

**CHAPTER 41**

**PERMITS**

**Authority**

N.J.S.A. 27:1A-5, 6, 7; 27:7A-11, 17.

**Source and Effective Date**

R.1992 d.341, effective September 8, 1992.  
See: 24 N.J.R. 2237(a), 24 N.J.R. 3097(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 41, Permits, expires on September 8, 1997.

**Chapter Historical Note**

Chapter 41, Permits, was filed and became effective prior to September 1, 1969. Subchapter 12, Banners or Decorations on State Highway Right-of-Way, was adopted as R.1972 d.33, effective February 23, 1972. See: 3 N.J.R. 274(a), 4 N.J.R. 53(b). Subchapter 16, Permits Allowing Use or Occupancy of State-Owned Railroad Property, was adopted as R.1979 d.331, effective August 20, 1979. See: 11 N.J.R. 156(b), 11 N.J.R. 523(a). Subsequently, Subchapter 16 was recodified as N.J.A.C. 16:71 by R.1981 d.103, effective March 16, 1981. See: 13 N.J.R. 108(b), 13 N.J.R. 244(d). Pursuant to Executive Order No. 66 (1978), Chapter 41 was readopted as R.1987 d.347, effective July 28, 1987. See: 19 N.J.R. 1074(b), 19 N.J.R. 1653(b).

Subchapter 8, Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways, was repealed by R.1992 d.206, effective May 4, 1992. See: 24 N.J.R. 695(a), 24 N.J.R. 1807(a). See: N.J.A.C. 16:41C for rules on Roadside Sign Control and Outdoor Advertising.

Pursuant to Executive Order No. 66(1978), Chapter 41 expired on July 28, 1992 and was adopted as new rules by R.1992 d.341. See: Source and Effective Date. Public Notice: Permit extensions. See: 24 N.J.R. 4131(c).

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**APPENDIX A**

**SUBCHAPTER 1. GENERAL REQUIREMENTS**

**16:41-1.1 Requirements**

(a) A permit from the appropriate district superintendent must be obtained prior to:

1. Initiating work over, under or within any portion of State highway rights-of-way;
2. Initiating any activity which may interfere with the free and safe movement of normal highway traffic on the State highway system.

(b) Requests for permits shall be referred to the district superintendent of the region in which the activity is to take place:

1. Central office:

New Jersey Department of Transportation  
 Bureau of Maintenance, Construction and Maintenance Unit  
 1035 Parkway Avenue  
 Trenton, New Jersey 08625  
 (609)292-3446

2. Regional offices:

i. Region 1-Netcong

New Jersey Department of Transportation  
 Box 81  
 Netcong, New Jersey 07857  
 (201)347-4415

ii. Region 2-Newark

New Jersey Department of Transportation  
 Routes 1, 21 and 22  
 Newark Junction  
 Newark, New Jersey 07114  
 (201)648-2814

iii. Region 3-Freehold

New Jersey Department of Transportation  
 Route 9  
 Box 272B RD 4  
 Howell, New Jersey 07731  
 (201)428-6550

iv. Region 4-Cherry Hill

New Jersey Department of Transportation  
 Route 70 at New Jersey Turnpike  
 Cherry Hill, New Jersey 08034  
 (609)428-6550

3. Regional boundaries: Boundaries of each region are shown on the map on page 20.

(c) All workmanship and material shall conform to standard Departmental specifications unless otherwise specified in printed rules, regulations, related procedures or special conditions.

(d) Violation of these requirements shall be reported immediately to the district superintendent.

As amended, R.1973 d.283, effective September 27, 1973.

See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).  
 As amended, R.1975 d.13, effective February 1, 1975.  
 See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

**Case Notes**

Noted that Department of Transportation is divided into four regional districts with respect to the issuance of highway construction and maintenance permits (citing N.J.A.C. 16:1-1); proper venue for joint venturers' breach of contract action against the Department's Commissioner held to rest in Mercer County, where cause of action arose, since the Commissioner came within the civil procedure rule definition of "public agencies or officials". *J.J. Nugent Co. v. Sagner*, 151 N.J.Super. 189, 376 A.2d 945 (App.Div.1977).

**16:41-1.2 Application for permit**

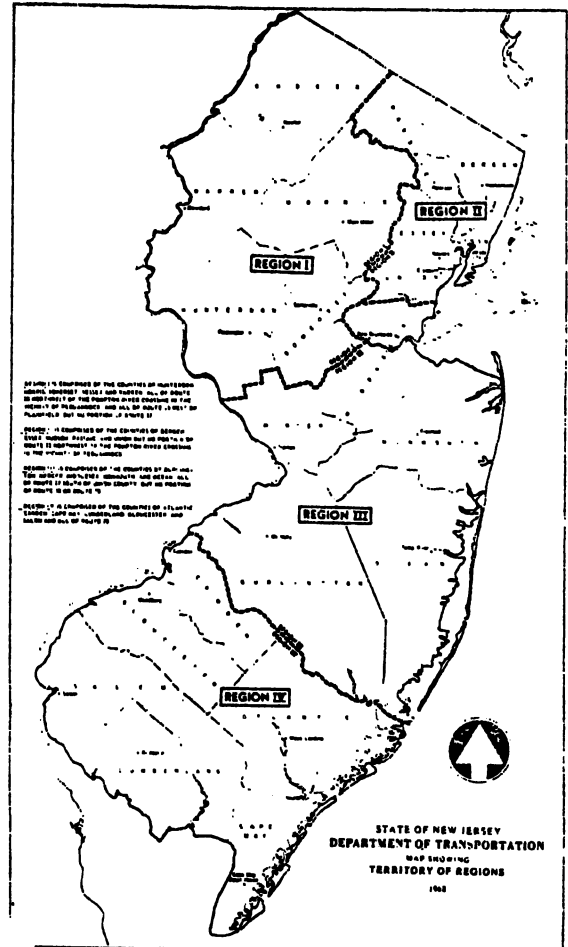
Applications for openings, erection of poles, access, roadside advertising, movement of buildings, attachments to or through bridges or structures, and attachments to storm drains must be submitted on forms supplied by the department. All other applications should be submitted to the appropriate regional office by letter which should state the nature of the request and give a full description of it with sufficient information to accurately locate the area involved. The letter should also verify that the approval of local authorities has been obtained, if necessary.

As amended, R.1973 d.283, effective September 27, 1973.  
 See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

**16:41-1.3 Restoration guaranty**

(a) If deemed necessary by the district superintendent or regional engineer, a certified check or money order must be submitted by the permittee in an amount sufficient to guaranty or insure the proper maintenance or restoration of the area disturbed. The permit will not be issued until this condition is satisfied.

(b) If it becomes necessary for the Department of Transportation forces to make repairs because of the failure of the permittee to do so, the cost of the work will be deducted from the amount of the certified check or money order tendered by the permittee. If the amount of the guarantee is less than the cost of the work performed by the Department of Transportation forces, the permittee shall be billed for the balance due. The district superintendent shall notify the Division of Fiscal Management of any funds to be returned or additional billings to be made.



As amended, R.1973 d.283, effective September 27, 1973.  
 See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).  
 As amended, R.1975 d.13, effective February 1, 1975.  
 See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

**16:41-1.4 Movement or relocation of highway facilities**

(a) When applications require movement or relocation of highway facilities by the Department of Transportation, the appropriate bureau shall prepare an estimate of cost. As a condition in granting the permit, the district superintendent shall request a written agreement by the permittee stating that he will assume all expenses involved in the movement or relocation of the highway facilities as indicated in the estimate submitted by the appropriate bureau.

(b) When Department of Transportation forces have completed the work, the bureau which prepared the original estimate shall notify the accounts receivable section, Bureau

of Accounting, of the actual expenses involved. The permittee will then be billed for the total expenses by the accounts receivable section.

As amended, R.1973 d.283, effective September 27, 1973.  
See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

#### 16:41-1.5 Bonds and agreements

Applicants who own facilities within the right-of-way requiring numerous permits over an extended period of time shall at the discretion of the district superintendent post continuing bonds and agreements. The permits section, Bureau of Maintenance, shall process and obtain the required approvals for all such bonds and agreements posted.

As amended, R.1975 d.13, effective February 1, 1975.  
See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

#### 16:41-1.6 Issuance of permits

(a) District superintendents shall issue written permission authorizing work on the State highway system if the following conditions are met:

1. Requirements of this chapter have been fulfilled;
2. Investigation reports are favorable;
3. All special conditions are acceptable;
4. Guarantees and changes are agreeable;
5. The State's interest is fully protected.

(b) The district superintendent may under unusual or emergency conditions issue verbal approvals. Notice of such action shall be transmitted at once by telephone or radio to the inspector or foreman in the region in which the emergency exists. Protection of life, limb or property is the criteria on which emergency action shall be considered necessary. If verbal permission is granted, the permittee shall at the earliest possible time, submit formal application as outlined in this chapter.

As amended, R.1975 d.13, effective February 1, 1975.  
See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

#### 16:41-1.7 Traffic control devices

All signs, markings or other traffic control devices used by the applicant must conform to the specifications and usage as outlined in part V, Traffic control for streets and highway construction and maintenance operations, of the current "Manual on Uniform Traffic Control Devices for Streets and Highways", which is available upon written request from the United States Department of Transportation, Federal Highway Administration, Donohoe Building, 6th and D Streets, S.W., Washington, D.C. 20591.

As amended, R.1975 d.13, effective February 1, 1975.  
See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

#### 16:41-1.8 Maintenance and protection of traffic during permit operations

(a) All work performed within the control and jurisdiction of the New Jersey State Department of Transportation shall be adequately maintained and ample provision must be made for the protection of the public.

(b) The following rules shall be in effect and the contractor hereafter referred to shall mean the working contractor or person actively engaged in performing the work and not necessarily the permittee:

1. The contractor shall be responsible for having the required approved traffic devices on hand prior to the actual start of work.

2. The contractor shall be responsible for the placing and maintenance of all such devices during the work period and for their removal upon completion of the work.

3. The contractor shall maintain the uninterrupted flow of traffic at all times and no operation which will interfere with traffic or restrict the available pavement width shall be performed on Saturdays, Sundays or legal holidays unless approved by the local municipal authorities, and the district superintendent, construction and maintenance unit, having jurisdiction over that region in which the activity is proposed.

4. The contractor will not be permitted to store material or park equipment within the graded width of the right-of-way except as necessary during actual working operations and then only by permission of the district superintendent, construction and maintenance unit, or his authorized representative.

5. The contractor shall be responsible for maintaining approved construction warning signs in each direction of travel. All signs and other protective devices provided by the contractor, unless otherwise directed, shall comply with the requirements of the current manual on "Uniform Traffic Control Devices for Streets and Highways" (purchasable from the United States Department of Transportation, Federal Highway Administration, Washington, D.C. 20591).

6. Competent traffic directors shall be employed at every location where the contractor's equipment is working immediately adjacent to, or is entering, leaving or crossing active traffic lanes. The traffic directors shall be employed continuously for the full time such conditions exist.

7. When steel drums are utilized to define a traffic hazard or pavement edge on the project site, they shall be painted a bright yellow and must be kept clean and shall be repainted as required to provide maximum delineation.

8. In the event a detour has been approved by the department, the detour shall be established in accordance with departmental policy and applicable standards and specifications. See subchapter 14 of this chapter.

9. Reflectorized tape shall be provided and installed by the contractor to effect temporary changes in pavement markings. Permanent markings which are inappropriate or misleading shall be obliterated. Upon completion of the job, all pavement markings shall be restored by the contractor to their original configuration.

10. Should it become necessary to leave a project unfinished, it shall be protected during the hours of darkness by torch bombs and/or flasher lights to be maintained by the contractor at each location where it is necessary to warn oncoming traffic of an existing danger area. Torches or lights shall also be used to define the edge of usable pavement throughout the construction area. In addition, standard barricades or drums shall be utilized as required. When battery operated flashing warning lights are implemented, they shall conform to the specifications on file at, and available upon request from the Bureau of Safety Operations, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. Inspection and cleaning must be conducted daily to provide for optimum efficiency.

11. When work is in progress during hours of darkness, special traffic protection precautions shall be in effect as deemed necessary by the department. In substance, the contractor shall provide special signs approved by the department with a legend warning motorists that nighttime work is in progress, and such signs shall be displayed in conjunction with high intensity flasher lights. Special signs applying only to nighttime work shall be covered during the daylight hours.

12. All work will be subject to inspection by the district superintendent, construction and maintenance unit, or his authorized representative, and the department's Bureau of Safety Operations personnel to insure that adequate traffic protection devices are being used and are properly placed and maintained.

13. If it is found that insufficient traffic protection is provided, the district superintendent, construction and maintenance unit, will advise the contractor of the deficiency. If recommended requirements are not immediately corrected, the district superintendent, construction and maintenance unit, will advise the contractor that he is prohibited from further work within the region's jurisdiction until such time as approval and adequate traffic protection is provided.

R.1971 d.47, effective March 31, 1971.

See: 2 N.J.R. 94(c), 3 N.J.R. 90(a).

As amended, R.1973 d.283, effective September 27, 1973.

See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

## SUBCHAPTER 2. PERMITS FOR DRIVEWAYS (ACCESS)

### 16:41-2.1 Introduction

(a) By virtue of the powers and duties set forth in N.J.S.A. Title 27 (Highways) 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 access to State highways. The State Highway Commissioner, under date of February 6, 1948, approved a revision of these rules and regulations.

(b) The efficiency and safety of a State highway is under the jurisdiction of the Commissioner of Transportation in order to aid the health and welfare of the citizens of the State. This efficiency and safety depends to a large extent upon the amount and character of roadside activity which in turn impacts the movement of traffic. One of the major factors that influence the operating characteristics of highways is the movement of traffic to and from abutting properties. Thus, it is necessary for the Commissioner, in evaluating access permit requests to ascertain their impacts upon the efficiency and safety of the highway operation prior to granting approval. Abutting land owners have reasonable rights of access that must be consistent with the efficient and safe use of the highway. In defining these land owner access rights, the level of service provided by the highway and the impacts upon this level of service by the proposed development will provide the basis for the extent and type of access that will be permitted in order to ensure the efficient and safe use of the highway.

(c) In planning roadside enterprises, the appearance and safety of the roadside could be greatly enhanced if the developer would consult with the district superintendent, construction and maintenance unit while the enterprise is in the planning state.

(d) In defining the development for which an access permit is being sought, the owner will be obligated to provide for the following:

1. Proper design of entrances and exits, including adequate provisions for emergency vehicles, and compliance with current State and Federal handicap regulations;
2. Adequate on-site parking;
3. Ample parking on premises;
4. Display of advertising;
5. In situations where large traffic generators, such as a large shopping center complex is proposed, preliminary

discussion should be held with the construction and maintenance unit prior to determining location of structures, parking facilities and access roadways.

6. Where the Department deems appropriate, provisions for pedestrians, bicycles, and public transportation will be sought. Such provisions might include, but not be limited to sidewalks, pedestrian crossings, passenger pick-up drop-off accommodations, entrance and exit geometrics which permit on-site ingress and egress by buses, shelters, route schedule information display, etc.

As amended, R.1973 d.283, effective September 27, 1973.

See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section substantially changed.

#### Case Notes

Denial of application for permit allowing direct access from property onto state highway did not present contested case. *High Horizons Development Co. v. State, Dept. of Transp.*, 120 N.J. 40, 575 A.2d 1360 (1990).

Department violated requirements of administrative due process by failing to disclose all documents upon which it relied in denying application. *High Horizons Development Co. v. New Jersey Dept. of Transp.*, 231 N.J.Super. 399, 555 A.2d 740 (A.D.1989) certification granted 117 N.J. 139, 564 A.2d 862, affirmed as modified 120 N.J. 40, 575 A.2d 1360.

#### 16:41-2.2 Authority

(a) N.J.S.A. Title 27 (Highways) prescribes certain powers and duties of the Commissioner of Transportation. Among these duties he is authorized to determine and adopt rules, regulations and specifications and enter into contracts covering all matters and things incidental to the acquisition, improvement, betterment, construction, maintenance and repair of State highways.

(b) In this connection, attention is directed to N.J.S.A. 27:7-44.1 which provides as follows:

1. "Nor shall any person enter upon or construct any works in or upon any State highway except under such conditions and regulations as the commissioner may prescribe. Whenever any encroachment may exist without warrant of law in any road when taken over as a State highway, the commissioner shall notify the Attorney General, who shall proceed to cause the same to be removed as by law provided.

2. Any person guilty of any violation of this section shall be liable to a fine not exceeding \$100.00 for each such day's violation, and the costs of prosecution, to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the commissioner. Said fines shall be paid into the State Treasury to the credit of the funds available for construction, maintenance and repair of roads. Any such violation may be removed from any State highway as a trespass by a civil action brought by the commissioner in the superior court. The court may proceed in the action in a summary manner or otherwise."

(c) This section forbids any person from constructing any work within the State highway system except under the conditions and regulations prescribed by the Commissioner of Transportation.

(d) All access applications received by the Department after September 21, 1992 shall be processed in accordance with N.J.A.C. 16:47. All access applications received by the Department prior to September 21, 1992 shall be processed in accordance with N.J.A.C. 16:41 with the exception that those provisions of N.J.A.C. 16:47 which are operative April 20, 1992 shall be applied to all applications received on or after April 20, 1992 if:

1. A complete access application or concept review application has been received by the Department; and
2. Any of the following approvals have been granted the applicant by the appropriate municipal approval authority pursuant to N.J.S.A. 40:55D-1 et seq.:
  - i. Preliminary site plan; or
  - ii. Subdivision; or
  - iii. General development plan.

(e) Between April 20, 1992 and September 21, 1992, an applicant with an application pending before the Department may make a one-time election to comply either with N.J.A.C. 16:47 or N.J.A.C. 16:41.

Amended by R.1992 d.181, effective April 20, 1992.

See: 23 N.J.R. 1525(a), 23 N.J.R. 1913(a), 23 N.J.R. 2831(b), 24 N.J.R. 1631(a).

Added (d) and (e).

#### Case Notes

Denial of application for permit allowing direct access from property onto state highway did not present contested case. *High Horizons Development Co. v. State, Dept. of Transp.*, 120 N.J. 40, 575 A.2d 1360 (1990).

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#### 16:41-2.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Berm" means when the area from the curblineline to right-of-way line is raised, normally eight inches in height, it is defined as the berm. This is also border area.

“Border area” means that part of a highway extending from the outer edge of a shoulder to the right-of-way line, whether improved or unimproved, and is reserved as a passage for pedestrians and for the placement of highway lighting, utilities, signs, etc. See areas (1), (2), (3), (4) in Figures 1, 2 and 3 of this section.

“Common drive” means a driveway with portions constructed on two adjoining properties.

“Control of access” means the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a State highway is fully or partially controlled by the Department of Transportation.

“Corner clearance (C)” means the distance from a projection of right-of-way lines perpendicular or radial to the curbline, thence along the curbline to nearest edge of proposed curbline opening. See C in figure 3 of this section.

“Curbline: (curb)” means a line (whether curbing exists or not) which is the outer edge of the shoulder. It is also the gutter line. See curbline in figures 1, 2 and 3 of this section.

“Curbline opening (C.O.)” means the overall opening dimension at the curbline, whether curbing exists or not, measured from the extreme outer edges of the radii. See C.O. in figures 1, 2 and 3 of this section.

