

**CHAPTER 47**

**STATE HIGHWAY ACCESS MANAGEMENT CODE**

**Authority**

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-44.1, State Highway Access Management Act, N.J.S.A. 27:7-89 et seq., specifically 27:7-91.

**Source and Effective Date**

R.2002 d.22, effective December 20, 2001.  
See: 33 N.J.R. 2043(a), 34 N.J.R. 507(a).

**Chapter Expiration Date**

Chapter 47, State Highway Access Management Code, expires on December 20, 2006.

**Chapter Historical Note**

Chapter 47, State Highway Access Management Code, was adopted as R.1992 d.181 and d.182, effective April 20, 1992 (operative April 20, 1992, except for the following which were operative September 21, 1992: N.J.A.C. 16:47-3.1 to 3.5; 3.8; 3.16(a) to (d), and (g) to (h); 4.3(a)6 to 8, (f), (i), (k)2 and 3, (l), (n) to (q); 4.5; 4.6(a), (b), (d), (e), (k) to (n); 4.8 to 4.21; 4.24 to 4.30; 4.33; 4.35; 4.40; and 4.41; Appendix C, Access Level Diagram (figures C-1 to C-25); Appendix D, Optimum Spacing of Signalized Intersection for Various Progressive Speeds and Cycle Length; Appendix F, Flow Chart for Determining Lot Conformance; Appendix H, Local Road Improvements; Appendix I, Measuring for Access Points; Appendix K, Measuring Corner Clearance; and Appendix L, LOS Standards for Signalized Intersections). See: 23 N.J.R. 1525(a), 23 N.J.R. 1913(a), 23 N.J.R. 2831(b), and 24 N.J.R. 1631(a).

Pursuant to Executive Order No. 66(1978), Chapter 47, State Highway Access Management Code, was readopted as R.1997 d.165, effective March 13, 1997. As part of R.1997 d.165, effective April 7, 1997, Appendix L, LOS Standards for Signalized Intersections was repealed and Appendix N, Street Intersection and Improvement Permit Applications was recodified as Appendix L; and Appendix M-1, Sample Capacity Analysis Summary Table Intersection with Traffic Signal, and Appendix M-2, Sample Capacity Analysis Summary Table Unsignalized Intersection, were repealed. See: 28 N.J.R. 3731(a), 28 N.J.R. 4383(a), 29 N.J.R. 1353(a).

Chapter 47, State Highway Access Management Code, was readopted as R.2002 d.22, effective December 20, 2001. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. DEFINITIONS**

**16:47-1.1 Definitions**

The following words and terms, when used in this Access Code, shall have the following meanings unless the context clearly indicates otherwise:

“Access application” means a document submitted to the Department to initiate the access permit process.

“Access classification” means an identification system for regulating access, based on function, environment, and traffic characteristics. The access classification system is applicable to all streets and highways within the State. A change in the function, surrounding environment, traffic characteristics, speed limit, or desirable typical section may be a basis for changing the access classification and associated access level.

“Access Code” means the State Highway Access Management Code adopted by the Commissioner pursuant to N.J.S.A. 27:7-91 and readopted, as required by Executive Order No. 66(1978).

“Access level” means the allowable turning movements to and from access points on a State highway segment based on the highway access classification.

“Access management plan” means a plan showing the design of access for every lot on a State highway segment developed jointly by the Department, the municipality in which the highway is located, and the county, if a county road intersects the segment.

“Access permit” means a permit issued by the Department for the construction, maintenance, and use of a driveway or public street or highway connecting to a State highway.

“Access point” means the location of the intersection of a highway or street or driveway with the highway.

“Access point offset” means the distance between the centerlines of access points on opposite sides of undivided highways and the distance between the centerlines of an access point and a median opening on a divided highway.

“Accessible principal arterial” means the classification category for a roadway that is part of an interconnected network of continuous routes serving transportation corridors with high traffic volumes and long trips, the primary function of which is to provide safe and efficient service for major traffic movements in which access is subordinate.

“Adjustment of access” means changes to an access point, in conjunction with the implementation of a highway improvement project, which result in changing the width of an access point by five feet (1.5 meters) or less, changing the location of an access point by 10 feet (three meters) or less, moving an access point away from the centerline of the highway, or changing the elevation or profile of an access point.

“Alternative access” means the ability of any vehicle to enter a State highway indirectly through another improved roadway instead of directly from a lot across its State highway frontage. Emergency or service access shall not be construed as alternative access.

