constructed midway between the ends. Installation of such pipe longer than two hundred and fifty feet will not be permitted without intervening manholes.

(2) The Department, under no circumstances, will bear any part of the expense of the installation of pipe which may be necessary, nor will it furnish or place fill material either within the right-of-way of the highway or outside of it. Pipe to be furnished by the permittee for use under a driveway may be double strength vitrified clay, cast iron, reinforced concrete or pure iron galvanized corrugated, depending upon depth of cover. As a substitute for pure iron corrugated pipe, the use of alloy iron corrugated pipe will be permitted, but not alloy corrugated steel pipe. The size and kind of pipe in each instance will be specified by the Department.

(3) The Department will authorize the placing of pipe of adequate size and material in ditches extending from highway cross-drains, under such conditions as will adequately handle surface drainage from the highway and from abutting property. The Department, however, may require that the permittee construct standard manholes, catch basins or both where drainage conditions or future maintenance conditions may be such that these structures are necessary. Depth of cover over such pipe ordinarily determines the kind of pipe to be used and, on larger streams, the approval of the Department of Conservation, Division of Water Policy and Supply, may be required.

(4) Where appurtenant drainage rights or easements have been acquired by the State, no permission will be given or any act tolerated which will affect adversely these rights as set forth in the State's deeds of easement. Deeds to the State for highway right-of-way commonly contain a clause granting full and complete rights to drain all of the highway on the remaining lands

of the grantor and careful consideration should be given to this in planning roadside development.

Work and Material

(1) The work and materials used in construction of such part of the work as is on highway property are subject to the inspection and approval of the Highway Department. Where conditions warrant, the Department may place an inspector on the work at the expense of the permittee.

(2) Unless otherwise specified in the foregoing regulations, workmanship and material shall conform to the Standard Specifications of the New Jersey State Highway Department, and inspection of the material by the Department may be required.

(3) The resultant work, so far as is practicable, must conform in appearance to similar construction by the Department. If the work is deemed of sufficient importance, the Department may detail an inspector to the work whose time and expenses may be charged to the permittee.

Special Conditions

(1) The State Highway Department may impose special conditions in special cases.

(2) The Department will exert every effort to make and maintain the highways safe and convenient for the traveling public and to protect the highway and its structures against damage, alteration or encroachment. Where situations arise which are not covered by the preceding regulations, the Department may refuse or limit access or require such special construction as may be deemed proper under the circumstances.

(3) As above stated, no fees are charged for permits for the construction of entrances at this time. However, where the relocation of signals or appurtenances is authorized, the permittee is required to reimburse the Department for the cost and, where close inspection of the proposed work is required, the inspector's time and expense may be collected from the permittee.

(4) Applications for entrances will not be entertained unless made on a standard form furnished by the Department, which application must be supported by four copies of a legible plot plan or sketch of the property setting forth the following information: The proposed location, width and arrangement of driveways, distance between drives, setback from the right-of-way line of the highway, of buildings, pumps, etc.; length, size and location of pipe, if necessary, position of existing trees, utility poles, catch basins, manholes, cross-drains, headwalls, directional and cautionary signs and curbing if such exist.

Landscaping

(1) The State Highway Department is endeavoring to maintain and preserve the appearance of the roadside. State Highways

are the show windows of the State and impressions of our State and its municipalities are largely influenced by neat and well-planned enterprises.

(2) Careful planning of buildings, driveways, customers' parking accommodations, landscape planting and effective signing not only produce more efficient operations, but assist the Department and your community in the maintenance of more attractive roadsides.

(3) Landscaping operations may include presently unimproved portions of sidewalk area provided that only very low growing plants and shrubs are used which will not interfere with or prevent visibility between the driveway and the highway.

Advertising Signs

(1) Attention is again called to the fact that no part of the State's right-of-way may be legally used for business or commercial purposes. The Department, therefore, cannot authorize the erection or maintenance of signs on public property other than the cautionary and directional signs required by State Laws.

Tree Trimming

(1) Trimming or removal of trees or shrubbery owned or controlled by the Department, for the purpose of clearing the view to signs on private property, is not authorized except that trimming may be done by Department forces provided no harm may result to the tree or its appearance.

Right-of-Way

(1) It should be kept in mind that the State's right-of-way varies greatly in width and, in all cases, extends to a considerable distance back of the curb or shoulder line to include sidewalk areas of varying widths.

(2) The right-of-way lines of all State Highways are capable of exact location and, unless the information is elsewhere available to the applicant, the Department should be consulted before development plans are made.