“Curb ramps for physically handicapped” means a graded walkway connecting two level areas of different elevation which is to provide a smooth transition between pedestrian and motorized lanes of travel, specifically designed for the use of physically handicapped persons. These ramps shall conform with the departmental standards for barrier free design.

“Distances between driveways (D)” means the distance measured along the curbline between the tangent projections of the inside edges of two adjacent driveways to the same frontage. See (D) in figure 2 of this section.

“Driveway angle (Y)” means the angle of 90 degrees or less between the driveway centerline and curbline. See Y in figures 1, 2 and 3 of this section.

“Driveway width (complex).” See sections 18 and 19 of this subchapter.

“Driveway width, standard (W)” means narrowest width of driveway, within the border area measured parallel with the curbline. See W in figures 1 and 2 of this section.

“Edge clearance (E)” means the distance measured along the curbline from the lateral property line extended to the beginning of driveway. See E in figures 1, 2 and 3 of this section.

“Estimated Traffic Volume” is the estimate of the number and types of vehicles that will use the driveway(s) in a 24 hour period, including an estimate of the highest hourly volume utilizing accepted traffic forecasting procedures. (Reference, Institute of Transportation Engineers “TRIP GENERATION”, latest edition.)

“Extended property line (E.P.L.)” means a line, radial or perpendicular to the highway curbline, at each end of the frontage, extending from the right-of-way line to the curbline. See line (1)-(3) or (2)-(4) in figures 1, 2 and 3 of this section.

“Frontage” means the length along the highway right-of-way line of a single property tract between the lateral property lines. See distance between (1) and (2) in figures 1, 2 and 3 of this section.

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

“Inside radius (U)” means the inside or smaller curve radius on edge of driveway. See U in figure 2 of this section.

“Major” and “major development” means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, gasoline stations, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume warrants design review by the Major Permits Unit as shown in Tables A through J, incorporated herein by reference as Appendix A.

“Median” means that portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions. See figure 1 of this section.

“Minor” and “minor development” means an entrance or driveway serving shopping centers, business establishments, manufacturing plants, parking and/or sales lots, truck terminals, gasoline stations, churches, recreational areas, subdivisions, housing projects and similar establishments where the expected traffic volume does not warrant design review by the Major Permits Unit as specified in Tables A through J.

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

“Outside radius (R)” means the outside or larger curve radius on edge of driveway. See R in figures 1, 2 and 3 of this section.

“Private driveway” means an entrance to residence, field and woods, roads and similar noncommercial and lightly used driveways.

“Right-of-way” means property acquired by the State Department of Transportation for highway purposes.

“Right-of-way line (R.O.W.)” means the outer edge of State highway property, separating highway property from abutting properties of others. See R.O.W. in figures 1, 2 and 3 of this section.

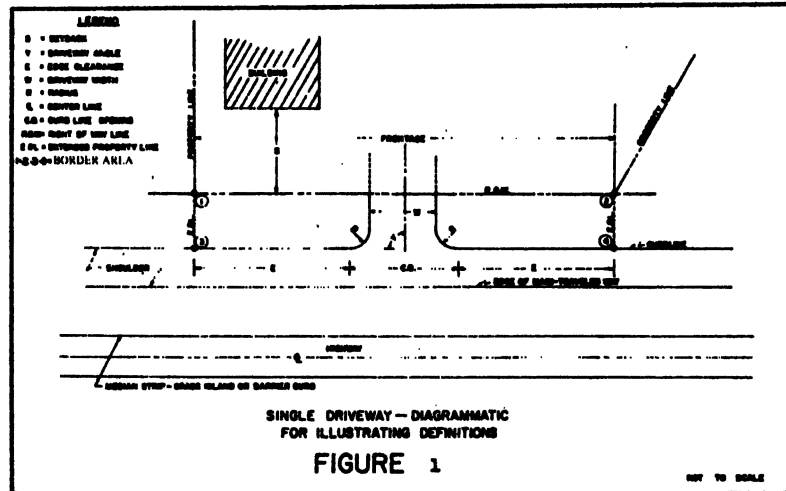
“Setback (S)” means the lateral distance between the right-of-way line and the roadside structure, such as a building, pump island, display stand or other object. See S in figures 1, 2 and 3 of this section.

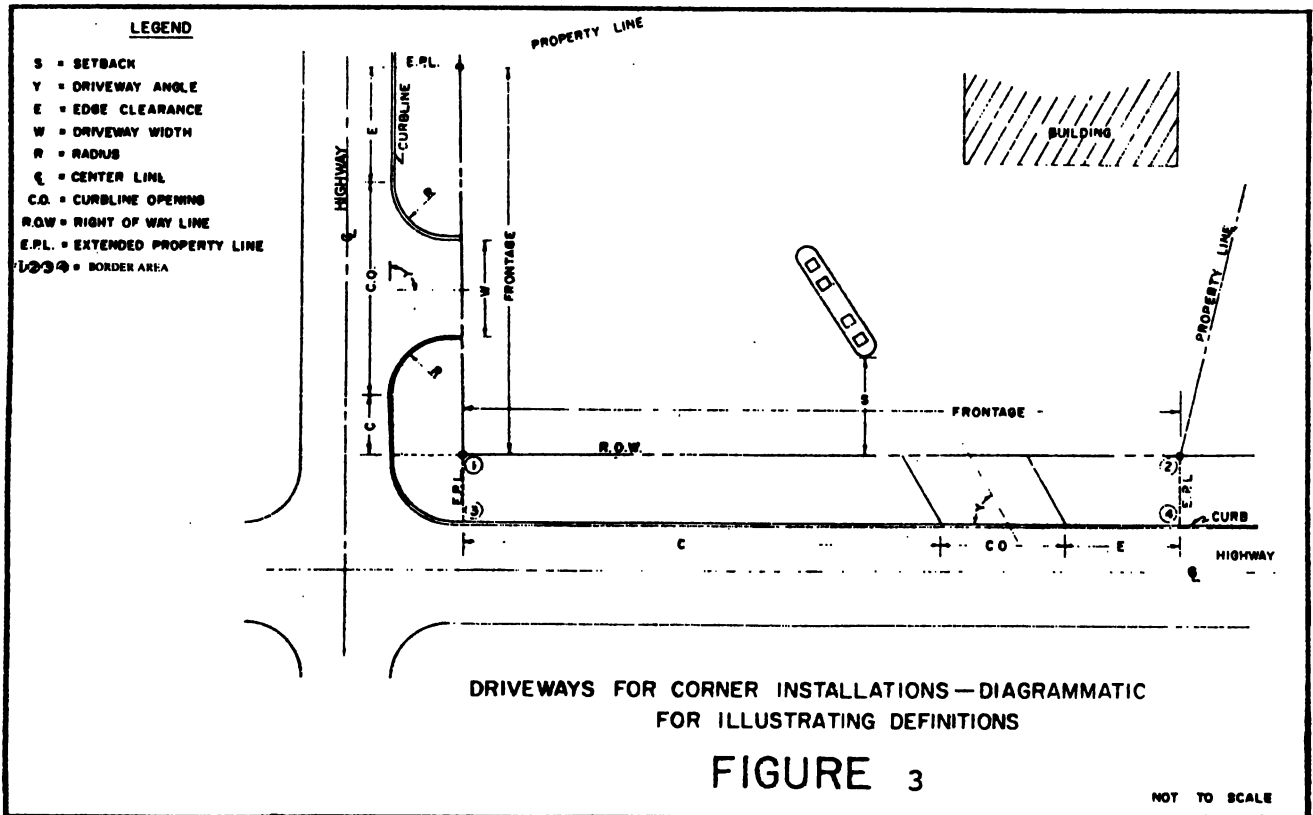
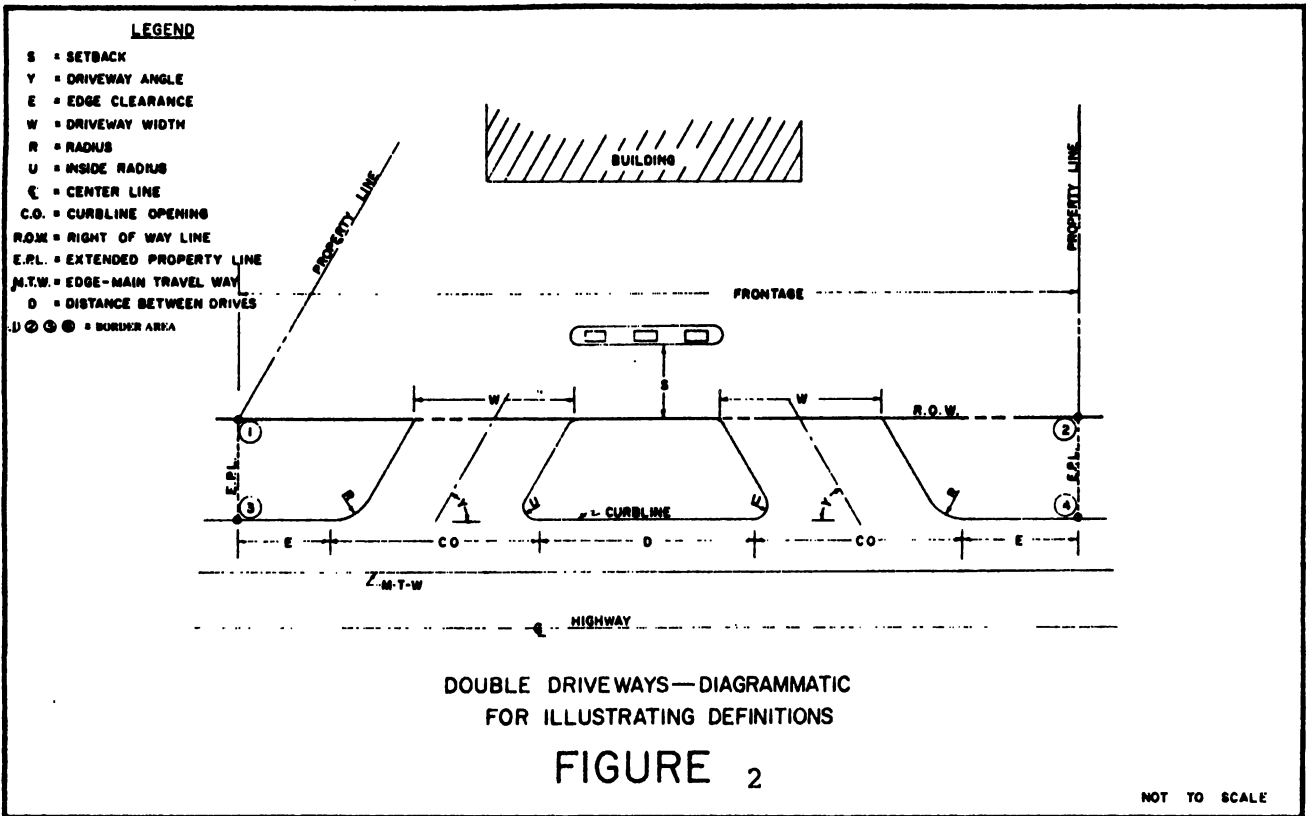
“Shoulder” means the graded part of the right-of-way that lies between the edge of the main pavement (main-traveled way) and curblines. See figure 1 of this section.

“Sidewalk area” means that portion of the right-of-way that lies between the curblines and right-of-way line, and within the limits of the extended property lines. This area varies greatly in width. Whether improved or unimproved, it is considered and controlled as sidewalk areas. See areas (1)-(2)-(3)-(4) in figures 1, 2 and 3 of this section.

“Speed-change lanes” means an auxiliary lane, deceleration lane, acceleration lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes. This lane should be of sufficient width and length of added pavement joining the traveled way to enable a driver to maneuver his vehicle onto it properly and once on it, to make the necessary change between the speed of operation on the highway, and the lower speed on the turning roadway. These lanes also function as storage lanes for turning traffic.

“Traffic volume count” means an estimated count of the highest amount of traffic volume entering a property in a 24-hour period.





As amended, R.1975 d.13, effective February 1, 1975.  
See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section was originally 16:41-2.4; it was adopted with substantial changes in text.

Figures 1, 2 and 3 are amended so that the legends read: 1, 2, 3, 4, = Border area instead of Sidewalk area.

Amended by R.1989 d.594, effective December 4, 1989.

See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).

References made to gasoline stations and to Permit Units in both "Major" and "Minor" developments.

#### 16:41-2.4 Permit provisions

(a) Any person, before constructing one or more driveways entering on any State highway in New Jersey; or intending to reconstruct, change or modify any existing driveway; or intending to expand or change the use of property with existing access to a State highway; or proposing to construct sidewalk, curbing or any related work within the limits of highway right-of-way must apply to and obtain a permit from the New Jersey Department of Transportation.

(b) The Department retains the right to determine the final classification of the types of permit requested (Note—applications for street intersections must comply with the requirements of N.J.A.C. 16:41-7.)

##### 1. Types of permits are:

- i. Private driveway;
- ii. Combined residence and business;
- iii. Government driveway;
- iv. Minor and minor development;
- v. Major and major development with planning review.

(c) Applications for access permit may be obtained from the construction and maintenance unit regional offices or from the department's principal office. (See N.J.A.C. 16:41-1.1(b).) Completed applications along with the required fee are to be forwarded to the regional office having jurisdiction over the area in which the driveway is to be constructed. The application can only be signed by the property owner. Application fees must be in the form of a check or money order made payable to the New Jersey Department of Transportation. Cash will not be accepted.

(d) Plans to support application should be collated and folded, and shall include:

1. Applications for private access driveway permit must be supported by six copies of a detailed sketch or to a scale plan no greater than 50 feet to one inch, preferably 30 feet to one inch, using an Engineer's scale. The plan or sketch should show location and type of proposed driveway in relation to the gutter and/or curblin. While all application plans for private access should be on State Standard 22 inch by 36 inch or Industry Standard 24 inch by 36 inch sheets, an 8½ inch by 11 inch sheet may be accepted.

2. Applications for combined residence and business, automobile service station and commercial minor driveways must be supported by eight copies of a detail plan to a scale no greater than 50 feet to one inch, preferably 30 feet to one inch, using an Engineer's scale. Topographic features must be shown on both sides of undivided roads, and one side of divided roads, for 250 to 500 feet in each direction. Additionally, any features affecting sight distance must be noted. All application plans for combined residence and business, automobile service station and commercial minor driveways must be on State Standard 22 inch by 36 inch or Industry Standard 24 inch by 36 inch sheets. Also included shall be the information requested in (d)3 below.

3. Applications for commercial major driveway(s) must be supported by eight copies of a detailed plan to a scale no greater than 30 feet to one inch using an Engineer's scale. Topographic features must be shown on both sides of undivided roads, and one side of divided roads, for 1 000 feet in each direction. Additionally, any features affecting sight distance must be noted. All application plans for commercial major driveways must be on State Standard 22 inch by 36 inch or Industry Standard 24 inch by 36 inch sheets. Also included shall be the following information:

- i. Site location map. Tax maps are unacceptable. Site location maps should show at least two cross streets, on each side of the property, milepost, north arrow and scale;
- ii. Property lines;
- iii. Setback and location of structures;
- iv. Curb;
- v. Sidewalk;
- vi. Drainage. Must show complete existing and proposed drainage systems; calculations for existing and proposed development flows must be included.
- vii. Existing and proposed contours;
- viii. Highway electrical installations;
- ix. Tree within right-of-way;
- x. Advisory, directional and regulatory signs;
- xi. Signs;
- xii. Poles;
- xiii. Location of driveways;
- xiv. Driveway width;
- xv. Driveway alignment;
- xvi. Curblin opening;
- xvii. Edge clearance;
- xviii. Type of construction;

- xix. Where applicable:
  - (1) Driveway grades;
  - (2) Corner clearance;
  - (3) Radius of curvature;
  - (4) Parking facilities;
  - (5) Estimated traffic count for access;
  - (6) Speed-change lanes (acceleration, deceleration or left turn slots);
  - (7) Typical section, which shall be included in all access plans showing existing and proposed lane and shoulder cross slopes, widths and pavement make up.

xx. Traffic planning and traffic management data substantiating the property owner's plans to control the amount of development related vehicular traffic. Traffic studies shall include calculations of peak hour traffic (A.M. and P.M.) for full buildout of the development and directional distribution plus counts on the highway at peak hour.

- xxi. Design features for minor development;
- xxii. Shoulder width;
- xxiii. Traveled lane width to center lines of roadway; and
- xxiv. Number of traffic lanes.

(e) At the discretion of the project sponsor, an application for concept review of a proposed roadway modification may be made to the Department. This review would normally be requested for major projects which require significant expenditures for development of design detail. The concept review process will result in a Letter of Concept Approval issued by the Department. The concept approval will remain in effect for a period of one year. Issuance of a Letter of Concept Approval will not relieve the project sponsor of the requirements set forth in N.J.A.C. 16:41-2.4(a) or (q).

(f) Applications for concept review must be supported by eight copies of a plan to a scale no greater than 100 feet to one inch, preferably 50 feet to one inch, using an Engineer's scale. This application should provide information sufficient to enable the Department of Transportation to determine the feasibility of the proposed project but is not required to include extensive construction details. Traffic studies should include calculations of peak hour traffic (A.M. and P.M.) for full buildout of the development and directional distribution plus counts on the highway at peak hour. The following information should generally be included in the application:

- 1. Site location including existing topography (poles, grades, etc.);
- 2. Property lines;

- 3. Drainage;
- 4. Driveway width;
- 5. Driveway alignment;
- 6. Curb line opening;
- 7. Type of construction;
- 8. Parking facilities;
- 9. Speed change lanes (acceleration, deceleration or left turn slots);
- 10. Traffic signals;
- 11. Traffic planning management data as well as design features;
- 12. Shoulder width;
- 13. Traveled lane width to center line of roadway; and
- 14. Number of traffic lanes.

(g) Disposition of applications will be sought on or before the 90th day after receipt of complete application.

(h) The fee schedule is as follows:

	Application fee	Permit fee
1. Private driveway:	\$35.00	\$15.00
2. Combined residence and business:	\$75.00	\$25.00
3. Government driveway:	\$150.00	\$500.00
4. Minor and minor development:	\$265.00	\$85.00
5. Major:	\$3,750	\$1,250
6. Major with Planning Review:	\$9,000	\$3,000
7. Extension fee includes:		
i. Private driveway:		\$10.00
ii. All other access:		\$20.00
8. Concept review:	\$500.00	

(i) No refund will be made after an application has been filed.

(j) All construction work under the terms of the permits must be completed within one year from the date permit was issued, unless otherwise stated or the permit is automatically lapsed.

(k) When the work under the terms of the permit is started within one year from the date of issuance and cannot be completed in the indicated time limit unless otherwise stated, the permittee must request an extension of time under the same terms and conditions. A request by letter must be submitted to the appropriate regional office for extension of the time along with the required fee in the form of a check or money order. Cash will not be accepted.

(l) When the work under the terms of the permit does not get started within one year from the date the permit was issued, the permittee may reapply by application under the

same terms and conditions of the original permit. The new application and plans must reflect any developments which would necessitate a change in the installation.

(m) All applications must be accompanied by the appropriate fee based on submitted documentation. Additional applications may be required upon Departmental review and possible recommended changes.