“Applicant” means a private party or entity, municipality, county, or any public agency applying for an access permit. The applicant shall own the lot where the access is sought.

“Applicant time” means a period of time between a Department request for revisions or information and its receipt by the Department. Time during this period is not counted in the Department time frames. Following a determination that an application is incomplete or unacceptable for review by a Regional Maintenance Office or the Bureau of Major Access Permits, time frames will be reset to the beginning of that step of that unit’s review time. The Department will publish a list of steps and the associated time frames for each type of application.

“Application approval” means Department approval or acceptance of a proposed highway access plan, for which a permit may be granted.

“Application conference” means a meeting held between the applicant and Department representatives during the review process.

“Arterial” means a transportation route, which may have signalized intersections, that primarily serves through traffic and provides access as a secondary function.

“Authority” means the governing body or public official charged with the jurisdiction for control and maintenance of a highway.

“Auxiliary lane” means a lane striped for use, such as an acceleration lane or deceleration lane, but not for through traffic use.

“Band width” means the time in elapsed seconds between the passing of the first and last possible vehicle in a group of vehicles moving at the design speed through a progressive traffic signal system.

“Berm” means the area from the curblineline to the right-of-way line. It is generally raised six inches (150 millimeters). This is also the sidewalk, border, or utility area (see “sidewalk area”).

“Bifurcated driveway” means a private roadway with two separate road openings, one for ingress to, and one for egress from, a street or highway.

“Car” means any motorized vehicle having two or more axles.

“Certificate of acceptance” means a document issued by the Bureau of Major Access Permits to indicate that the

permittee for a major permit with a planning review has satisfactorily met the construction conditions of the permit. This certificate is required in advance of using the access and obtaining a certificate of occupancy.

“Change of lot use” means any alteration of the functions performed on a lot.

“Collector road” means the classification category for roads that primarily serve intra-county trips characterized by moderate volume and speed, and that provide for land access, traffic circulation, and access to arterial routes.

“Commissioner” means the Commissioner of the New Jersey Department of Transportation or such persons as may be designated by the Commissioner.

“Complete application” means an access application satisfying Department form and content requirements set forth in this Access Code, thereby making it acceptable for Department review.

“Component factors” means the road; right-of-way; grading, surface, and subsurface drainage provisions; curbs, gutters, catch basins, foundations, shoulders and slopes, wearing surfaces, bridges, culverts, retaining walls, intersections, private entrances, guiderails, trees, illumination, guideposts and signs, ornamentation, and monuments.

“Concept review application” means an access application for a general analysis of the access and highway improvements associated with a future major access application.

“Conforming lot” means a lot which meets the standards for spacing between lot centerlines.

“Corner clearance (C)” means the distance along the curblineline between the point of curvature of the corner radius and the point of curvature of the nearest curblineline opening at an intersection.

“Corner lot” means a lot with one frontage on a State highway and an adjacent frontage on a road that intersects the State highway.

“County road” means a road taken over by, controlled by, built by, maintained by, or otherwise under the jurisdiction of the county.

“Curblineline” means a line, whether curbing exists or not, which is the outer edge of the shoulder or paved highway.

“Curblineline opening (C.O.)” means the overall opening dimension at the curblineline measured between the points of tangency of the driveway radii if curbing exists or the maximum width of opening at the curblineline if curbing does not exist.

“Daily traffic movements” means the highest estimated two-way traffic volume using a lot during a 24-hour period.

“Day” means calendar day, unless otherwise specified.

“Deficiency meeting” means a meeting held at the request of the Department or the applicant between the applicant and DOT Department representatives to discuss an incomplete or unacceptable application.

“Department” means the New Jersey Department of Transportation.

“Department time” means the period of time between receipt of a complete permit application and fee by the Department and issuance of a permit, less any applicant time.

“Depressed curb” means a 1½ inch (40 millimeters) face curb within a curblane opening.

“Design standards” means standards for design based on one or more of the following:

1. “New Jersey Department of Transportation Design Manual—Roadway”, March 3, 1987 or superseding issue, available from the Bureau of Quality Management Services, Configuration Management.

2. “New Jersey Department of Transportation Design Manual—Bridges and Structures,” 1987 or superseding issue, available from the Bureau of Quality Management Services, Configuration Management.

