

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

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

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

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

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

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

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

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

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

“Travel demand management plan” means a system of actions and time tables the purpose of which is to alleviate traffic problems through improved management of vehicle trip demand. The actions are structured either to reduce

the use of single occupancy vehicles or to encourage travel during less congested time period.

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

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

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

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

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

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

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

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

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

Administrative change to “Planning review”.

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

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

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

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

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

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

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

Added “Shopping center”, “Specialty retail center”, and “Temporary access”; deleted “Alternate work arrangement programs”, “Buspool”, “Carpool”, “Compressed workweek program”, “Employee transporta-

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

Law Review and Journal Commentaries

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

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

SUBCHAPTER 2. ACCESS CLASSIFICATIONS

16:47-2.1 General requirements

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

Case Notes

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

16:47-2.2 Requirements for each State highway segment

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

16:47-2.3 Access classification change

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

SUBCHAPTER 3. ACCESS STANDARDS

16:47-3.1 Access levels for access classifications

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

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

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

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

4. AL 4—right-turn access to and from an access point, left-turn ingress via a left-turn lane, and left-turn egress from an access point: Figures C-14 through C-18 of Appendix C, Access Levels Diagrams, illustrate such access. The left-turn lane may or may not be at the access point for a divided highway and will be at the access point for an undivided highway. For AL 4, the location standards set forth in N.J.A.C. 16:47-3.4 are applicable if the highway is divided or if the traffic volumes at the intersection with the State highway meet the criteria for warrants set forth in Part 4C of the “Manual on Uniform Traffic Control Devices for Streets and Highways” (U.S. Department of Transportation, Federal Highway Administration 1988 edition or superseding edition). The location standards set forth in N.J.A.C. 16:47-3.3, 3.4 and 3.5 are applicable in all other cases.

5. AL 5—access to and from an access point: Figures C-19 through C-23 of Appendix C, Access Levels Diagrams, illustrate such access. Meeting traffic signal warrants is not required for the installation of a left-turn lane. For AL 5, the location standards set forth in N.J.A.C. 16:47-3.4 are applicable if the traffic volumes at the intersection of the access point with the State highway meet the criteria for warrants set forth in Part 4C of the “Manual on Uniform Traffic Control Devices for Streets and Highways” (U.S. Department of Transportation, Federal Highway Administration 1988 edition or superseding edition). The location standards set forth in N.J.A.C. 16:47-3.5 are applicable in all other cases.