(n) Major land use changes or expansions which are proposed or which occur (in comparison with those specified in an approved permit) will require a new application for access, and could necessitate new permit-related requirements by the Department. Major land use changes or expansions shall be considered to be any instance where the changed or expanded use results in development-related vehicular traffic increases of 10 percent or more (based on trip generation rates specified in the Institute of Traffic Engineer's manual or other professionally accepted standards), but in no case less than 100 vehicles per hour. Development-related vehicular traffic increases will be measured relative to the amount of development-related vehicular traffic forecast in the original permit application or the observed development-related vehicular traffic, whichever is the lesser.

1. The Department will require such a new application to determine whether the increased traffic will materially affect the safety and efficiency of general traffic flow, and will determine what improvements or modifications to driveway access are necessary, if any, to maintain acceptable traffic conditions.

2. Property owners with existing permits who are contemplating major land use changes or expansions are expected to comply with this provision by filing a new application. In instances where an application should have been filed but was not, and where the resultant development-related traffic poses a safety or congestion hazard, the Department shall seek remedies in accordance with its existing authority.

3. If a development has access to a state highway, and said access predates the New Jersey Department of Transportation's access permitting approval process, any proposed change or expansion in land use which will result in increased traffic will necessitate an access permit application.

(o) The Department retains the right to control traffic on the highway system in order to provide for safe and efficient use which may include the imposition of limits upon the volume of traffic that can use a driveway.

(p) Upon issuance of a permit for a major development, copies will be forwarded to the appropriate officials of the municipality and county in which the property requiring access is located.

(q) Subsequent to receiving an Access Permit Application and associated application fee, the New Jersey Department of Transportation at its discretion may enter into a contractual agreement with the developers of large projects in lieu of the issuance of a permit. The agreement would generally be concerned with major developments involving roadway improvements to be phased over an extended period of time. Supporting documentation will comply with the requirements for permit applications. Any fee paid shall be considered as a credit against the total payment required by the agreement.

(r) Upon receipt of the required application fee and affidavit as described herein and upon Department approval for the requested highway access, the permit fee will be adjusted for applicants providing low or moderate income housing units to be constructed pursuant to the Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301 et seq.) or under court settlement. The permit fee will be adjusted to reflect a reduction to both the application and permit fee of 20 percent where an affidavit from the municipal approving authority is received with the application, which certifies to the Department that the development contains at least a 20 percent set aside for low and moderate income housing, pursuant to the Fair Housing Act, P.L. 1985, c.222 (N.J.S.A. 52:27D-301 et seq.) or under court settlement.

As amended, R.1973 d.283, effective September 27, 1973.

See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1975 d.207, effective July 21, 1975.

See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section was originally 16:41-2.3; it was adopted with substantial changes in text. Legends in figures 1, 2 and 3 now read: 1, 2, 3, 4 = Border Area.

Amended by R.1987 d.347, effective July 28, 1987.

See: 19 N.J.R. 1074(b), 19 N.J.R. 1653(b).

Substantially amended.

Correction, effective March 20, 1989.

See: 21 N.J.R. 775(b).

Added text to (n) "increases will be ... development-related vehicular traffic".

Amended by R.1989 d.594, effective December 4, 1989.

See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).

Both Application and Permit Fees substantially increased and new (r) added with fee waiver for low and moderate income housing.

Amended by R.1990 d.139.

See: 22 N.J.R. 20(b), 22 N.J.R. 837(b).

Reduction in application and permit fees provided for projects providing low-income housing.

Notice of Petition

See: 22 N.J.R. 864(a).

Notice of Action on Petition for Rulemaking published at 22 N.J.R. 864(a).

See: 22 N.J.R. 1277(c).

#### 16:41-2.5 Curbing

(a) At the discretion of the Department, curb construction may be required on commercial and industrial frontage. The need for said construction shall be noted as a condition of the permit.

(b) All curbing to be constructed within right-of-way of any State Highway shall be white concrete, Class "B", air-entrained, and shall conform to New Jersey Department of Transportation Standard Specifications. If there is existing curbing which does not comply with current regulations regarding color and dimensions, the property owner may be required to remove and replace previously installed curbing within the extended property boundaries, or at the discretion of the Department, provide transitional curb sections to the adjacent existing curb.

(c) Concrete proportion shall consist of one part Portland cement,  $1\frac{3}{4}$  parts sand, and  $3\frac{1}{2}$  parts crushed stone or washed gravel. This is called a  $1:1\frac{3}{4}:3\frac{1}{2}$  mix.

(d) Nine inch by 18 inch white concrete vertical curb shall be constructed of white concrete as shown on curb detail. Figure 4. White concrete shall mean concrete composed of white cement, white sand and light colored coarse aggregate.

(e) The alignment and grade is to be determined by that established or existing in the area, and if need be, through the assistance of a qualified engineer.

(f) Curb expansion joints shall be provided opposite joints in abutting concrete pavement and at approximately equal distances of not more than 20 feet, except as otherwise specified as a condition of the permit issued.

(g) The top shall be finished with a wood float to an even, smooth and dense surface and, as soon as the forms can be removed, the face shall be similarly finished. The edges of the curb shall be rounded to the required radius with suitable edging tools.

(h) Where curbing exists or is to be constructed, all driveways are to have depressed curbs, according to the method shown on Figure 5 of this Section. (See Section 2.19 (Complex driveway designs) of this Chapter.)

1. To construct a depressed curb where curbing exists, the permittee will be required to entirely remove that section of existing curb and replace it with new curb.

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 is contemplated in the immediate future, in which case full and accurate plot plans should be furnished to the Department.

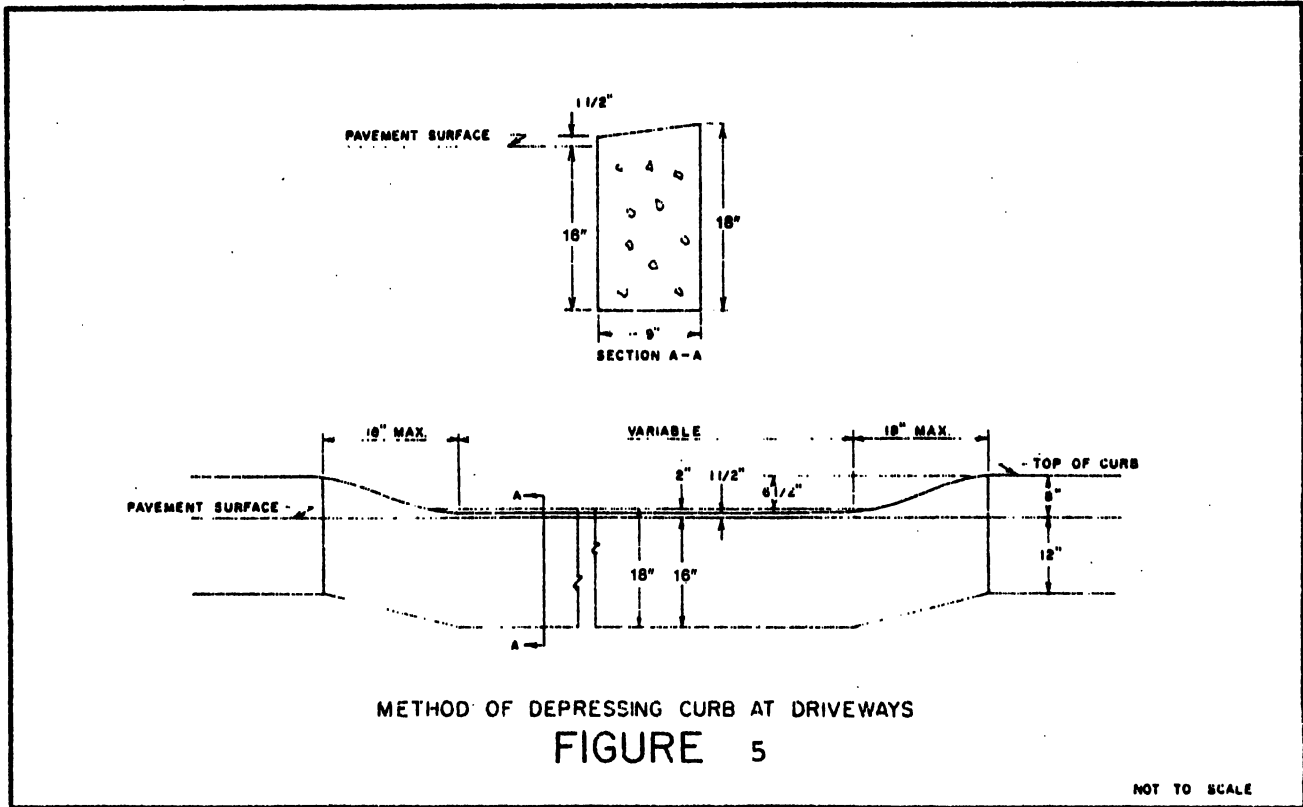
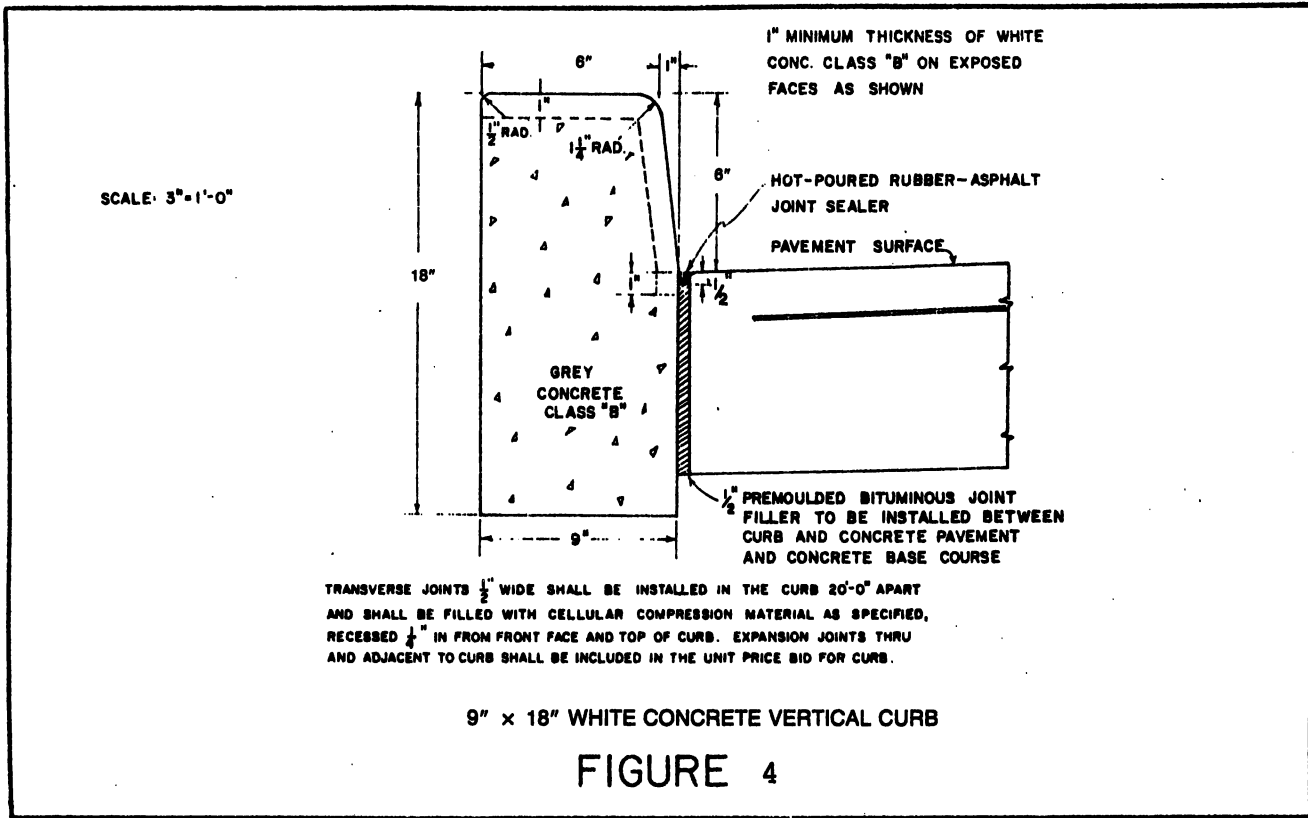
3. The top of the depressed section of curb shall be  $1\frac{1}{2}$  inches higher than and parallel to the established gutter grade.

4. Depressed curbing shall not be constructed as an integral part of concrete ramps.

5. Existing monolithic curb shall be chiseled off to a line  $1\frac{1}{2}$  inches above gutter grade after which the broken surface shall be finished with a 1:2 Portland Cement Mortar mixture to present a smooth and even surface.

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

(i) Curb ramps for the physically handicapped shall be installed by the property owner at all intersections and crosswalks where there is an existing or proposed sidewalk. Ramp design will be in accordance with Department Design Standards.



As amended, R.1983 d.530, effective November 21, 1983.  
See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Figures 4 and 5 now read: "6", 16" and 18"" for vertical dimensions instead of "8", 18" and 20"" respectively.

**16:41-2.6 Border area**

(a) That part of the highway extending from the outer edge of a shoulder to right-of-way line, whether improved or unimproved, is considered and controlled as a border area and is reserved as a passage for pedestrians and for the placement of highway lighting, utilities, signs, etc.

1. Improved area is an area where sidewalk may exist or an area that is seeded, sodded or ornamentally planted with low growing ground cover or ornamentally covered with other suitable non-growing landscape materials approved by the Department and provides for safe passage of pedestrians.

2. Where entirely unimproved border area exists the permittee is required to raise the border area berm six inches above the shoulder grade of the highway after which it shall be seeded, sodded, ornamentally planted with low growing ground cover or ornamentally covered with other suitable low non-growing landscape materials approved by the Department.

(b) The Department favors the construction of sidewalk, however, such installations are not considered a requisite unless specifically requested by the Department, applicant or required by local ordinance.

(c) Sidewalks shall be constructed of Portland Cement Concrete, except if specifically otherwise allowed in the permit, and the subgrade shall be prepared accordingly. Portland Cement Concrete sidewalk is hereinafter termed concrete sidewalk.

(d) Sidewalks shall be constructed with Class C, air-entrained concrete.

1. The concrete proportion shall consist of one part Portland Cement, two parts sand, and four parts crushed stone or washed gravel, and constructed to a thickness of not less than four inches.

2. Alignment and grade is to be determined by that established or existing in the area and if need be, through the assistance of a qualified engineer.

3. Transverse expansion joints  $\frac{1}{2}$  inch wide, shall be provided at intervals of not more than 20 feet and filled with prefabricated bituminous cellular type joint filler.

4. Longitudinal joints,  $\frac{1}{4}$  inch wide, shall be provided between curbs and abutting sidewalks and shall be filled with premolded bituminous type joint filler.

5. Transverse surface grooves shall be cut in sidewalk between expansion joints at intervals equal to the sidewalk width.

6. The standard slope of sidewalk or border area shall be  $\frac{1}{4}$  inch per foot rising from the top of standard curb.

7. The finish shall be made with a wood float, followed by brushing with a wet soft-hair brush to a neat and

workmanlike surface. All edges shall be neatly rounded to  $\frac{1}{4}$  inch.

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section substantially amended.

**16:41-2.7 Installation of pipes**

(a) The Transportation Department is only concerned with ditches and construction of drainage that falls within the limits of its jurisdiction or easement.

(b) Where ditches exist, pipes of size and material designated by the Department are to be installed beneath drives.

(c) Where ditches exist and conditions are favorable, installation of a continuous pipe of proper size may be permitted. Where installation of pipe exceeds 350 feet in length, a manhole or inlet must be constructed midway between the ends. Installation of pipe longer than 350 feet will not be permitted without intermittent manholes or inlets.

(d) The Transportation Department will not assume any cost involved in the installation of pipes.

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

(c) added: or inlets.

**16:41-2.8 General restrictions**

(a) No part of highway right-of-way is to be used for parking, servicing of vehicles, displays, or to conduct private business. The border area is to be kept clear of buildings, sales exhibits, signs, parking areas, service equipment and appurtenances thereto.

(b) Trimming, removal of trees, or shrubbery within highway jurisdiction for clearing the view to signs on private property or for any other reason is not authorized, except as indicated in Section 2.14(c)2 (General information) of this Chapter.

(c) No advertising signs or devices may be erected on or overhanging State right-of-way nor may any portion thereof be used for display of merchandise. The Department, therefore, cannot authorize the erection and maintenance of signs on public property other than advisory, directional and regulatory signs required by State laws. All signs erected by the property owner must not be in violation of N.J.S.A. 39:4-183.3 which states as follows: "No person shall place, maintain, or display upon or in view of any highway, any unauthorized traffic sign, device, or other contrivance which purports to be or is an imitation of or of such a nature as to be mistaken for an official traffic sign or which attempts to direct the movement of traffic which hides from view or interferes with the effectiveness of any official sign and no person shall place or maintain, nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon or its support, any commercial advertising." (See

Section 2.12 (Relocation or removal of structures within the limits of driveways) of this Chapter.)

(d) The permittee shall properly safeguard all work performed under permit and maintain sufficient warning lights, Departmental approved signs and safety devices for protection of the traveling public until the project has been completed.

(e) The permittee shall indemnify and save harmless the State of New Jersey, its officers, employees, and agents against all suits and costs of every name and description and from all damages and injuries including claims allowed by the Legislature and charged to the Budget of the State Transportation Department.

(f) Work shall be conducted so that there shall be no interference with any departmental structure or facility, on, over or under the highway, unless with permission of the department. (Interference with drainage installations must be avoided. The existing cross section and drainage of highways shall not be disturbed. The longitudinal flow of water along the gutter line must not be interrupted, and it shall be the responsibility of the owner to make adequate provision for all transverse, lateral and longitudinal drainage affecting his construction.)

(g) Unless curbing or curb returns are installed, the Department will not approve construction of driveways nearer than five feet to inlets or catch basins.

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

(i) The five-year restriction of newly constructed highways does not apply to construction of access driveways.

(j) The Transportation Department will not authorize construction work within the limits of right-of-way which will adversely affect the stability, appearance, or designed function of the highway itself, or any of its component or auxiliary structures.

(k) All lighting equipment for roadside establishments must be located off highway right-of-way and present no hazard to the traveling public.

(l) No alteration or addition shall be made to any driveway within State right-of-way, without first securing written permission from the Department.

(m) Normal maintenance work within an approved access area may be permitted with the written permission of the New Jersey Department of Transportation. Such maintenance is considered to be the work required to provide against general deterioration due to wear and tear without alteration of any of the original components. Such items may include:

1. Resurfacing of driveway;
2. Replacing section of sidewalk;
3. Repairing damaged curb;
4. Reseeding or topsoiling a grassy area; or
5. Replacing concrete apron of driveway.

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Substituted "border" for "sidewalk" and added subsection (m).

#### 16:41-2.9 Number and arrangement of driveways

(a) Driveways shall be so designed and located as to avoid undue interference with, or restriction of the free movement of normal highway traffic so that areas of traffic congestion will not be created. In accordance with this principle, driveways shall be constructed where highway alignment and profile are favorable; i.e., where there are no sharp curves, or steep grades, and where sight distance in conjunction with the driveway access would be adequate for safe traffic operation. Driveway locations should be avoided within intersections, jughandles, rotaries, and interchanges. Also to be avoided are locations that would interfere with the placement and proper functioning of highway signs, signals, lighting, or other devices that affect traffic operations.