3. “A Policy on Design Standards Interstate System”, 1987 or superseding issue, available through American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol St., N.W., Washington, D.C. 20001.

4. “Guide and Regulations for Highway Access Permits”, 1991 or superseding issue which contains this Access Code and additional information, available from the Department’s Regional Maintenance Offices.

5. Supplemental specifications SI-89 ELECT and standard details, or superseding issue available from the Bureau of Quality Management Services, Configuration Management.

6. Institute of Transportation Engineers “Trip Generation, 6th Edition,” 1997 or superseding issue, available through the Institute of Transportation Engineers, 525 School St., S.W., Suite 410, Washington, DC 20024-2729, ITE Publ. No. 1R-061D.

7. 1994 “Highway Capacity Manual” Special Report 209, or superseding issue available through Transportation Research Board, National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

8. “Bicycle Compatible Roadways and Bikeways”, April 1996, or superseding issue available from the Bureau of Suburban Mobility.

9. “Manual on Uniform Traffic Control Devices for Streets and Highways” (MUTCD), 1988 or superseding issue, available through Institute of Transportation Engineers, 525 School St., S.W., Suite 410, Washington, D.C. 20024-2729.

10. Hamelink, M.D., “Volume Warrants for Left-Turn Storage Lanes at Unsignalized Grade Intersections,” Highway Research Record 211, National Research Council, available through Transportation Research Board, 2101 Constitution Ave. N.W., Washington, D.C. 20418, 1967.

11. Stover, Virgil G. and Koepke, Frank J., “Transportation and Land Development,” Institute of Transportation Engineers, 525 School Street S.W., Suite 410, Washington, D.C. 20024-2729, 1988.

12. Standard Specifications for Road and Bridge Construction, New Jersey Department of Transportation, 1989 or superseding edition, available from the Bureau of Quality Management Services, Configuration Management.

13. Jack E. Leisch, “Capacity Analysis Techniques for Design of Signalized Intersections”, Figure 9, U.S. Department of Transportation, Federal Highway Administration.

14. “A Policy on Geometric Design of Highways and Streets, 1994” or superseding issue, available through American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol St., N.W., Washington, D.C. 20001.

15. Pline, James L., editor, “Traffic Engineering Handbook, 4th edition,” 1992 or superseding edition, available through the Institute of Transportation Engineers, 525 School St., S.W., Suite 410, Washington, D.C. 20024-2729.

16. “New Jersey Department of Transportation Sample Plans,” October 1996 or superseding issue, available from the Bureau of Quality Management Services, Configuration Management.

“Designated center” means a specific area where a compact form of development (exists or is planned) with a core or node (focus of residential, commercial and service development) which is listed in Appendix C of the State Development and Redevelopment Plan adopted June 12, 1992 or superseding issue, or other designated center officially recognized by the State Planning Commission. Other designated centers, recognized after the June 12, 1992 adoption of the State Development and Redevelopment Plan or superseding issue are shown on the approved Resource, Planning and Management Maps of the State Plan and Redevelopment Plan available at the Office of State Planning.

“Desirable typical section” means the Department’s long range plan for State highway configurations, as shown in Appendix B. Each desirable typical section shows the number of through lanes. It does not generally show auxiliary lanes. If the Department changes the desirable typical section of a State highway segment, the access classification and access level may also change.

“Developer agreement” means a contract between the Department and a lot owner which allows a lot abutting a highway to have access to the highway and requires the Department and lot owner to satisfy special obligations.

“Distance between driveways (D)” means the distance measured along the curblines between curblines of two adjacent driveways.

“Divided highway” means a highway having access on only one side of the direction of travel.

“Driveway” means a private roadway providing access to a street or highway. A driveway is not a road, street, boulevard, highway, or parkway.

“Driveway angle (Y)” means the angle between the driveway centerline and curblines.

“Driveway width (W)” means the narrowest width of driveway, within the sidewalk area, measured perpendicular to the driveway.

“Edge clearance (E)” means the distance measured along the curblines from the extended lot line to the curblines opening.

“Emergency access” means a driveway which shall only be used by police, fire, and emergency service vehicles when responding to an emergency service situation. Such driveways shall not include the access to a police station, fire house, or emergency service facility.

“Expansion of lot use” means any increase in the floor area or function performed on a lot.

“Expiration” means the formal termination of an access permit.

“Extended lot line (E.L.L.)” means a line, radial or perpendicular to the highway centerline, at each end of the frontage, extending from the right-of-way line to the curblines.

“Fair share financial contribution” means the sum of the applicant’s proportionate costs at each location where level of service violations occur. The proportionate costs must have a rational nexus with the traffic growth attributable to the development of the lot for which the permit is requested.

“Fire house” means a lot where fire service vehicles are stored.

“Floor area ratio” means the sum of the area of all floors of buildings or structures, gross floor area, compared to the total area of the lot.

“Freeway” means a multi-lane divided highway having a minimum of two lanes in each direction and limited access.

“Frontage” means the length along the highway right-of-way line of a single lot between the side lot lines. If a lot has more than one frontage on a State highway, the most conforming frontage shall be considered as the frontage of the lot.

“Frontage road” means a service road, usually parallel to the State highway, designed to reduce the number of streets and driveways that intersect a State highway.

“Government driveway” means an entrance or driveway exclusively serving a public school, Federal, State, municipal, or county facility.

“Grandfathered permit” means the access permit assumed to exist for a lot with access prior to July 1, 1976 when no subsequent or previous permit has been issued for the lot. A grandfathered permit allows continuation of the lot access and use in existence on July 1, 1976. See Appendix G. Grandfathered permits are subject to the same regulations as actual permits.

“Half-trip” means half the distance of a vehicle trip.

“High speed rural” means the access classification for roadways in planning areas other than Planning Area 1, Planning Area 2 or a designated center whose boundaries are shown on the approved Resource, Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission or rural areas within the Pinelands or within the Hackensack Meadowlands District as identified by the Access Code Appendix B where the posted speed limit is 50 miles per hour (mph) (80 kilometers per hour (kph)), or greater.

“High speed urban” means the access classification for roadways in urban Planning Area 1, Planning Area 2, or a designated center whose boundaries are shown on the approved Resource, Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission, or urban areas within the Pinelands or within the Hackensack Meadowlands District as identified by the Access Code Appendix B where the posted speed limit is 45 mph (70 kph) or greater.

“Highway” means a public right-of-way, whether open or improved or not, including all existing factors of improvements.

“Improvement” means the original work on a road or right-of-way which converts it into a road which shall, with reasonable repairs thereto, at all seasons of the year, be firm, smooth, and convenient for travel. “Improvement” shall consist of location; grading; surface and subsurface drainage provisions, including curbs, gutters, catch basins, foundations, shoulders and slopes, wearing surface, bridges, culverts, retaining walls, intersections, private entrances, guard rails, shade trees, illumination, guideposts and signs, ornamentation and monumenting. “Improvement” also may consist of alterations to driveways and local streets, acquisition of right-of-way, construction of service roads, and other actions designed to enhance the functional integrity of a highway. All of these component factors need not be included in an original improvement.

“Improvement capacity” means the difference between the highway capacity after it has been improved and the capacity which existed before the improvement. These capacities are determined at the level of service boundary between E and F, as defined by the “1994 Highway Capacity Manual” Special Report 209, with the exception of non-State highway approaches to signalized intersections where a volume to capacity (V/C) ratio of 1.2 on the side street approach applies.

“Intensity of use” means the number of dwelling units per acre for residential development and floor area ratio for nonresidential development, such as commercial, office, and industrial.

“Interchange” means a grade-separated, bridged, system of access to and from highways where vehicles may move from one roadway to another without crossing mainline streams of traffic.

“Intersection” means the location where two or more roadways, other than driveways, cross at grade, without a bridge. The intersection is the largest area encompassing the curb returns, stop bars, and crosswalks.

“Joint planning process” means the process of developing a draft access management plan.

“Level of service (LOS)” means a description of traffic conditions along a given roadway or at a particular intersection. The level of service ranges from “A”, which is the best, to “F”, which is the worst. It reflects factors such as speed, travel time, freedom to maneuver, traffic interruptions, and delay. The “1994 Highway Capacity Manual” Special Report 209 has a detailed description of this concept.

“Limited access highway” means a highway, especially designed for through traffic, over which abutting lot owners have no right to light, air, or direct access. Interstate highways, parkways, and freeways are considered limited access highways.

“Local road” means the access classification for roads whose purpose is to provide direct access to abutting land and roads of higher classification. Mobility is lower than for other classifications and through movements are discouraged, especially in urban areas.

“Lot” means a single tax map parcel or two or more tax lot parcels which are in common ownership, have a unity of use and are contiguous. All land adjacent to a State highway is considered to be part of a lot.