(b) Property having a frontage of less than 100 feet should have only one driveway except where one-way operation is proposed.

(c) More than two driveways may be provided for any single property tract or business establishment having a frontage of 100 feet or more. Where the frontage is sufficient, additional driveways may be permitted.

(d) Driveway must be positioned to clear the extended property lines by a minimum of five feet. Where two driveways are provided for one frontage, the distance between must not be less than 25 feet.

(e) At an intersection, driveways connecting each highway with the corner property may be permitted when essential to the conduct of business on the corner tract, provided such driveways comply with regulations. The Department recommends that the corner clearance be more than, but not less than ten feet.

(f) Joint driveways: See Section 2.14(e) (General information) of this Chapter.

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Changed "should" to "shall" added "designed and"; "jughandles", and "except where ... is proposed".

**16:41-2.10 Driveway surfacing**

(a) Driveways should be appropriately surfaced. The Department of Transportation is only concerned with the portion within the limits of its right-of-way. There is no standard type of surfacing that must be used. The driveway approach should be constructed of a permanent type pavement and similarly surfaced to the right-of-way line. Gravel surfacing may be suitable in some areas. Rural residential and field driveways may not require surfacing.

(b) Paving of driveways is not to extend beyond the curbline into the shoulder area, unless by specific approval of the Department. In any event, the existing grade of the highway shoulder must be maintained at all times.

(c) Concrete driveways should be constructed of Class B concrete, six inches thick.

(d) When constructing a bituminous concrete driveway, that portion from curbline to right-of-way line should not be inferior to four inches of quarry processed stone and two inches of MABC (macadam base with bituminous concrete) surface.

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Deleted "macadam base ... thick," and added "quarry processed ... surface".

**16:41-2.11 Control dimensions**

(a) All portions of the driveway shall be within the extended property lines. The normal edge clearance (E) should not be less than five feet; i.e., measured from the said property line, along the curbline to the beginning of the curbline opening.

(b) Curbline opening (C.O.) residential.

1. Minimum of 12 feet;
2. Maximum of 30 feet.

(c) Curbline opening (C.O.) commercial.

1. Minimum of 24 feet;
2. Maximum of 50 feet.

(d) Driveway width (W) residential.

1. Minimum of eight feet;
2. Maximum of 26 feet.

(e) Driveway width (W) commercial.

1. One-way operation, entrance or exit, 20-34 feet maximum;
2. Two-way operation, 20-46 feet maximum.

(f) Driveway angle (Y).

1. Driveways used by vehicles in one direction of travel on highway (right turn only): 45 degrees minimum.

2. For two-way operation, as near 90 degrees as site conditions will permit; normal minimum 60 degrees.

(g) Radius of curvature (R) or (U).

1. Residential maximum is ten feet;
2. Commercial maximum is 15 feet;
3. Special consideration will be given to unusual cases.

(h) Distance between driveways.

1. Residential minimum is 25 feet;
2. Commercial minimum is 25 feet.

(i) Setback (G):

1. The Department of Transportation has no jurisdiction over areas outside right-of-way lines, however, it is recommended that the following setbacks be considered.

2. Gasoline pump islands should be kept 15 feet or more outside the right-of-way line.

3. Gasoline service stations and small business, 40 feet minimum.

4. Large restaurants and businesses, 50 feet minimum.

5. The department urges an adequate setback from the property lines for restaurants, roadstands and other structures to provide offstreet parking.

(j) Corner clearance.

1. The minimum is ten feet which may be increased or decreased to fit field conditions. See figure 3 of this chapter.

2. Where there are traffic signals at the intersection, the desirable clearance should be two or more times the minimum corner clearance.

(k) Single driveways should be positioned at right angles to the roadway. Where two driveways are used on one frontage and they are to be used for access to and from both directions of travel on the highway, each driveway may be placed at an angle other than a right angle with the roadway edge but not less than 45 degrees. Driveway profile controls are shown in detail in figure 7 of this chapter.

(l) Drives must be separated by a safety zone of a length satisfactory to the department and extend from the curb or shoulder line to the property line. The area must be raised six inches above the surface of the adjacent drives and seeded, sodded or otherwise improved in accordance with regulations.

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Changed "should" to "shall".

**16:41-2.12 Relocation or removal of structures within limits of driveways**

(a) The department's interest is in all structures within the limits of its right-of-way and those covered by easement.

(b) Removal of curb is not authorized, except in accordance with section 5 of this subchapter.

(c) Where storm sewers, highway grades and other conditions are favorable, permission may be obtained for the relocation of an inlet. All work will be at the expense of the permittee and shall be constructed in accordance with New Jersey Department of Transportation Standards and Specifications under departmental supervision. (See sections 8(f) and (h) of this subchapter.)

(d) Upon written request guide rails will be removed by the Transportation Department Forces providing the applicant has completed the fill behind the guide rail to the satisfaction of the Department.

(e) The Department will arrange for the relocation of advisory, directional and regulatory signs upon request at its expense, providing an equally satisfactory location can be found.

(f) Relocation of Departmental electrical facilities:

1. The Department may permit the relocation of State-owned electrical facilities located within the site of a proposed drive, providing a new location can be found, satisfactory to the Transportation Department. This applies also to pavement detectors, pullboxes, conduits, and other constituent parts; relocation cost to be assumed by applicant.

2. Where structures are owned by a county or municipality, said county or municipal permission must be obtained before access permission is requested.

(g) Permission may be granted for construction of a driveway at a site which includes a utility pole. However, relocation of such utility property must be arranged by the permittee with the owning Utility Company or municipality.

(h) Relocation of utility poles carrying units of the Department's lighting system may require modification of the lighting system. Since these are placed in accordance with a carefully designed spacing pattern, modifications must meet the standards of the Department. The costs associated with the lighting modifications will be borne by the applicant.

(i) At locations on highways where metal pole lighting exists, electrical conduit or direct buried high voltage cables are located adjacent to the inside of curbing, at a depth of approximately 18 inches below top of curb. Extreme care must be exercised not to damage conduit or cables during removal of curbing and construction of driveways. During construction, it will be necessary to protect cables by encasing them in fiber conduit with an envelope of concrete as shown in Figure 6 of this Chapter. The owner or contractor shall notify the District Electrical Supervisor at least three working days prior to any excavation adjacent to curbing.

(j) When a fire hydrant exists within the area of an approved location, the same procedure set forth in subsection (g) of this Section shall be followed.

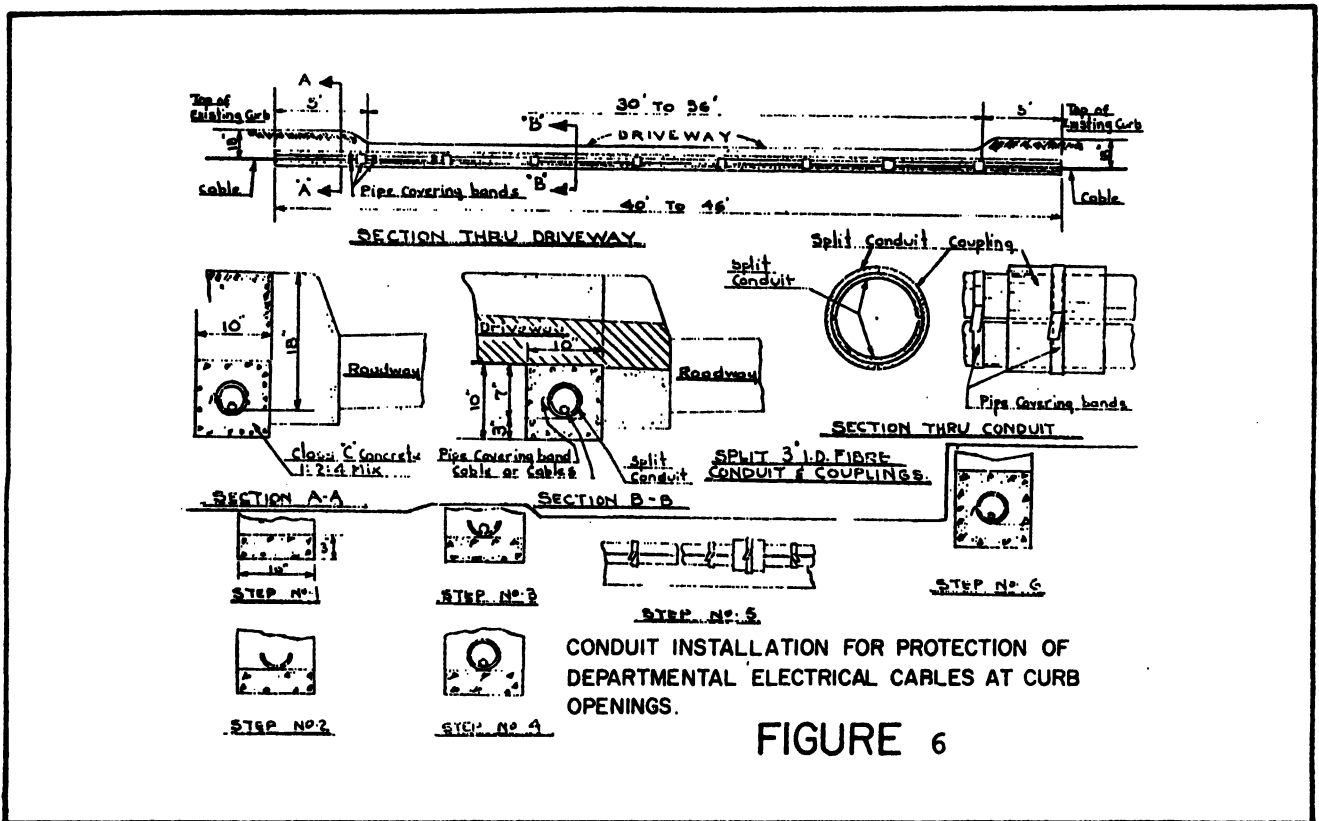


FIGURE 6

As amended, R.1983 d.530, effective November 21, 1983.  
 See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).  
 Changed "guard" to "guide". Subsection (h) substantially changed.

As amended, R.1983 d.530, effective November 21, 1983.  
 See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).  
 Substantial changes in section.

**16:41-2.13 Materials and workmanship**

(a) Materials and workmanship used in construction within right-of-way of a highway are subject to inspection and approval of the Department.

1. The resultant work, as far as it is practicable, must conform in appearance to similar Departmental construction.
2. Unless otherwise specified in the foregoing regulations, materials shall conform to the standard specifications of the New Jersey Department of Transportation.
3. On projects whereby the Department enters into an agreement with the developer to assign Department personnel for the inspection of the project, salary, overhead and expenses of the inspector will be charged to the permittee. Billing will be based upon supporting documentation.

(b) The cost of construction work and material will be entirely at the permittee's expense. The Department of Transportation will not share in any expense whatsoever or do any construction work pertaining to access driveways.

(c) For exceptions to the provisions of this Section, see N.J.A.C. 16:41-2.14(d)2 (General information).

**16:41-2.14 General information**

(a) These rules and regulations do not pertain to controlled access highways, such as freeways, parkways and Interstate routes where direct access is prohibited by law.

(b) The Department will not expend public funds in assisting abutting property owners to obtain access to the highway, except as indicated in subsection (d) of this Section.

(c) Landscaping shall be as follows:

1. Only very low growing ground cover may be maintained within the border area, subject to Department approval. In special cases after considering safety, aesthetics and maintenance requirements the Department may approve ornamental stone mulch, wood or bark mulch, bituminous concrete portland cement concrete, or brick walks within the border area. Artificial turf, trees, shrubs, and plants are not permitted. Continuous maintenance and freedom from undesirable growth shall be the responsibility of the property owner. Plantings or ground cover shall not interfere with sight distance.

2. The Department may authorize removal or relocation of trees or landscaping material which are within proposed driveway locations, providing reasonable access cannot otherwise be obtained. The Department will con-

sider trimming or removal for purposes of safety visibility between a driveway and highway upon written request. The Department may approve certain trimming provided the appearance or health of the planting is not affected.

3. The Department reserves the right to require the relocation of material which may be disturbed or substitution of other suitable material if such action is considered desirable.

(d) Policy governing the construction of driveways:

1. The construction and maintenance of driveways shall be the responsibility of the owner of the abutting property.

2. On new construction or betterment projects, driveways that serve residential or business establishments that have been disturbed or must be redesigned will be restored or reconstructed by the Department without cost to the property owner upon approval of the Department.

3. If a new or additional curb is to be constructed within the scope of work, the Department will construct curb depressions upon request. Such request will be subject to Section 5 (Curbing) of this Subchapter.

(e) When agreeable between two adjoining property owners, a joint or common driveway may be approved. Procedure: An application for access permit must be filed according to Section 5 (Curbing) of this Subchapter, endorsed by each property owner.

(f) Drive-in theater entrances: Such requests require special study. See: N.J.A.C. 16:41-2.18 (Conditions for major developments).

(g) 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.

(h) Acceleration and deceleration lanes are shown in Figures 16 and 17 of this Chapter. Such requests require special study. See N.J.A.C. 16:41-2.18 (Conditions for major developments).

(i) In planning roadside enterprises it becomes imperative that properties to be developed should be adequate in size to provide off the road parking facilities. The number and design of parking spaces should be in accordance with accepted traffic engineering principles and in compliance with local zoning ordinances.

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section substantially amended.

#### 16:41-2.15 Local ordinances and regulations

The New Jersey Department of Transportation will respect local building, zoning or setback ordinances, rules and regulations. Permits will not be issued which in any way might violate the letter, spirit or intent of such ordinances and regulations.

#### 16:41-2.16 Special conditions

(a) The State Department of Transportation may impose special conditions if necessary, when issuing permits. These will be included as a condition of the permit and will also be noted on approved plans.

(b) The Department shall reserve the right to demand from the applicant as a condition of any permit, a bond or certified check in an amount sufficient to guarantee or insure proper maintenance or restoration of the area disturbed. If it becomes necessary that Department forces, for any reason, are required to make repairs, the cost of such work shall be deducted from the principal and the remainder, if any, shall be returned after the project has been completed and accepted. If the amount of the guarantee is less than the cost of the additional work, the applicant shall be billed for the balance due.

(c) The construction of a driveway at a signalized intersection usually necessitates for proper operating of the facility, the installation of additional signal equipment. The Department shall determine the additional facilities required. All equipment shall be installed in accordance with the New Jersey Department of Transportation Standards and Specifications under Department supervision. At the request of the permittee, the Department will perform the signal modification. The cost of the signal modification work and all electrical equipment will be entirely at the permittee's expense.

#### 16:41-2.17 Illustrations of standard driveways

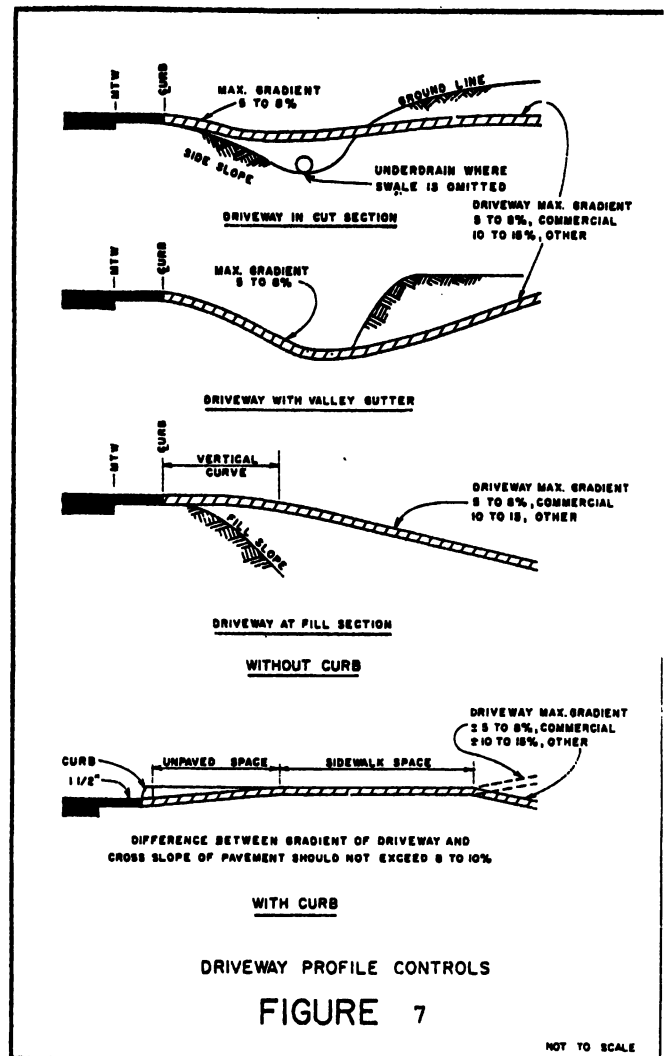
(a) The sketches in this Chapter, abbreviations used and their meaning, shall be interpreted as follows:

1. "P.L."—Properly line
2. "R."—Radius
3. "CL"—Centerline of highway
4. E.P.L.—Extended property line
5. M.T.W.—Edge of main-traveled way
6. R.O.W.—Right-of-way line
7. Curb—Curb Line or gutterline
8. S.W.—Sidewalk
9. VAR.—Variable width

(b) A series of diagrammatic sketches and typical layouts to illustrate regulations and suggestions for likely cases on two lane highways (no divider) are shown in Figures 7 through 14 of this Section. When applying for a permit, consideration should be given to these designs, and the access be constructed accordingly.

(c) *Figure 7, Driveway profile controls.*

This sketch shows typical driveway profile controls. The use of a swale or pipe underdrain for proper drainage of uncurbed portions of highways is indicated. The bottom profile shows a driveway sloping upward to the sidewalk to assure proper drainage. Beyond the sidewalk the driveway may slope either upward or downward depending upon the topography at the site. Where curbs are used along the roadway and sidewalks are provided or contemplated, the gradient of the driveway usually should fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practicable, then the sidewalk should be lowered to provide a suitable gradient for the driveway. In such case, the surface of the sidewalk should be sloped gently from either side of the driveway. Vertical curves on driveways should be flat enough to prevent dragging of vehicle undercarriage.