“Lot centerline” means the mid-point of the State highway frontage of the lot. For partial denial of access lots, the lot centerline is presumed to be the point of beginning or ending of the denial of access. See Appendix I-3.

“Lot consolidation or subdivision applications (or permits)” means applications (or permits) addressing two or more lots to be combined into one lot or one lot to become two or more lots.

“Low speed rural” means the access classification for roadways in rural planning areas other than Planning Area 1, Planning Area 2 or a designated center whose boundaries are shown on the approved Resource, Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission or rural areas within the Pinelands or within the Hackensack Meadowlands District as determined by the Access Code Appendix B with posted speed limits 45 mph (70 kph) or less.

“Low speed urban” means the access classification for roadways in urban Planning Area 1, Planning Area 2, or a designated center whose boundaries are shown on the approved Resource, Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission or rural areas within the Pinelands or within the Hackensack Meadowlands District as identified by the Access Code Appendix B with posted speed limits 40 mph (60 kph) or less.

“Maintenance” means the continuous work or in kind replacement required to hold a driveway, road or structure against deterioration due to wear and tear, and to preserve the general character of the original improvement without alteration in any of its component factors.

“Major access applications (or permits)” means access applications (or permits) for lots with an expected two-way traffic volume of 500 or more vehicle trips per day directly accessing a State highway to and from the use or uses.

“Major access applications (or permits) with planning review” means access applications (or permits) for lots with an expected two-way traffic volume of 500 or more vehicle trips per day directly accessing a State highway and with an expected peak-hour volume of 200 or more vehicle trips directly accessing a State highway to and from the use or uses.

“Major collector” means a type of collector road in rural areas that serves important intra-county traffic corridors and provides service to major traffic generators.

“Major traffic generator” means the use or uses which generates a total of 500 or more vehicle trips per day directly accessing a State highway to and from the use or uses.

“Maximum vehicular use limits” means the greatest number of vehicles per A.M., P.M. or Saturday peak hour allowed to access a nonconforming lot.

“Median” means that portion of a divided highway that separates traffic proceeding in opposite directions.

“Median opening” means a paved area bisecting opposite directions of a divided roadway. A median opening is designed to permit traffic to cross at least one direction of travel.

“Midblock lot” means a lot with one frontage on a State highway that is between two other lots that have frontage on a State highway.

“Minor access applications (or permits)” means access applications (or permits) for lots with an expected two-way traffic volume of less than 500 vehicle trips per day directly accessing a State highway to and from the use or uses.

“Minor arterial” means the access classification for roadways that serve trips of moderate length. Access to abutting properties is minimized, controlled, or regulated. These highways interconnect with, and augment, the principal highway system. Mobility is less than on accessible principle arterials.

“Minor collector” means a type of collector road in rural areas that serves smaller places and towns and connects local traffic.

“Minor traffic generator” means the use or uses which generates less than a total of 500 vehicle trips per day, to and from the use or uses.

“Modification of access” means changes to access in conjunction with the implementation of a highway improvement project, which results in changing the number of access points, changing the width of an access point by more than five feet (1.5 meters), or changing the location of an access point by more than 10 feet (three meters).

“Monolithic curb” means a curb and gutter constructed as one unit.

“Multi-lane undivided highway” means a highway consisting of three or more lanes with two or more lanes designated for one direction and with no physical barriers separating opposite directions of travel.

“Nonconforming lot” means a lot in existence prior to the adoption of the Access Code which does not meet the standards for spacing between lot centerlines.

“Outparcel” means a lot, adjacent to a roadway, that interrupts the frontage of another lot.

“Outside radius (R)” means the outside or larger curve radius on a driveway.

“Parkway” means a type of limited access highway.

“Partial denial of access lot” means a lot which has had some portion of its potential State highway access through its frontage prohibited by the Department. This prohibition is recorded either in a deed or a Declaration of Taking.

“Passby” means a vehicle which stops at the site after coming directly from the traffic stream going by the site headed for an ultimate destination other than the site.

“Peak hour” means the 60 consecutive minutes during which the highest traffic volume occurs along a roadway or through a driveway.

“Permittee” means the owner of a lot which has an access permit or the municipality or county having a permit for a street.

“Pre-application conference” means a meeting between a potential applicant and Department representatives before the submission of an application. The pre-application conference is advisory only.

“Previously anticipated daily movements” means the estimated, 24-hour, two-way site-traffic count entered on the access application and included in the permit.

“Reconstruction” means the rebuilding of an existing improved road or access point, involving changes to its configuration.

“Regional benefit” means an improvement which serves an area wide demand for the improved movement of all traffic. The improvement should fit into overall local and regional land use and transportation plans. Regional benefit also indicates that the proposed improvement does not exclusively serve the private interests of any one lot. A region may extend as far as the study area established pursuant to N.J.A.C. 16:47-4.36, but in no case less than one intersection on either side of the proposed intersection.

“Repair” means minor repairs or minor replacements in one or more of the component factors covered by the permit which may be required by reason of storm or other cause in order that there may be restored a condition requiring only maintenance.

“Residence and business driveway” means the entrance or driveway serving a combination of private residence and

business use with an expected two-way traffic volume of less than 500 vehicles per day for the combined uses.

“Revocation” means termination of an access permit by the Commissioner after a determination that alternative access is completed and available for use.

“Reverse frontage” means frontage on an access road constructed at the rear of lots fronting on the State highway.

“Right-of-way” means highway property and property rights, including easements, owned and controlled by the Department.

“Right-of-way line (R.O.W. line)” means the outer edge of State highway property, separating highway property from the abutting lots owned by others.

“Road” means a highway other than a street, boulevard, or parkway.

“Route” means a highway or set of highways including roads, streets, boulevards, parkways, bridges and culverts needed to provide direct transportation between designated points.

“Rural area” means any area of the State which is not within Planning Area 1, Planning Area 2 or a designated center whose boundaries are shown on the approved Resource, Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission or rural areas within the Pinelands or within the Hackensack Meadowlands District as identified by the Access Code Appendix B.

“Rural lot” means a lot with 50 percent or more of its State highway frontage located in a rural area.

“Segment” means the portion of the State highway between the closest existing traffic signals on each side of or along the frontage of the applicant’s lot.

“Service station” means a motor fuel dispensing facility at which at least 75 percent of the average daily traffic purchases gasoline, petroleum products, or other services for motor vehicle services.

“Setback” means the distance between the right-of-way line and permanent structures, such as buildings, gasoline pump islands, display stands, or other artificial objects.

“Shared driveway” or “shared access” means a single driveway serving two or more adjoining lots. A shared driveway may cross a lot line, enabling a lot without direct highway access to have access to the highway.

“Shopping center” means a large retail center generally consisting of at least 20,000 total square feet, with a minimum of two stores. It may be an enclosed facility or a strip center. Shopping centers are planned, developed, owned, and managed as a unit. This definition supersedes the definition found in the ITE Trip Generation Manual for land use code 820. However, the ITE trip generation rates shall be used for the purposes of this Access Code.

“Shoulder” means the portion of the roadway that lies between the edge of the traveled way and curblines, excluding auxiliary lanes.

“Sidewalk area” means that portion of the right-of-way that lies between the curblines and right-of-way line regardless of whether a sidewalk exists.

“Signal spacing” means the distance between traffic signals along a roadway.

“Significant increase in traffic” means vehicular use exceeding the previously anticipated two-way traffic generated by a lot by:

1. 100 movements during the peak hour of the highway or the development; and
2. 10 percent of the previously anticipated daily movements. See Appendix J.

“Single family residential driveway” means the entrance or driveway exclusively serving a single-family residence.

“Site” means the lot which is the subject of an access application or permit.

“Specialty retail center” means a small strip shopping center consisting of a maximum of 20,000 total square feet, with a minimum of two shops. Retail shops included in this type of center generate low traffic volumes. Centers including high traffic generators, such as fast food restaurants with or without drive-thru, banks, delicatessens, post offices, etc., shall be classified as shopping centers. This definition supersedes the definition found in the ITE Trip Generation Manual for land use code 814. However, the ITE trip generation rates shall be used for the purposes of this Access Code.

“Start date” (for access management plans) means the date that the last resolution authorizing municipal and county participation in the joint planning process is received by the Commissioner.

“State highway” means a road owned, taken over, controlled, built, maintained, or otherwise under the jurisdiction of the State.

“State highway system” means the network of State highways.

“Street” means any public or private right-of-way, whether open or improved or not, including all existing factors of improvements, where:

1. In a distance of 1,320 feet (402 meters) on its centerline, there are 20 or more houses within 100 feet (30.5 meters) of the centerline;
2. The governing body in charge thereof and the Commissioner may declare a street; or
3. The incorporated municipality is over 12,000 in population.