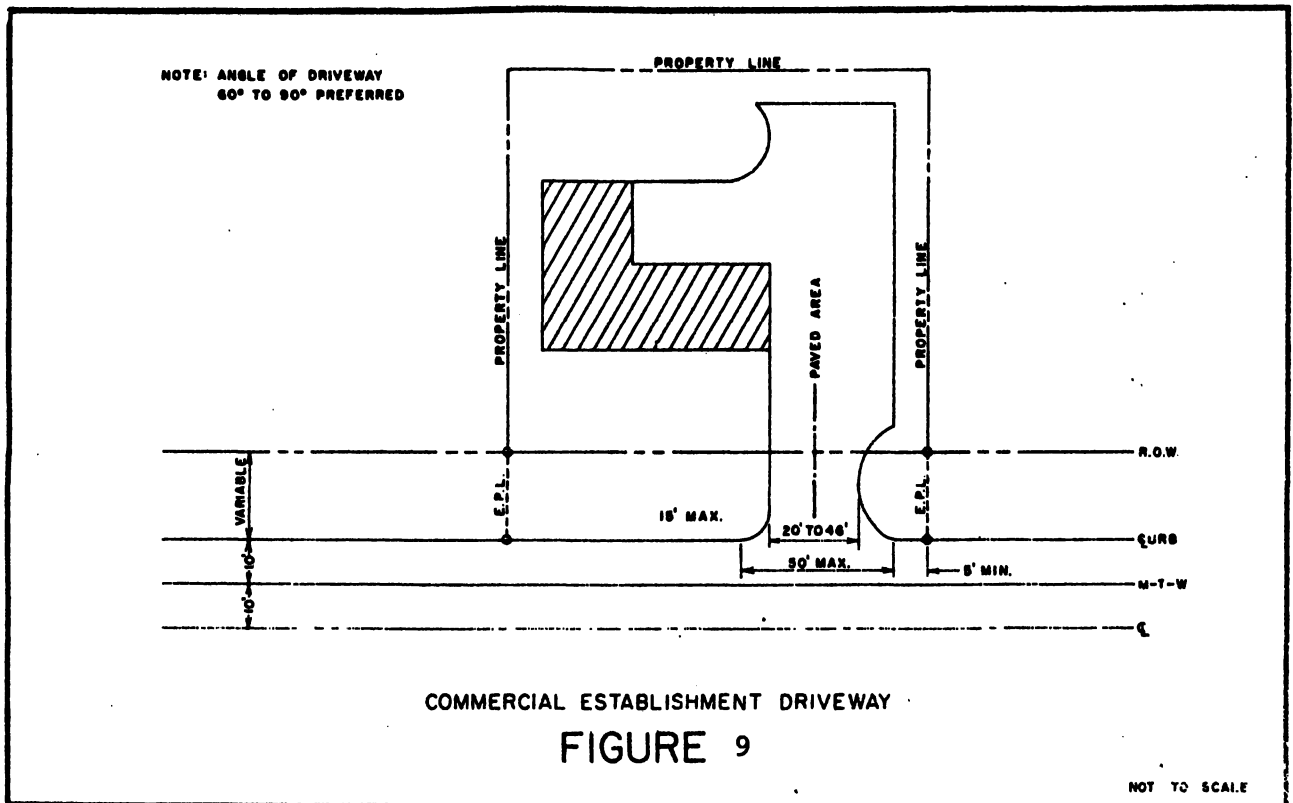


(d) *Figure 8, Residential driveway.*

1. Figure 8 shows a single residential driveway along a two-lane highway. In such case, the frontage usually is not a governing factor but edge clearance must be controlled. In cases where the property frontage is limited, the edge clearance becomes a prime factor.

2. Where conditions permit, the Department prefers the curbline opening minimum to be 24 feet. In all cases, the overall dimension at the curbline shall not exceed 30 feet, measured from the extreme outer edges of the radii. If curbing exists, or is to be constructed, the curb depression shall not be less than the minimum of 12 feet or more than the maximum of 30 feet. Normally the curb depression should be four feet wider than the width of driveway. From this point the drive should taper inward to the width of driveway at the sidewalk.





(f) *Figure 10, Driveways to a public building.*

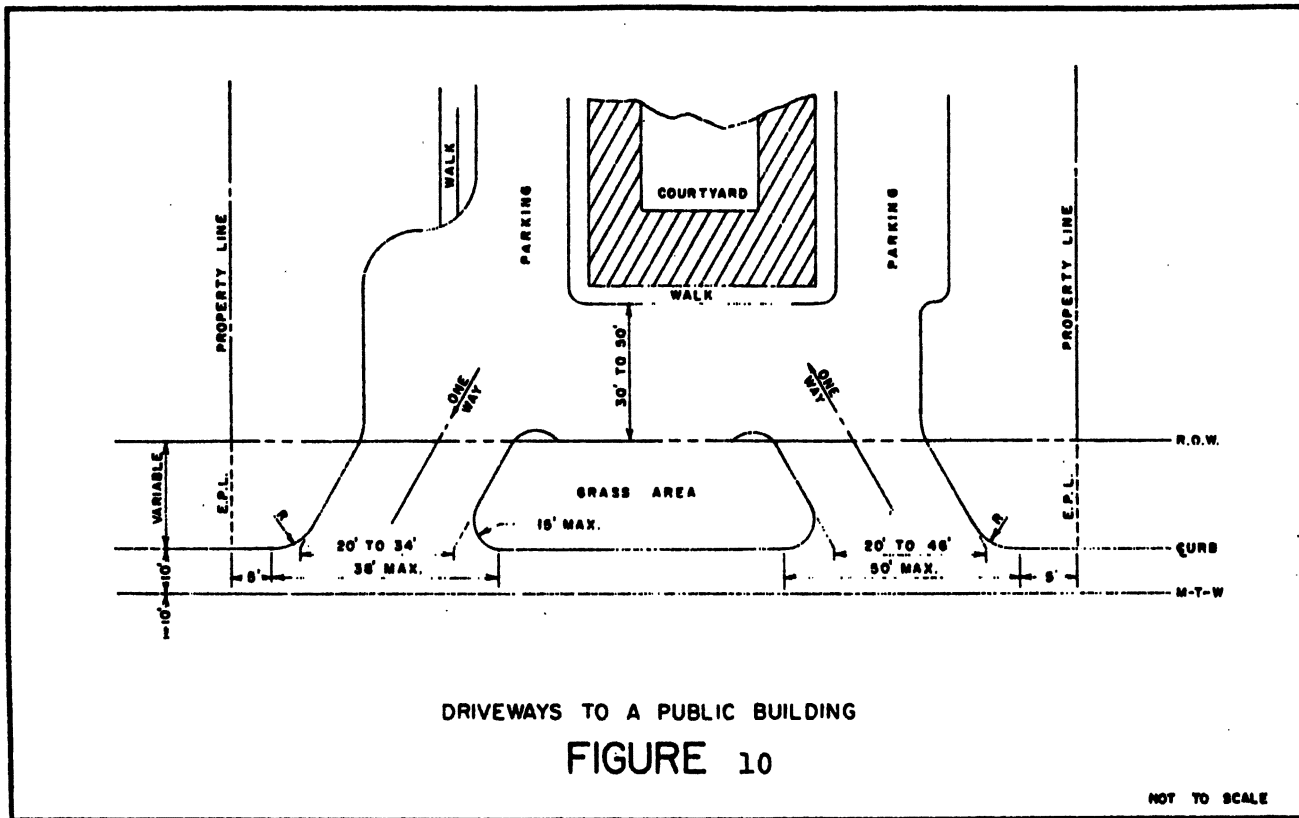
1. Figure 10 shows two driveways connecting to a sizeable roadside development along an undivided highway. The driveways are planned for one-way use to fit the internal circulation pattern. This pattern would be applicable for a public building as shown, or a shopping center, factory, motel, or the like.

2. The setback from the right-of-way line to the building should be from 30 feet to 50 feet, depending upon the parking situation.

3. A minimum of five feet or more should be used as the edge clearance.

4. The angles of the driveway should not be less than the minimum of 60 degrees.

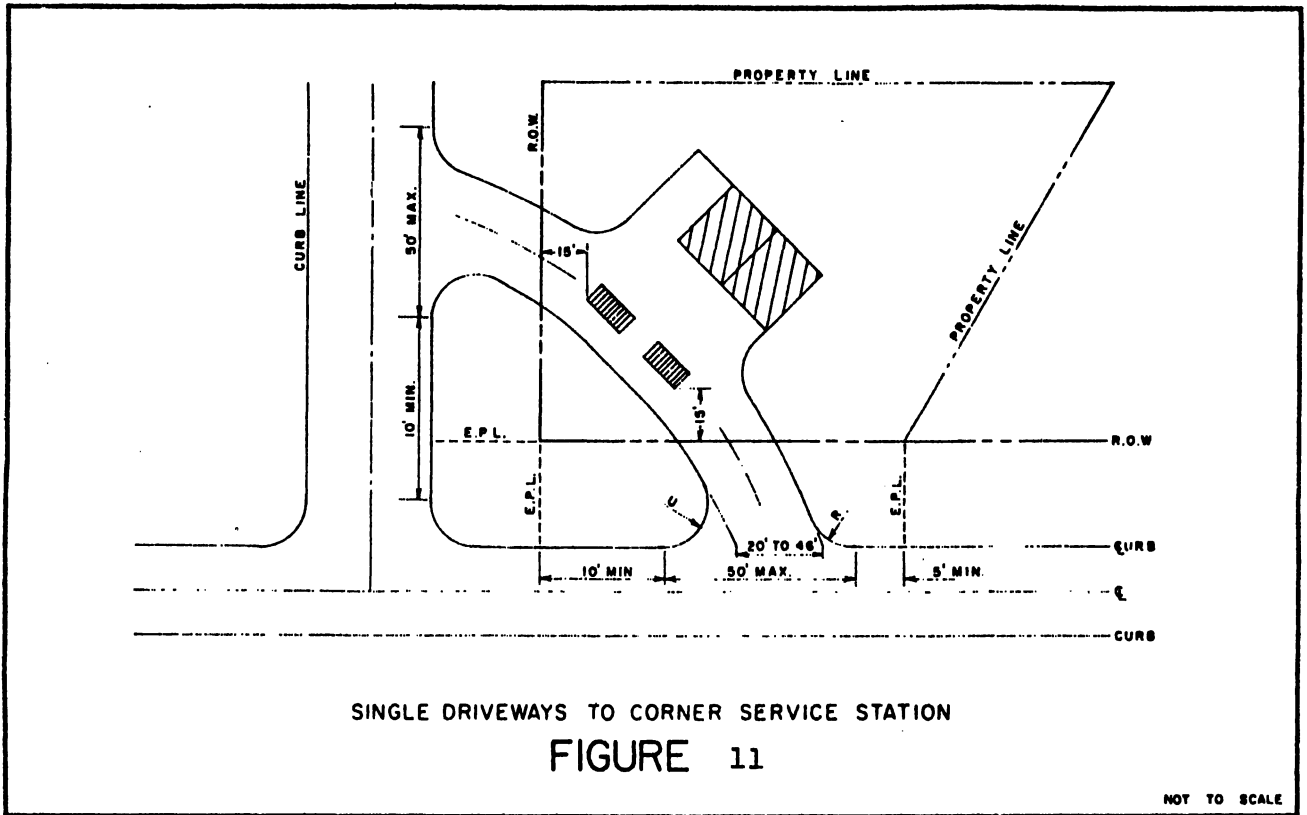
5. The overall dimension of the entrance at the curb-line should not exceed 50 feet whether curbed or not. The exit driveway opening should be approximately  $\frac{2}{3}$  of the entrance opening.



(g) Figure 11, Single driveways to a corner service station.

1. Figure 11 shows a corner service station at the intersection of two undivided highways. There is a single driveway to each highway, constructed on an angle preferably of 60 degrees. Note the minimum corner clearance of ten feet. The overall opening width at the curblines should not exceed 50 feet, measured from the extreme outside edges of the radii. If curbing exists or is to be constructed, the depression should not exceed 50 feet.

2. The setback from the right-of-way lines to the nearest corners of the pump islands should not be less than the minimum of 15 feet.

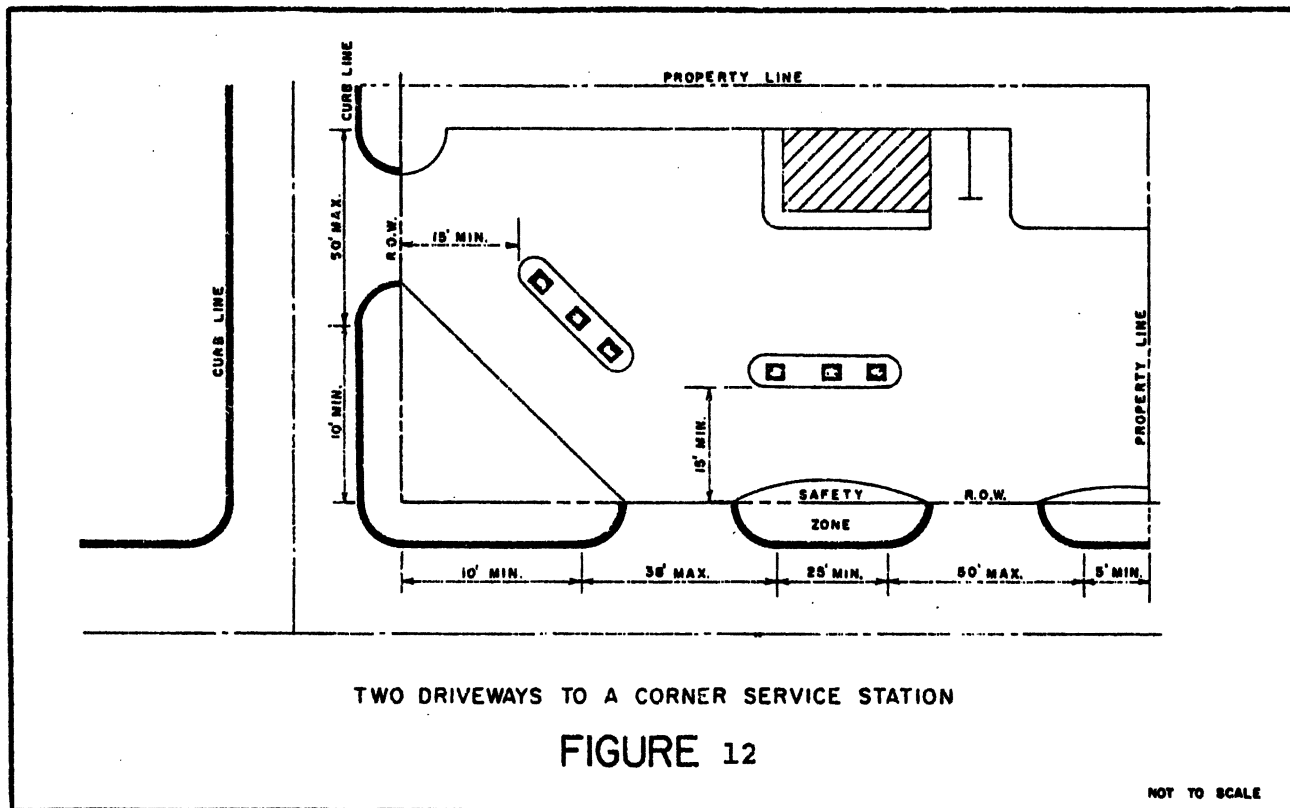


(h) *Figure 12, Two driveways to a corner service station.*

1. This sketch shows two driveways on an undivided highway. They should be directional, but in all cases this might not be feasible. The edge clearance and radius minimum have been reduced to meet existing conditions. The minimum safety zone dimension of 25 feet must be met. The overall maximum opening at the curbline is 50

feet. If both drives are to be used as entrances and exits, drives should then have the same width openings. If drives are set up as directional drives, the one used as an exit should only be approximately  $\frac{3}{4}$  that of the entrance opening.

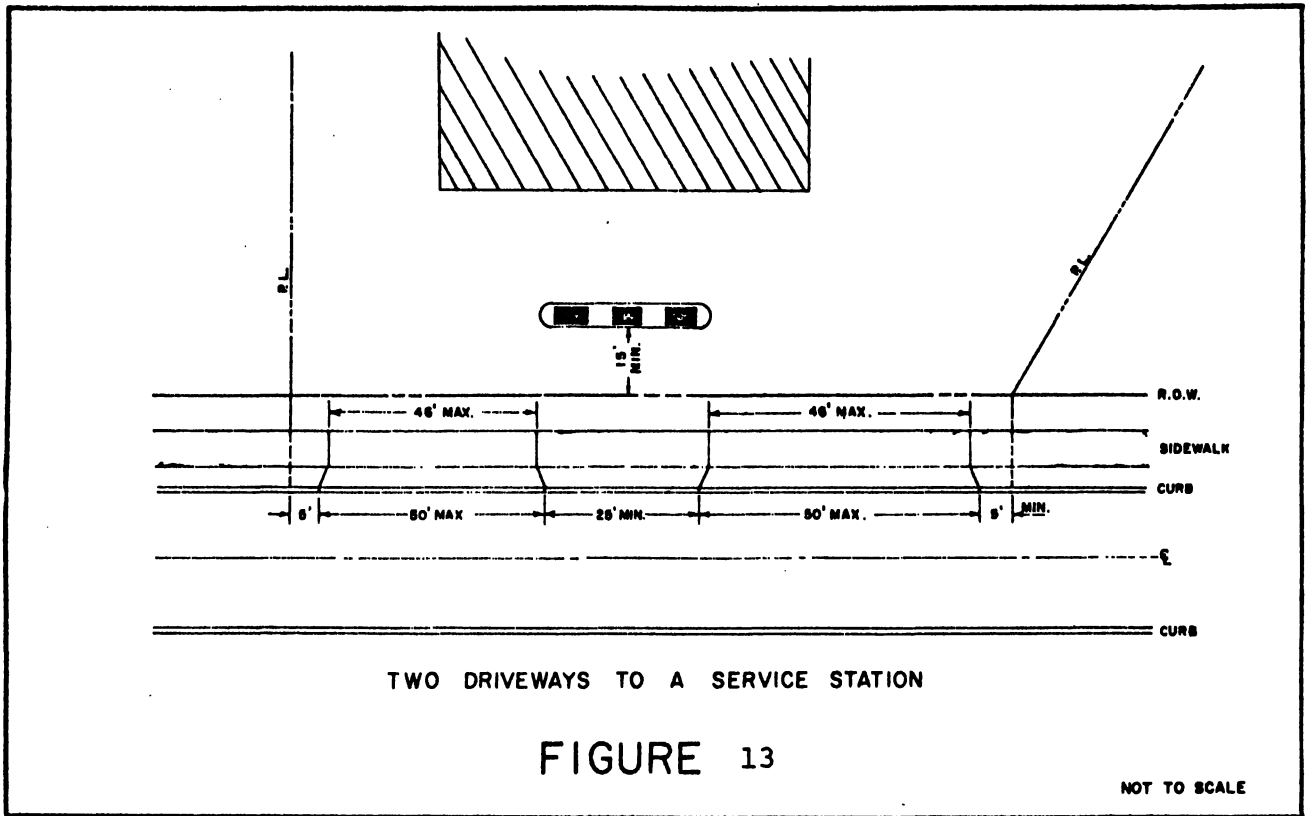
2. The setback from the right-of-way lines to the pump island should not be less than 15 feet.



(i) *Figure 13, Two driveways to a service station.*

1. Figure 13 shows two driveways going into a service station or other roadside business. Usually urban conditions, such as curbed roadway, sidewalks, and limited frontage exist. For such cases, the driveway has no element of length along the highway; primarily it is a ramp pavement from curblines to business area or the right-of-way line. Often a sidewalk is crossed, affecting the profile condition. Functional utility of the driveway largely depends upon the width of opening at the curbline.

2. Edge clearances are important since similar driveways may be necessary on adjacent properties. Curb depressions should not exceed 50 feet in length.

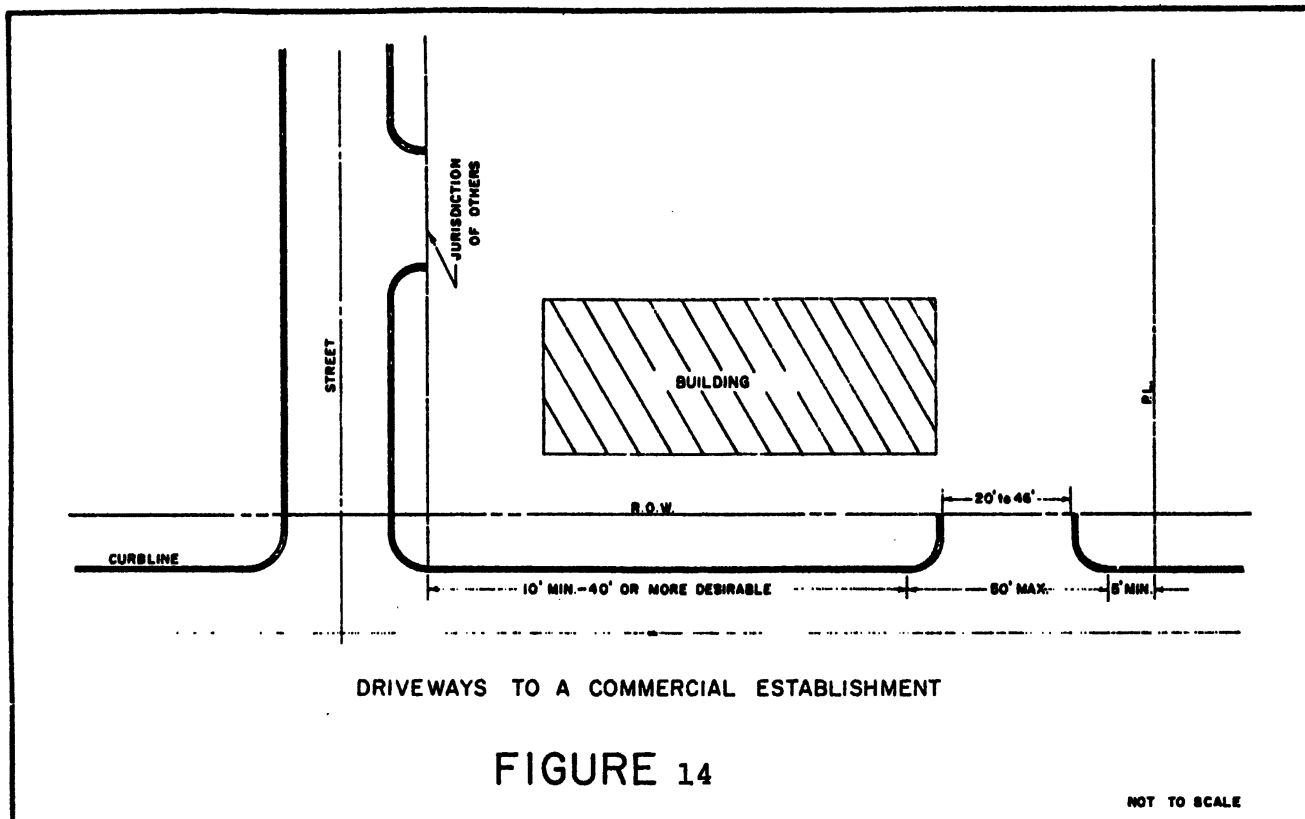


(j) *Figure 14, Driveways to a corner commercial establishment.*

1. Figure 14 shows driveway connections to a commercial or industrial establishment in an urban or suburban area. There is a single entrance 50 feet maximum curbline opening from the main highway and a secondary entrance from the side street. A curbed section is shown,

and there may not be sidewalks. The corner clearance should be greater than the suggested ten feet, if at all possible.

2. Since the secondary drive on the side street is located beyond the State's right-of-way line, it does not fall under the Department's jurisdiction.

**16:41-2.18 Conditions for major developments**

(a) In order to obtain consideration of requests for such special driveways, the applicant must submit a statement supporting his request setting forth estimates of the number and type of vehicles which will enter and leave the highway on an average 24-hour period and the approximate hour or hours at which the maximum movement will occur and the magnitude of the hourly movement and the willingness to meet all expenses in connection with proposed construction within the State's right-of-way.

(b) Eight copies of plans shall be submitted for approval, showing the following:

1. Width, arrangement and grade of the traffic lanes of the driveway as related to the width and arrangement of traffic lanes on the State highway;
2. Location, length and other details of speed-change lanes (acceleration, deceleration or left turn slots) if such facilities are proposed;
3. Plans should be submitted to a scale no greater than 50 feet to one inch, preferably 30 feet to one inch, using an engineer's scale;
4. Internal traffic pattern and parking facilities;
5. Public transportation improvements (shelters, bus pullouts, etc.);
6. Changes in location of driveway facilities if such exist;

7. Type of pavement proposed to be constructed;

8. Plan must be fully dimensioned as to curb location, right-of-way and lateral property lines, width of traffic lanes, dimension of center and channelizing islands and all other data necessary for complete working plans.

(c) Pavement and other construction within the highway right-of-way must conform to New Jersey Department of Transportation Standard Specifications. Standard white curb must be provided defining the edge of all traffic lanes or shoulders.

As amended, R.1975 d.13, effective February 1, 1975.

See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

As amended, R.1983 d.530, effective November 21, 1983.

See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).

Section substantially amended.

**16:41-2.19 Complex driveway designs**

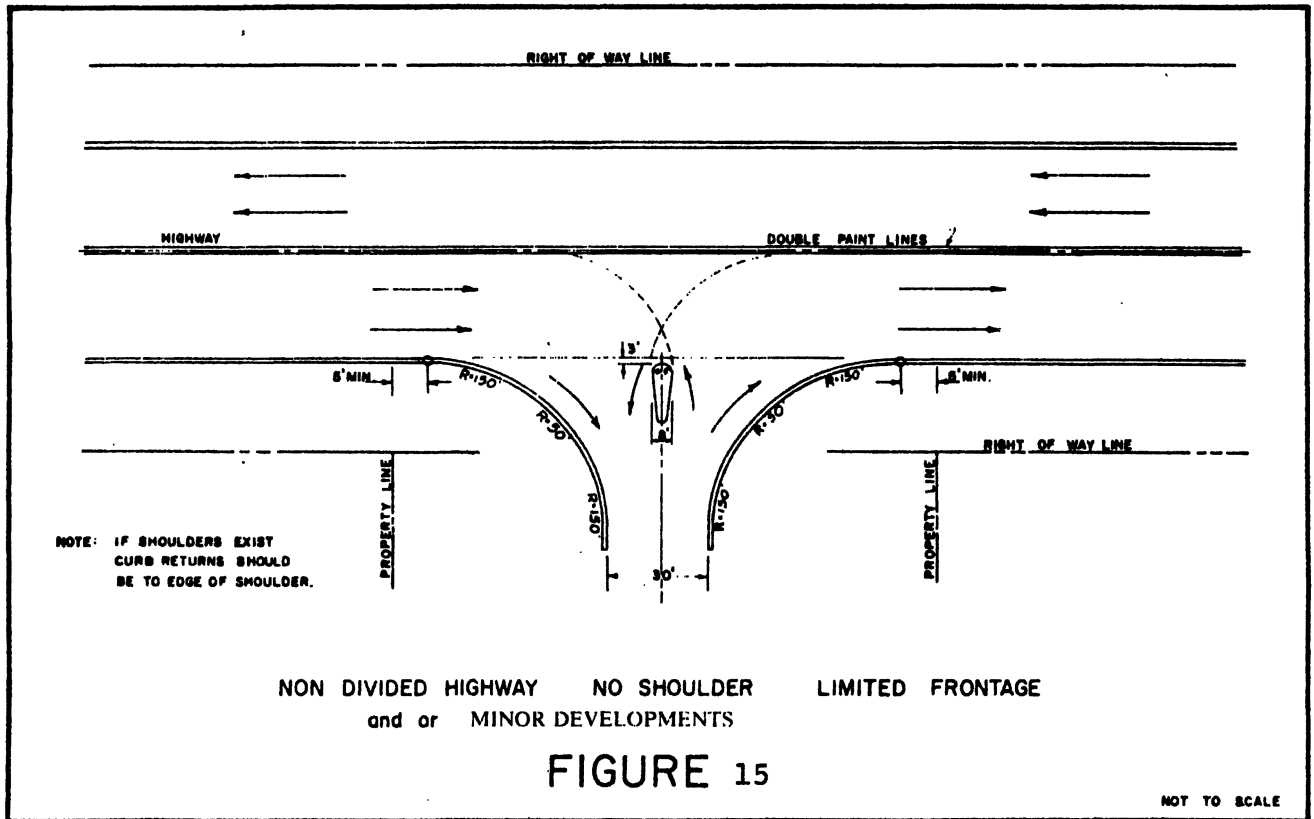
(a) The series of diagrammatic sketches and layouts in this Section illustrate and suggest geometrical designs for driveways where large volumes of traffic are anticipated.

(b) Note the curb construction indicated on the sketches in this section. On such designs, the Department requires the construction of nine inches by 18 inches white concrete vertical curbing. There will be no following through with curb depressions as previously mentioned when constructing curbing for standard driveways.

(c) All islands (except as shown in Figure 17 of this Section) must be paved with either concrete or bituminous concrete, in accordance with the New Jersey Department of Transportation Specifications. The surface then shall be painted or covered with a greencote material. The product used must be approved by the Department.

Figure 15 shows a suitable driveway connection to apartment dwellings adjacent to a four-lane undivided highway. The preferred angle of the drive is 90 degrees. Frontage of the property and the volume of traffic will be the determining factors in governing the size radii to be used. Notice that the starting points of the radii must have the minimum edge clearance of five feet from the extended property lines and the island separation must be on an offset, three feet from the curbline.

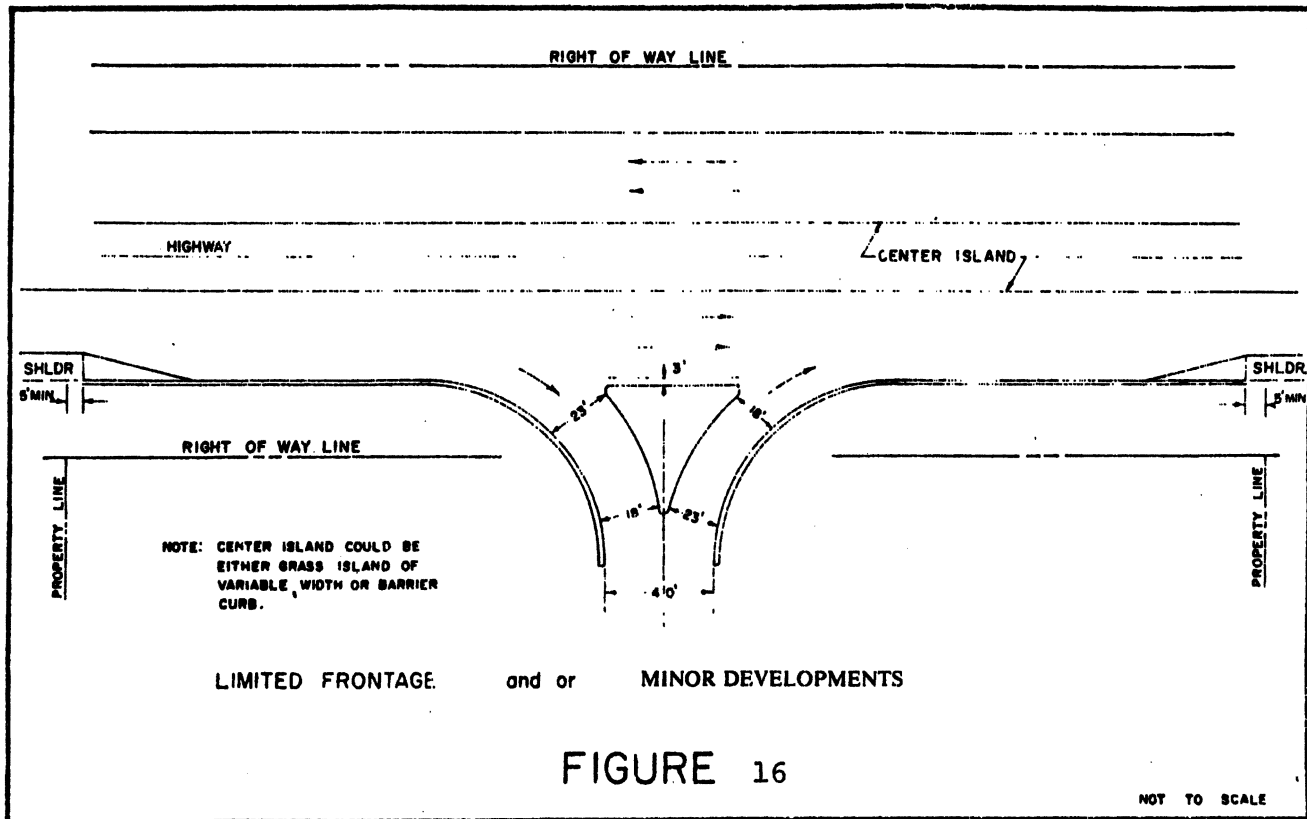
(d) Figure 15, Dual driveway.



(e) Figure 16, Minor developments.

This type entrance is located along a highway that is physically divided either by a barrier curb or a median strip. It is designed with the use of acceleration and deceleration lanes. The length of these lanes and also radii construction is subject to frontage limitations. They would parallel the edge of the main-traveled way to a width, including the shoulder area plus part of the border area if necessary, to meet requirements set by the Department in each particular

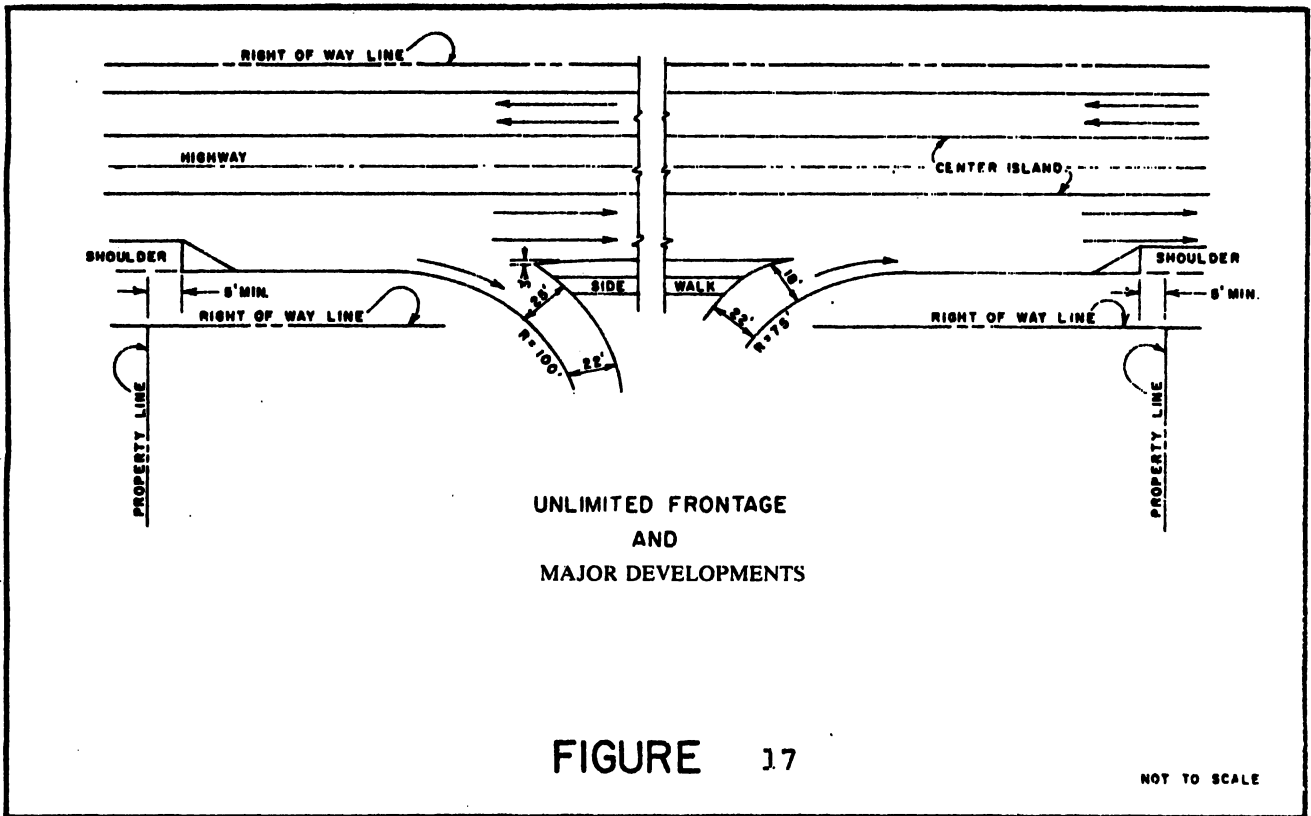
case. If the design includes part of the border area, the Department will require the property owner dedicate to the State Department of Transportation an equal amount in depth to compensate for that necessary to accommodate the widening, thus maintaining the existing border area width. Notice that the starting points of the radii must have the minimum edge clearance of five feet from the extended property lines and the island separation is on a three foot offset from the curbline.



(f) Figure 17, Major developments.

1. Sketch shows a physically divided highway. There are two separate drives, one used as an entrance and the other as an exit. A deceleration lane is indicated within the shoulder or border area in advance of the entrance. Thus, there would be a separating island, the size of which depends upon the location of the exit, followed by construction of an acceleration lane. It should be understood that the construction of driveways including deceleration and acceleration lanes must fall within the frontage of the property.

2. When it would be impractical to pave the island entirely, due to size, the island shall be topsoiled and seeded, sodded, or ornamentally planted with low growing ground cover, or ornamentally covered with other suitable low non-growing landscape materials as approved by the Department. In such cases, a paved sidewalk strip shall be provided. Location, measurements and specifications would be indicated on the approved plan and as a condition of the permit issued.



As amended, R.1983 d.530, effective November 21, 1983.  
See: 15 N.J.R. 1284(a), 15 N.J.R. 1955(a).  
Subsection (b) changed "20" to "18".

**16:41-2.20 Violations**

(a) Any person, persons or corporations who violate any of these sections or their intent, will be subject to subsection (b) of this section.

(b) Any person guilty of any violation shall be liable to a fine not exceeding \$100.00 for each such day's violation and the costs of prosecution to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the Commissioner. (See N.J.A.C. 16:41-2.2.)

Amended by R.1989 d.594, effective December 4, 1989.  
See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).  
Added full N.J.A.C. cite at (b).

**16:41-2.21 Conclusion**

(a) These sections will be applied uniformly throughout the State. In cases where the applicant and regional engineer disagree on the application of these sections, an appeal may be submitted to the Bureau of Maintenance, permits section, for interpretation by the Chief, Bureau of Maintenance. The Chief, Bureau of Maintenance shall arbitrate these disagreements as an administrative assistant to the Chief Engineer, Construction and Maintenance.

(b) Should any part of these sections be in violation of the laws made and provided, only that part which is invalid will be removed and the remaining section will continue in full force and effect.