“Street intersection applications (or permits)” means applications (or permits) for any new streets intersecting a State highway or increases in the number of lanes intersecting a State highway on existing streets.

“Street improvement applications (or permits)” means applications (or permits) for any change to an existing street such as geometric and grade changes, which does not increase the number of lanes intersecting the State highway.

“Study area location” means access point locations or those other locations on the State highway system exceeding both 100 new half-trips during the critical peak hour(s) and 10 percent of the anticipated daily site traffic which are analyzed in a traffic impact study. Applicant’s driveways, intersections, uninterrupted flow sections, weaving sections, merges, and diverges are examples of study locations.

“Subject highway segment” means the segment of the State highway system covered by the access management plan. If the segment is divided and forms the boundary between two or more municipalities or two or more counties, it shall be considered located within only those municipalities and counties covered by the access management plan.

“Temporary access” means time-limited access for a specific lot, use, and estimated traffic volume. Such uses may include, but are not limited to, site preparation (when done separately from construction of access pursuant to a permit) and environmental testing/monitoring.

“Theoretical driveway location (TDL)” means the center of the State highway frontage of any lot. It is used to calculate whether a lot is conforming.

“Traffic growth rate” means the rate at which traffic volumes are projected to increase over a period of time. It is expressed as a percentage that is compounded annually.

“Traffic impact study” means a report analyzing anticipated roadway conditions with and without an applicant’s development. The report includes an analysis of mitigation measures and a calculation of fair share financial contributions.

“Traffic signal” means an electrically operated device that assigns time to conflicting transportation movements. For the purposes of this Access Code, traffic control devices which are installed for the exclusive purpose of allowing pedestrians to cross the highway or traffic control devices installed to meter traffic are not considered to be traffic signals in the Access Code.

“Travel demand management plan” means a system of actions and time tables the purpose of which is to alleviate traffic problems through improved management of vehicle trip demand. The actions are structured either to reduce the use of single occupancy vehicles or to encourage travel during less congested time period.

“Traveled way” means the portion of the roadway provided for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

“Two-lane highway” means a highway consisting of two traffic lanes (one per direction).

“Undivided highway” means a highway having access on both sides of the direction of travel.

“Urban area” means an area of the State which is included in Planning Area 1, Planning Area 2 or a designated center whose boundaries are shown on the approved Resource Planning and Management Maps of the State Development and Redevelopment Plan adopted by the State Planning Commission or an area within the Pinelands or within the Hackensack Meadowlands District identified as urban by the Access Code Appendix B.

“Urban lot” means a lot with more than 50 percent of its State highway frontage located in an urban area.

“V/C ratio” means a fraction the numerator of which is the number of vehicles passing a given point in a unit of time and the denominator of which is the theoretical capacity of the roadway at that point for the same unit of time.

“Vehicle trip” means a car moving from an origination point to a destination point. This is one vehicle trip. For purposes of traffic volumes listed on permits, these trips will not be adjusted for roadway diversion. Roadway diversion estimates the percent of site trips that were already on the general system of streets and highways and not new trips specifically generated by the site.

“Weaving” means the crossing of two or more traffic streams traveling in the same general direction along a significant length of highway, without the aid of traffic control devices. Weaving areas are formed when a merge area is closely followed by a divergence area, or when an entrance ramp is closely followed by an exit ramp and the two ramps are joined by an auxiliary lane.

“Waiver” means the Department’s intentional relinquishment of its right to wholly enforce provisions of the Access Code. Waivers may either reduce or eliminate requirements.

Administrative change to “Planning review”.

See: 25 N.J.R. 1005(b).

Amended by R.1993 d.524, effective November 1, 1993.

See: 25 N.J.R. 3129(a), 25 N.J.R. 4915(b).

Amended by R.1995 d.107, effective February 21, 1995.

See: 26 N.J.R. 2549(a), 27 N.J.R. 736(c).

Amended by R.1997 d.165, effective April 7, 1997.

See: 28 N.J.R. 3731(a), 28 N.J.R. 4383(a), 29 N.J.R. 1353(a).