As amended, R.1975 d.13, effective February 1, 1975.  
See: 6 N.J.R. 487(c), 7 N.J.R. 73(b).

**SUBCHAPTER 3. UTILITY OPENINGS**

**16:41-3.1 Permit Applications**

All applications for permission to excavate for the purpose of constructing, repairing or installing subsurface utilities, such as, sewers, water mains, telephone and electric conduits or service connections within the highway system are to be submitted by utility companies, utility authorities or municipalities on a New Jersey Department of Transportation "Utility opening permits" form.

As amended, R.1973 d.283, effective September 27, 1973.  
See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

**16:41-3.2 Conditions**

(a) The permittee shall indemnify and save harmless the State of New Jersey, its officers, employees and agents against all suits and costs of every name and description and from all damages and injuries including claims allowed by the Legislature and charged to the budget of the Department of Transportation.

(b) All openings shall be properly guarded both day and night with approved signs, barricades, lights, and so forth, and if considered necessary, the services of a qualified traffic director or directors shall be employed. Interference with pedestrian or vehicular traffic shall be reduced to a minimum and no greater part of the roadway shall be opened at any time than that approved by the Department. Transverse openings shall be restricted so that not more than  $\frac{1}{2}$  of the traveled way will be obstructed at any time. Work shall be scheduled and executed to present a minimum of inconvenience to the public. Where feasible, transverse subsurface installations shall be made by the boring or jacking method. Steel plates are to be used as a protection on openings maintained overnight in the traveled way.

(c) After any opening is made the work shall be carried on without delay and final restoration of disturbed surfaces shall be completed as soon as conditions permit. If the work has not been completed before the expiration date of the permit and the permittee fails to request an extension of time, the Department may, if it considers it advisable, take the necessary steps to backfill and permanently resurface the openings for which the permit had been issued. If time extension is needed for the completion of the work, approval may be obtained either by letter of request or if the Department deems it necessary a new application must be filed. Permits will not be issued for a period in excess of 12 months.

(d) Work shall be conducted to eliminate interference with subsurface utilities and their appurtenances unless permission for interference has been obtained from the proper authorities. No excavation which could endanger or damage trees or shrubbery shall be made without the Department's approval. Blasting is not generally approved and will only be permitted by special consent of the Department.

Note: Where applicable, rules and regulations of the New Jersey Department of Labor and Industry shall be in effect.

(e) All excavations shall be completely backfilled and as great a portion as possible of the excavated material shall be replaced. Compaction shall be accomplished by mechanical tamping or as otherwise directed. Additional material shall be supplied when a deficiency occurs. If the inspector considers the excavated material unsatisfactory for backfill, approved material shall be supplied and the excess unapproved material removed. If tamping alone is employed, the material shall be placed in steps not exceeding 12 inches in depth, moistened if directed, and each step shall be properly tamped until thoroughly compacted. Longitudinal ditches in sidewalk areas may be consolidated by rolling with dual-tired fully loaded trucks of not less than 28,000 pounds net weight. Trenches may not be flushed or puddled except by specific permission of the Department. If immediate replacement of permanent pavement is not feasible, the temporary restoration shall consist of not less than two inches of cold patch material consolidated to highway grade. The permittee shall maintain the temporary pavement in a satisfactory condition until permanent repairs are made.

(f) The base is to be squared and cut on a vertical plane to a width and length of not less than 12 inches greater than the original cut. The surface restoration shall extend 12 inches wider and longer than the area of the base. The base shall be composed of a mixture of Portland cement concrete, one part cement, two parts concrete sand and four parts coarse aggregate. The concrete base shall not be less than nine inches in depth. Surface replacements shall duplicate as closely as possible the original pavement in type, material, color, texture and depth. Reinforcement, if required, shall be placed in accordance with instructions under subsection (g) of this Section.

(g) The opening is to be squared with the sides truly parallel and perpendicular to the center line of pavement and not closer than 18 inches to any expansion joint. Steel reinforcement shall be replaced. The type of reinforcing and its spacing shall be determined while the existing concrete is being removed. New reinforcing shall be lapped 30 diameters and attached to the existing reinforcing which shall be bent back while the work is in progress. Where restorations are made in pavement not reinforced, reinforcement of a type and spacing shall be determined by the Department. The concrete mixture to be used shall be determined by the size of the restoration. For repairs averaging two square yards or less, a mixture of 1:1½:2 shall be used and the aggregate size shall not be less than  $\frac{3}{4}$  inch. For larger restorations a mix of 1:1¼:3½ shall be used with coarse aggregates to conform to standard specifications. High early strength concrete shall be used exclusively unless otherwise directed. Accelerating additives may be used upon receiving specific permission from the Department. All openings shall be at least two feet from the sides and ends of slabs. Where an opening adjacent to a joint is necessary, a reinforcing sill or bolster, 12 inches by 12 inches, shall be constructed under the edge of the adjacent slab.

(h) Shoulders shall be replaced in kind or as otherwise directed. Where conditions require and the Department considers it necessary, surface treated gravel shoulders or any portion thereof shall be restored by applying two inches of bituminous material in place of the oil treatment. The base of all shoulders shall be restored as originally constructed.

(i) Where it becomes necessary to resort to tunneling operations within highway right-of-way, the backfill shall be of rammed lean Portland cement concrete, proportions of one cement to 12 fine aggregate, or as otherwise directed by the Department.

(c) The issuance of a permit shall impose no obligation upon the Commissioner of Transportation, acting for and in the name of the State of New Jersey, to continuously furnish support by means of a viaduct or bridge for the applicant's pipes, conduits, wires, cables or other appliances; and if service over or through its pipes, conduits, wires, cables or other appliances on, over or under the viaduct or bridge, forming part of the State highway system, shall be interrupted, broken, delayed or otherwise interfered with, arising from any cause whatsoever, applicant shall make no claim of any kind against the Commissioner of Transportation or the State of New Jersey. The permittee shall indemnify and save harmless the State of New Jersey its officers, employees and agents against all suits and costs of every name and description and from all damages and injuries including claims allowed by the Legislature and charged to the budget of the Department of Transportation.

(d) The proposed installation shall in no way obstruct or interfere with the water way or with the free and clear use of the space under the viaduct or bridge.

(e) Materials and workmanship used in construction affecting highway property shall be in accordance with the Department's standard specifications and are subject to inspection and approval of the Department of Transportation. Proposed sleeves and all hardware are to be fully galvanized by the hot dip method, and all structural steel members shall be painted with two coats of red lead and one coat of graphite paint in accordance with Department specifications. Any openings remaining in the abutment walls and any other portions of the structure must be properly grouted in a neat and workmanlike manner.

(f) The construction and maintenance of the proposed installation shall be at the sole expense of the applicant and at no cost to the State. If the maintenance of the installation unduly interferes with the maintenance of a part of the State's structure, the applicant will maintain such portion of the State's structure. Whenever it becomes necessary for the State to make repairs to its structure, applicant will, upon notice from the State, protect its installation during the time the repairs are being made by the State.

(g) All construction work and maintenance in connection with the installation shall be subject to inspection and approval of the State.

(h) Permits will not be issued for a period in excess of 12 months. If extension of time is needed for the completion of the work, approval may be obtained by letter of request; and if the Department deems it necessary a new application must be filed. The permit issued in pursuance of these rules and regulations shall apply only to the viaduct or bridge therein referred to. In the event that the viaduct or bridge therein referred to shall be subsequently destroyed, demolished, relocated or abandoned, the rights granted by such permit shall cease and terminate.

(i) This permit is subject to all municipal ordinances, rules and regulations. The Department of Transportation may impose special conditions in special cases.

As amended, R.1973 d.283, effective September 27, 1973.  
See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

#### 16:41-6.4 Fee schedule

(a) The fee schedule is:

1. Application fee: \$50.00 per attachment type;
2. Permit fee:
  - i. \$3.00 per L.F. of item to be attached to bridge regardless of number of supports;
  - ii. \$50.00 minimum fee.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

### SUBCHAPTER 7. STREET INTERSECTION

#### 16:41-7.1 Permit application

The New Jersey Department of Transportation requires that a permit must be obtained prior to intersecting State highways with new streets or revisions of existing streets. Applications are to be made by the borough, township, or county engineer by Application Form "APPLICATION FOR HIGHWAY OCCUPANCY".

Amended by R.1989 d.594, effective December 4, 1989.  
See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).  
Added reference to specific application form.

#### 16:41-7.2 Application requirements

(a) Any application requesting a permit for street intersections must be accompanied by:

1. A completed application form signed by the borough, township, or county engineer whomever might be involved, and also the secretary or chairperson of the planning board, if such board exists. The form shall reference all accompanying engineering documents by title, page number, and revision date;
2. Eight copies of a plan with the intersection enlarged at a scale of 1 inch = 30 feet and showing profile, if a development is involved. The intersection plans are to show such details as curb, gutter, sidewalk, curb radii and drainage structures, if any. The development plans may be signed at the time of application, and shall be signed by the borough, township or county engineer, whomever might be involved, and also the secretary or chairperson of the planning board, if such board exists prior to the Department's issuance of a permit.

3. A copy of the resolution accepting the street, if one is available.

(b) The pertinent provisions of N.J.A.C. 16:41-2, which relate to the efficiency and safety of the highway system, will apply to street intersections.

(c) If a local government seeks permission for street access to a State highway based on a major development, the request should be submitted by the local government and developer jointly as a Highway Access Permit application under the provisions of N.J.A.C. 16:41-2. The Department reserves the right to return any application for a Street Intersection Permit to the local government if NJDOT determines such application is based on a major development.

As amended, R.1983 d.529, effective November 21, 1983.  
See: 15 N.J.R. 1289(a), 15 N.J.R. 1957(a).

Added (b).

Amended by R.1989 d.594, effective December 4, 1989.  
See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).

Requirements added increasing copies, designating signatories and new (c) added.

### 16:41-7.3 Fee schedule

(a) The fee schedule is:

1. Application fee:
  - i. New street: \$150.00;
  - ii. Improvement of a street: \$5.00.
2. Permit fee:
  - i. New street: \$500.00;
  - ii. Improvement of a street: \$25.00.

New Rule, R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).  
Amended by R.1989 d.594, effective December 4, 1989.  
See: 21 N.J.R. 3063(a), 21 N.J.R. 3778(a).  
Stylistic revisions.

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## SUBCHAPTER 8. (RESERVED)

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## SUBCHAPTER 9. BUILDINGS AND OTHER OVERDIMENSIONED AND OVERWEIGHT MOVEMENTS

### 16:41-9.1 Permit applications

All applications requesting to move a building or structure along or across a State highway are to be submitted by moving contractors on a New Jersey Department of Transportation "Permit for Moving Building" form. Only movement on unlicensed vehicles and overweight vehicles will be processed by the Department of Transportation. The New Jersey Division of Motor Vehicles controls licensed vehicular movements.

As amended, R.1973 d.283, effective September 27, 1973.  
See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

### 16:41-9.2 Regulations

(a) The work must be carried out in strict accordance with any regulations of the local governing bodies covering such matters.

(b) It is to be distinctly understood that the permittee is to be responsible to the New Jersey Department of Transportation for any damage to the highway or its structures which may arise from the prosecution of the work.

(c) Permittee will protect the State of New Jersey from any possible damage suits or claims which may arise from his neglect to properly protect the traveling public during the progress of the work.

(d) Permittee must make all arrangements with all companies having wires along the highway which may become damaged or interfered with during the progress of the work.

(e) All arrangements must be made with the Transportation Operations and Local Aid Unit of the New Jersey Department of Transportation regarding highway lighting and traffic signals which may become damaged or interfered with during the progress of the work.

(f) Under no circumstances is the movement to be made on a Saturday, Sunday or holiday.

(g) It is to be understood that the movement is to be executed as rapidly as possible, in order to avoid any undue interference with traffic.

(h) No holes of any nature may be made in any existing pavement, nor may the pavement be damaged in any manner by the installation of "dead men" or light structures used in the movement of the building.

(i) In the movement of a building, it is to be understood that the permittee must furnish adequate protection to the traveling public in the way of watchmen or flagmen. If, due to the dimensions of the building, or to some unforeseen reason, it is necessary that traffic on the highway be blocked completely, the permittee must arrange appropriate detours around the obstruction, using watchmen to properly direct traffic at both ends of the detour. The proper barricades are to be installed at the beginning and end of the detour, and such barricades are to be properly protected at night by the use of red lights if, for any reason, it may be necessary to maintain such a detour at night.

(j) No shade trees are to be damaged or interfered with, unless trimming is specifically authorized and approved by the local shade tree commission or, in the absence of such shade tree commission, by the New Jersey Department of Transportation.

As amended, R.1973 d.283, effective September 27, 1973.

See: 5 N.J.R. 203(a), 5 N.J.R. 391(a).

### 16:41-9.3 Fee schedule

(a) The fee schedule is:

1. Application fee: \$10.00;
2. Permit fee: \$50.00 plus \$1.00 per ton mile.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

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## SUBCHAPTER 10. TEMPORARY USE OF STATE HIGHWAY RIGHT-OF-WAY

### 16:41-10.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Permit” means written permission to use State highway property.

“State highway right-of-way” means property acquired by the New Jersey Department of Transportation for highway purposes.

### 16:41-10.2 Permit required

State highway right-of-way may not be used by others except by permit issued by the New Jersey Department of Transportation.

### 16:41-10.3 Permit application

All applications for permits allowing the temporary use of State highway right-of-way shall be made by letter and addressed to the district superintendent of the maintenance district in which the activity is to take place. All such applications must be supported by written approval from the mayor, town administrator or manager of the municipality in which the activity is to take place.

### 16:41-10.4 Allowable use

(a) The use of State highway right-of-way for private purposes may be permitted in connection with civic, religious or charitable events or affairs, subject to the following restrictions:

1. Right-of-way controlled access highways, such as freeways, parkways and interstate systems, where direct access is prohibited by law, cannot be used;
2. Geometrical areas such as traffic circles, grade separations and channelized intersections of any section of any State highway may not be used;

3. Advance right-of-way freeways, parkways and interstate systems, where construction has not been started, may be used.

### 16:41-10.5 Review of application

The district superintendent or his representative shall review all applications. If in proper order, they shall be processed.

### 16:41-10.6 Approval of application

(a) The district superintendent shall issue written permission if the following conditions are met:

1. All requirements have been fulfilled;
2. Investigation reports are favorable;
3. All conditions are acceptable;
4. The State's interest is fully protected.

### 16:41-10.7 Special conditions

All permits for the temporary use of State highway right-of-way are subject to all local municipal ordinances, rules and regulations. The New Jersey Department of Transportation may impose special conditions in special cases.

### 16:41-10.8 Fee schedule

(a) The fee schedule is:

1. Application fee, \$50.00;
2. Permit fee, \$200.00 per month.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

### 16:41-10.9 Violations

Any person guilty of violating a provision of this subchapter shall be liable to a fine not to exceed \$100.00 for each day of such violation and the cost of prosecution to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the Commissioner of Transportation.

R.1977 d.418, effective November 4, 1977.  
See: 9 N.J.R. 443(c), 9 N.J.R. 593(c).

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## SUBCHAPTER 11. RAILROAD GRADE CROSSINGS

### 16:41-11.1 Permit applications

Applications for all permits covering the installation of railroad crossings on State highway rights-of-way are to be made by letter with supporting detailed plans.

**16:41-11.2 Issuance of permits**

Permits for railroad grade crossings on any portion of the State highway system shall be issued only with the written consent of both the Assistant Commissioner-Highways and the Commissioner of Transportation. All permits are issued by the Engineer of Permits in accordance with the rules and regulations of the Public Utility Commission.

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**SUBCHAPTER 12. BANNERS OR DECORATIONS ON STATE HIGHWAY RIGHT-OF-WAY**
**16:41-12.1 Definitions**

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Banners" means a strip of fabric without rigid support, painted or printed with a name, legend or device.

"Decorations" shall include, but are not limited to, natural or synthetic garlands, wreaths, trees, electric light strings, lit or unlit figures, figurines, bells, canes, flags on staff, bunting, streamers, and so forth.

**16:41-12.2 Allowable use**

(a) Temporary decorations or banners may be permitted on the State highway right-of-way in connection with municipal events, national holidays and the Christmas season.

(b) The State highway right-of-way may not be used in connection with fund appeals, political activities or advertising of any type.

**16:41-12.3 Requirements**

(a) A permit fee is required for the temporary erection of banners or decorations for municipal events and national holidays.

(b) No permit fee is required for the temporary erection of banners or decorations for the Christmas season.

**16:41-12.4 Review and Approval**

(a) Review of all requests for permits shall be conducted by the district superintendent at interest or his designated representative. Requests in acceptable order shall be processed. The applicant shall be contacted promptly regarding those requests which are not acceptable for processing.

(b) Approval in the form of a written permit shall be issued by the district superintendent at interest if:

1. The request is in compliance with the conditions set forth in this Subchapter.
2. Investigation reports are favorable.

3. The interest of the State is fully protected.

**16:41-12.5 Conditions**

(a) No decoration or banner may be erected:

1. Where it may interfere with the ability of a person to see the street or highway ahead or official signs, signals or traffic control devices.
2. Within the limits of traffic circles, median strips, grade separations, or interchanges.
3. Overhead, unless properly secured and with a minimum clearance of 17 feet above the horizontal plane of the traveled way.
4. Which is affixed to, suspended from, or made part of any highway structure or appurtenances.
5. Which contains flashing, blinking or twinkling lights.
6. Which contains animated activity, or moving parts.
7. Which contains advertising of any kind.
8. Which will not withstand the rigors of the locale or of the season.
9. Which does not comply with the regulations established by the Engineer of Permits.

(b) Permits issued by the Department of Transportation are subject to all local municipal ordinances, rules and regulations.

(c) The Department reserves the right to deny any request for temporary erection of banners or decorations when it is considered incompatible with the best interest of the State, the Department, or the public.

**16:41-12.6 Inspection**

The department reserves the right to inspect all installations. Those not approved must be corrected immediately or removed immediately by those responsible.

**16:41-12.7 Removal**

As soon as their purpose has been served, all banners and decorations shall be removed completely by those responsible. This includes, but is not limited to, all ropes, lines, cables, guys, wires, ties, tapes, scaffolds, brackets, frames, boards, stakes, bolts, nails and staples.

R.1972 d.33, effective February 23, 1972.  
See: 3 N.J.R. 214(a), 3 N.J.R. 531(b).

**16:41-12.8 Fee schedule**

(a) The fee schedule is:

1. Application fee: \$1.00;
2. Permit fee:

- i. \$1.00: Municipality per event up to 14 days;
- ii. \$10.00: All others, per event up to 14 days.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

## SUBCHAPTER 13. TREE TRIMMING

### 16:41-13.1 Application

All applications for tree trimming are to be submitted in writing to the superintendent of the district in which the work is to be performed.

### 16:41-13.2 Regulations

(a) Utility companies shall save the State of New Jersey harmless from any damages resulting from claims which may arise from tree trimming operations carried on by the said company.

(b) Utility companies shall, at all times, protect the traveling public, other utility companies and abutting owners against personal or property damage.

(c) Abutting property owners' rights shall be respected at all times. The State of New Jersey will not guarantee immunity from any action, legal or otherwise, which may be taken by such owners.