Added “Shopping center”, “Specialty retail center”, and “Temporary access”; deleted “Alternate work arrangement programs”, “Buspool”, “Carpool”, “Compressed workweek program”, “Employee transportation coordinator (ETC)”, “Four-day forty-hour schedule or four-day work week”, “Mode split”, “Monitoring”, “Nine-day schedule”, “Planning review”, “Public utility”, “Rational nexus”, “Resurfacing”, “Satellite office”, “Speed-change lane”, “Take over”, “Telecommuting”, “Transportation management association (TMA)”, and “Vanpool”; renamed “Transportation demand management plan” as “Travel demand management plan”; and amended “Access Code”, “Adjustment of access”, “Applicant time”, “Auxiliary lane”, “Berm”, “Bifurcated driveway”, “Certificate of acceptance”, “Depressed curb”, “Design standards”, “Frontage”, “Grandfathered permit”, “High speed rural”, “High speed urban”, “Improvement capacity”, “Level of Service (LOS)”, “Low speed rural”, “Low speed urban”, “Modification of access”, “Partial denial of access lot”, “Pre-application conference”, “Street”, and “Vehicle trip”.

Amended by R.1998 d.27, effective January 5, 1998.

See: 29 N.J.R. 4253(a), 30 N.J.R. 103(b).

Amended “Design standards”.

Amended by R.2002 d.22, effective January 22, 2002.

See: 33 N.J.R. 2043(a), 34 N.J.R. 507(a).

Amended “Applicant time”, “Certificate of acceptance”, and “Design standards”.

#### Law Review and Journal Commentaries

Help is Needed to Sort Highway Access Rules. Thomas F. Carroll, III, 133 N.J.L.J. No. 8, 11 (1993).

Why Treat Highway Access Like A Public Resource? Patrick F. McAndrew, 133 N.J.L.J. No. 14, 55 (1993).

## SUBCHAPTER 2. ACCESS CLASSIFICATIONS

### 16:47-2.1 General requirements

There are established the following access classifications for the State highway system as set forth in Appendix A of this Access Code, and incorporated herein by reference. The access classifications are based on access class, urban or rural area, speed limit, and highway configuration of the desirable typical section.

#### Case Notes

Doctrine of exhaustion of administrative remedies; whether proposed taking would leave property owner with reasonable highway access to be determined by jury. *Magliochetti v. State* by Com’r of Transp., 276 N.J.Super. 361, 647 A.2d 1386 (L.1994).

### 16:47-2.2 Requirements for each State highway segment

The access classification, access level, cell number, and desirable typical section for any particular State highway segment shall be determined by reference to Appendix A and Appendix B of this Access Code, incorporated herein by reference. Each access classification shall be applied to both sides of the roadway, unless otherwise noted.

### 16:47-2.3 Access classification change

The Commissioner will evaluate requests to change access classifications pursuant to N.J.A.C. 16:47-5. An access classification change to a State highway segment may affect the milepost limits, access classification, desirable typical section, cell number, and access levels. Generally, the access classification matrix in Appendix A will be used to determine the designation in Appendix B. A change in the designation of urban or rural environment, or in the designation of high and low speed could change the access classification shown in Appendix B.

## SUBCHAPTER 3. ACCESS STANDARDS

#### Case Notes

Concerns regarding site access, as well as concerns regarding impact of on-site conditions on off-site traffic flow and safety are appropriately addressed at site plan stage of local approval process. *Allocco and Luccarelli v. Township of Holmdel*, 299 N.J.Super. 491, 691 A.2d 430 (1997).

### 16:47-3.1 Access levels for access classifications

(a) There are hereby established the following access levels (AL) for the State highway system:

1. AL 1—fully controlled access: Access is prohibited on interstates, toll roads, freeways, and limited access highways, except at grade-separated interchanges. Figures C-5 and C-6 of Appendix C, Access Levels Diagrams, illustrate such access.

2. AL 2—access via street intersections or grade-separated interchanges and nonconforming lot access points, where the Department determines that alternative access is not available. The designs set forth in Figures C-7 through C-9 of Appendix C, Access Levels Diagrams, illustrate such access. For AL 2, the location standards set forth in N.J.A.C. 16:47-3.3, 3.4, and 3.5 are applicable.

3. AL 3—right-turn access to and from an access point and left-turn access via a signalized jughandle: Figures C-10 through C-13 of Appendix C, Access Levels Diagrams, illustrate such access. The jughandle may or may not be at access point. For AL 3, the location standards set forth in N.J.A.C. 16:47-3.4 and 3.5 are applicable.