(d) Only those trees may be trimmed which normally come within the legal jurisdiction of the New Jersey Department of Transportation.

(e) The New Jersey Department of Transportation has no jurisdiction in those municipalities in which municipal shade tree commissions have been set up and are operating under N.J.S.A. 40:64-1 to 64-14. In such municipalities, consent for trimming or removal of trees must be obtained from the local commission.

(f) The yearly removal of dead, diseased growth, or the growth of the previous year, is authorized under this permit. It is contemplated that utility companies maintaining pole lines on New Jersey State highways will, insofar as practicable and necessary, conduct yearly or periodic tree trimming operations so that light trimming only will be necessary. No unnecessary trimming or heavy pruning may be accomplished under a permit for light trimming.

(g) Trimming shall be prosecuted to assure the preservation of a satisfactory tree outline. This shall include the lower and side growth. Only those branches may be removed which actually interfere with or which may menace wires under stress of snow, ice or wind. The practice of "topping" trees, thus creating a flat or umbrella top, is

forbidden. All trimmings shall be removed to a disposal area immediately.

(h) The project is to be carried out in a workmanlike manner, in accordance with the best surgery practice. Exposed cuts of major growth, in excess of one inch in diameter, shall be treated with an approved tree paint to prevent decay.

(i) After formal permission is granted, the bureau shall be notified one week in advance of the day on which the utility company proposes to begin work so that a highway delegate may review the work with a company representative. The permittee shall then notify the district superintendent at least 72 hours in advance of starting work. The district superintendent shall be given a schedule, including the route, municipality and county in which the work is being performed, with the name of the company under contract.

(j) Where tree trimming operations are being conducted in a manner deemed unsatisfactory by field representatives of the department, complete cessation of the work may be ordered pending a decision by the maintenance superintendent of the district in which the work is taking place.

### 16:41-13.3 Fee schedule

(a) The fee schedule is:

1. Application fee:
  - i. \$5.00: Annual region fee;
  - ii. \$2.00.
2. Permit fee:
  - i. \$300.00: Annually per region;
  - ii. \$10.00: Per tree, trimming or removal.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

## SUBCHAPTER 14. DETOURS

### 16:41-14.1 Detours requested by permittees

(a) Applications for permits by private contractors or construction firms doing work on the highway for the benefit of individuals, utilities or agencies other than the State will generally not be approved if such work will require long range closing of the highway and a consequent establishment of a detour. Work should be planned and conducted in such a manner that the movement of vehicular traffic can be maintained.

(b) At times, however, the nature of the work on the highway is such that interruptions to traffic movements

would be constant for several days. Under these circumstances, a detour could be considered necessary. If it is determined that a detour is necessary, the regional engineer shall establish such detour in accordance with N.J.S.A. 27:3-1.

(c) If the detour is established, the following conditions shall be in effect:

1. The permittee shall be held responsible for the cost of all maintenance and repairs to the roads over which the traffic diversion takes place;
2. The permittee must bear the expense of providing and maintaining approved signs, barricades, flares, cones and other safety devices necessary to protect the traveling public throughout the time the detour is in use;
3. All traffic handling shall be subject to the supervision and control of a representative of the regional engineer<sup>1</sup> working in cooperation with local police officials who shall, if requested, indicate their ability to handle the diverted traffic. If considered necessary, the department reserves the right to insist on the full-time employment of uniformed traffic directors.

<sup>1</sup> In maintenance districts where regional engineers have not been established, the Traffic Bureau of the Division of Traffic Engineering will be responsible for meeting all of the requirements assigned to the regional engineer.

#### 16:41-14.2 Permit applications

All permit applications for detours by private contractors or construction firms doing work on the highway for the benefit of individuals, utilities, or agencies other than the State are to be made by letter to the superintendent of the district in which the activity is to take place. This letter shall indicate the duration of the proposed detour and give the necessary justification for closing the State highway.

#### 16:41-14.3 Fee schedule

(a) The fee schedule is:

1. Application fee: \$15.00;
2. Permit fee: \$25.00 per day or part thereof.

R.1975 d.207, effective July 21, 1975.  
See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

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## SUBCHAPTER 15. OTHER PERMITS

### 16:41-15.1 Permit applications

Applications for permits of this subchapter 15 are to be made in writing.

### 16:41-15.2 Construction of curbs and sidewalks

Letters of application are to be submitted by either the property owner or municipality. Plans are to be provided if considered necessary by the Department of Transportation.

### 16:41-15.3 Telephone booth installations

Letters of application must include supporting plans or sketches showing the location of the installation.

### 16:41-15.4 Crossovers

Letters of application are restricted to property owners and must include supporting plans or sketches.

### 16:41-15.5 Left turn slots

Letters of application must include supporting plans or sketches.

### 16:41-15.6 Parades

Letters of application must include information concerning routing and time.

### 16:41-15.7 Removal of fill

Projects are to be confined to the property of the applicant, who may be required to reimburse the Department of Transportation for each cubic yard at the prevailing rate.

### 16:41-15.8 Erection of bus shelters

All applications for the erection of bus shelters require municipal approval. Special conditions covering the issuance of this permit shall be indicated at the time of approval.

### 16:41-15.9 Test holes

Letters of application must include a map indicating the immediate location of the test-hole borings.

### 16:41-15.10 Crosswalks

Permits for crosswalks are restricted to municipal requests.

### 16:41-15.11 Guard rail removal

Projects are to be confined to the property of the applicant. Physical removal shall be accomplished by forces supplied by the Department of Transportation.

### 16:41-15.12 Grading (excavation or fill)

Projects for grading are to be confined to the property of the applicant.

### 16:41-15.13 Landscaping

Letter of application for landscaping should indicate the area involved as well as the type and placement of shrubbery.

**16:41-15.14 Benches**

Letters of application for benches must include information concerning proposed location and confirmation of approval by the local authorities in accordance with approved procedure.

**16:41-15.15 Pedestrian overpass**

Letters of application for pedestrian overpass are restricted to property owners, either private or municipal, and must be supported by plans which shall include all details with regard to location, dimension and structural information.

**16:41-15.16 Fee schedule****(a) The fee schedule is:****1. Application fee:**

i. Construction of curb (Note: This does not apply if condition of an access permit at time of construction of the access): \$1.00;

ii. Construction of sidewalk (Note: This does not apply if a condition of an access permit at time of construction of the access): \$1.00;

iii. Telephone booth installations: \$5.00 each;

iv. Crossovers and/or U-turn slot in median: \$50.00;

v. Left turn slots: \$150.00;

vi. Parades: \$1.00;

vii. Removal of fill, other than grading: \$100.00;

viii. Erection of bus shelters, municipality only: \$1.00;

ix. Guard rail removal: \$10.00;

x. Test holes: \$10.00;

xi. Grading (excavation or fill): \$15.00;

xii. Landscaping (Note: This does not apply if a restoration condition under another permit): \$1.00;

xiii. Erection of benches: \$1.00;

xiv. Pedestrian overpass or underpass: \$150.00.

**2. Permit fee:**

i. Construction of curb (Note: This does not apply if condition of an access permit at time of construction of the access): \$1.00;

ii. Construction of sidewalk (Note: This does not apply if a condition of an access permit at time of construction of the access):

(1) \$10.00 for 50 L.F.; or

(2) \$10.00 for each additional 50 L.F. or portion thereof.

iii. Telephone booth installations: \$25.00 each;

iv. Crossovers and/or U-turn slot in median: \$150.00;

v. Left turn slots: \$500.00;

vi. Parades:

(1) \$1.00 if municipality sponsored;

(2) \$10.00 all others.

vii. Removal of fill, other than grading: \$50.00 per C.Y. measure in place;

viii. Erection of bus shelters, municipality only: \$5.00 per shelter;

ix. Guard rail removal: \$2.00 per L.F.;

x. Test holes: \$10.00 each;

xi. Grading (excavation or fill): \$25.00;

xii. Landscaping (Note: This does not apply if a restoration condition under another permit): \$10.00;

xiii. Erection of benches: \$0.50, municipally requested;

xiv. Pedestrian overpass or underpass: \$2,000;

xv. Extension, all issued permits, except those specifically noted: \$20.00 per renewal per permit.

3. Miscellaneous, unclassified: Fees to be determined at time of application and will be based on impact to the State right-of-way and review and inspection costs to the department.

R.1975 d.207, effective July 21, 1975.

See: 7 N.J.R. 278(b), 7 N.J.R. 387(d).

As amended, R.1976 d.343, effective November 5, 1976.

See: 7 N.J.R. 520(b), 8 N.J.R. 581(a).

**SUBCHAPTER 16. (RESERVED)****Historical Note**

This subchapter concerning the use or occupancy of State-owned railroad property has been recodified as N.J.A.C. 16:71 by R.1981 d.103, effective March 16, 1981. See: 13 N.J.R. 108(b), 13 N.J.R. 244(d).

APPENDIX A

TABLE A  
Type Of Permit and Review Determination

Type Of Improvement: APARTMENT COMPLEXES (All Types),  
CONDOMINIUMS, MOBILE HOMES, PUD'S, RETIREMENT  
COMMUNITIES, HOUSING DEVELOPMENTS (Detached & Townhouses).

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Units	Type Of Permit	Reviews	
			Design	Planning
3 Lanes Or LESS	100 Or LESS	MINOR	NO	NO
	MORE Than 100	MAJOR	YES	NO
4 Lanes Or MORE	300 Or LESS	MINOR	NO	NO
	MORE Than 300	MAJOR	YES	NO

2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Units	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS	350 Or LESS	MAJOR	YES	NO
		351 Or MORE	MAJOR	YES	YES
	4 Lanes Or MORE	12,501 Or MORE	175 Or LESS	MAJOR	YES
176 Or MORE			MAJOR	YES	YES
30,000 Or LESS		750 Or LESS	MAJOR	YES	NO
		751 Or MORE	MAJOR	YES	YES
30,001 Or MORE	375 Or LESS	MAJOR	YES	NO	
	376 Or MORE	MAJOR	YES	YES	

TABLE B  
Type Of Permit and Review Determination

Type Of Improvement: HOTELS/MOTELS

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Rooms	Type Of Permit	Reviews	
			Design	Planning
3 Lanes Or LESS	85 Or LESS	MINOR	NO	NO
	MORE Than 85	MAJOR	YES	NO
4 Lanes Or MORE	250 Or LESS	MINOR	NO	NO
	MORE Than 250	MAJOR	YES	NO

TABLE B—Continued

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Rooms	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS	335 Or LESS	MAJOR	YES	NO
		336 Or MORE	MAJOR	YES	YES
	12,501 Or MORE	168 Or LESS	MAJOR	YES	NO
		169 Or MORE	MAJOR	YES	YES
4 Lanes Or MORE	30,000 Or LESS	720 Or LESS	MAJOR	YES	NO
		721 Or MORE	MAJOR	YES	YES
	30,001 Or MORE	360 Or LESS	MAJOR	YES	NO
		361 Or MORE	MAJOR	YES	YES

TABLE C

Type Of Permit and Review Determination

Type Of Improvement: WAREHOUSES, INDUSTRIAL PARKS, And FLEXSPACE

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Square Feet	Type Of Permit	Reviews	
			Design	Planning
3 Lanes Or LESS	25,000 sq. ft. Or LESS	MINOR	NO	NO
	MORE Than 25,000 sq. ft.	MAJOR	YES	NO
	60,000 sq. ft. Or LESS	MINOR	NO	NO
4 Lanes Or MORE	MORE Than 60,000 sq. ft.	MAJOR	YES	NO

2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Square Feet	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS	57,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 57,000 sq. ft.	MAJOR	YES	YES
	12,501 Or MORE	28,500 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 28,500 sq. ft.	MAJOR	YES	YES
4 Lanes Or MORE	30,000 Or LESS	122,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 122,000 sq. ft.	MAJOR	YES	YES
	30,001 Or MORE	61,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 61,000 sq. ft.	MAJOR	YES	YES

TABLE D

## Type Of Permit and Review Determination

Type Of Improvement: GENERAL OFFICE BUILDINGS

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Square Feet 30,000 sq. ft. Or LESS	Type Of Permit MINOR	Reviews	
			Design NO	Planning NO
3 Lanes Or LESS	MORE Than 30,000 sq. ft.	MAJOR	YES	NO
	70,000 sq. ft. Or LESS	MINOR	NO	NO
4 Lanes Or MORE	MORE Than 70,000 sq. ft.	MAJOR	YES	NO

2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Square Feet 65,000 sq. ft. Or LESS	Type Of Permit MAJOR	Reviews	
				Design YES	Planning NO
3 Lanes Or LESS	12,500 Or LESS	MORE Than 65,000 sq. ft.	MAJOR	YES	YES
		40,000 sq. ft. Or LESS	MAJOR	YES	NO
	12,501 Or MORE	MORE Than 40,000 sq. ft.	MAJOR	YES	YES
4 Lanes Or MORE	30,000 Or LESS	140,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 140,000 sq. ft.	MAJOR	YES	YES
	30,001 Or MORE	85,000 sq. ft. Or LESS	MAJOR	YES	NO
	MORE Than 85,000 sq. ft.	MAJOR	YES	YES	

TABLE E

## Type Of Permit and Review Determination

Type Of Improvement: MEDICAL OFFICE BUILDINGS

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Square Feet 9,000 sq. ft. Or LESS	Type Of Permit MINOR	Reviews	
			Design NO	Planning NO
3 Lanes Or LESS	MORE Than 9,000 sq. ft.	MAJOR	YES	NO
	28,000 sq. ft. Or LESS	MINOR	NO	NO

TABLE E—Continued

If Proposed Improvement Is To A Highway With 4 Lanes Or MORE	Proposed Additional Square Feet	Type Of Permit	Reviews		
			Design	Planning	
	MORE Than 28,000 sq. ft.	MAJOR	YES	NO	
2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day					
If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Square Feet	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS	60,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 60,000 sq. ft.	MAJOR	YES	YES
4 Lanes Or MORE	12,501 Or MORE	30,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 30,000 sq. ft.	MAJOR	YES	YES
	30,000 Or LESS	128,600 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 128,600 sq. ft.	MAJOR	YES	YES
30,001 Or MORE	64,300 sq. ft. Or LESS	MAJOR	YES	NO	
	MORE Than 64,300 sq. ft.	MAJOR	YES	YES	

TABLE F

Type Of Permit and Review Determination

Type Of Improvement: EDUCATIONAL INSTITUTIONS

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Est. Enrollment	Type Of Permit	Reviews		
			Design	Planning	
3 Lanes Or LESS	250 students Or LESS	MINOR	NO	NO	
	MORE Than 250 students	MAJOR	YES	NO	
4 Lanes Or MORE	700 students Or LESS	MINOR	NO	NO	
	MORE Than 700 students	MAJOR	YES	NO	
2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day					
If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Est. Enrollment	Type Of Permit	Reviews	
				Design	Planning
	12,500 Or LESS	1,310 students Or LESS	MAJOR	YES	NO
		MORE Than 1,310 students	MAJOR	YES	YES

TABLE F—Continued

If Proposed Improvement Is To A Highway With 3 Lanes Or LESS	The Highway Has An AADT Of	Proposed Additional Est. Enrollment	Type Of Permit	Reviews	
				Design	Planning
4 Lanes Or MORE	12,501 Or MORE	655 students Or LESS	MAJOR	YES	NO
		MORE Than 655 students	MAJOR	YES	YES
		2,800 students Or LESS	MAJOR	YES	NO
	30,000 Or LESS	MORE Than 2,800 students	MAJOR	YES	YES
		1,400 students Or LESS	MAJOR	YES	NO
		30,001 Or MORE	MORE Than 1,400 students	MAJOR	YES

TABLE G

Type Of Permit and Review Determination

Type Of Improvement: HOSPITALS

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Square Feet	Type Of Permit	Reviews	
			Design	Planning
3 Lanes Or LESS	40,000 sq. ft. Or LESS	MINOR	NO	NO
	MORE Than 40,000 sq. ft.	MAJOR	YES	NO
	100,000 sq. ft. Or LESS	MINOR	NO	NO
4 Lanes Or MORE	MORE Than 100,000 sq. ft.	MAJOR	YES	NO

2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Square Feet	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS	185,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 185,000 sq. ft.	MAJOR	YES	YES
		92,500 sq. ft. Or LESS	MAJOR	YES	NO
	30,000 Or LESS	MORE Than 92,500 sq. ft.	MAJOR	YES	YES
		396,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 396,000 sq. ft.	MAJOR	YES	YES
4 Lanes Or MORE	30,001 Or MORE	198,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 198,000 sq. ft.	MAJOR	YES	YES

TABLE H

Type Of Permit and Review Determination

Type Of Improvement: SHOPPING CENTERS AND RETAIL STORE(S)

2-Way Traffic Volume Of Less Than 500 Vehicles Per Day

If Proposed Improvement Is To A Highway With	Proposed Additional Square Feet 20,000 sq. ft. Or LESS	Type Of Permit	Reviews	
			Design	Planning
3 Lanes Or LESS		MINOR	NO	NO
	MORE Than 20,000 sq. ft.	MAJOR	YES	NO
4 Lanes Or MORE	60,000 sq. ft. Or LESS	MINOR	NO	NO
	MORE Than 60,000 sq. ft.	MAJOR	YES	NO

2-Way Traffic Volume of 500 Vehicles Or MORE Per Day

If Proposed Improvement Is To A Highway With	The Highway Has An AADT Of	Proposed Additional Square Feet 60,000 sq. ft. Or LESS	Type Of Permit	Reviews	
				Design	Planning
3 Lanes Or LESS	12,500 Or LESS		MAJOR	YES	NO
		MORE Than 60,000 sq. ft.	MAJOR	YES	YES
	12,501 Or MORE	30,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 30,000 sq. ft.	MAJOR	YES	YES
4 Lanes Or MORE	30,000 Or LESS	127,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 127,000 sq. ft.	MAJOR	YES	YES
	30,001 Or MORE	75,000 sq. ft. Or LESS	MAJOR	YES	NO
		MORE Than 75,000 sq. ft.	MAJOR	YES	YES

TABLE I

Type Of Permit and Review Determination

Type Of Improvement: RESTAURANTS, FAST FOOD, And CONVENIENCE STORES AND GASOLINE/FUEL STATIONS

2-Way Traffic Volume In Vehicles Per Day Is	Type Of Permit	Reviews	
		Design	Planning
Less Than 500 Vehicles Per Day	MAJOR	YES	NO
500 Vehicles Per Day Or Less	MAJOR	YES	By NJDOT Design Unit Request

TABLE J

## Type Of Permit and Review Determination

Type Of Improvement: ARENAS, THEATERS, MUSEUMS, AUDITORIUMS

## 2-Way Traffic Volume Of LESS Than 500 Vehicles Per Day

If The Proposed Additional Number of Seats Is	Type Of Permit	Reviews	
		Design	Planning
1,000 Seats Or LESS	MINOR	NO	NO
MORE Than 1,000 Seats	MAJOR	YES	NO

## 2-Way Traffic Volume Of 500 Vehicles Or MORE Per Day

If The Proposed Additional Number Of Seats Is	Type Of Permit	Reviews	
		Design	Planning
1,000 Seats Or LESS	MAJOR	YES	NO
MORE Than 1,500 Seats	MAJOR	YES	YES