

CHAPTER 41

PERMITS

Authority

N.J.S.A. 27:1A-5, 27:1A-6, and 27:1A-7.

Source and Effective Date

R.2003 d.80, effective January 21, 2003.
See: 34 N.J.R. 3169(a), 35 N.J.R. 1146(b).

Chapter Expiration Date

Chapter 41, Permits, expires on January 21, 2008.

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).

Subchapter 16, Permits Allowing Use or Occupancy of State-Owned Railroad Property, 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, Permits, 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Subchapter 8, Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways, was repealed by R.1992 d.206, effective May 4, 1992.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).

Pursuant to Executive Order No. 66 (1978), Chapter 41, Permits, was readopted as R.1992 d.301, effective September 8, 1992. See: 24 N.J.R. 2237(a), 24 N.J.R. 3097(b).

Pursuant to Executive Order No. 66 (1978), Chapter 41, Permits, was readopted as R.1997 d.355, effective August 8, 1997. As a part of R.1997 d.355, effective September 2, 1997, Subchapter 2, Permits for Driveways (Access); Subchapter 7, Street Intersection; Subchapter 11, Railroad Grade Crossings; and Appendix A, were repealed. See: 29 N.J.R. 2789(b), 29 N.J.R. 3851(c).

Chapter 41, Permits, was readopted as R.2003 d.80, effective January 21, 2003. See: Source and Effective Date.

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SUBCHAPTER 16. (RESERVED)

APPENDIX A (RESERVED)

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. Regional Offices:

i. Northern Region

New Jersey Department of Transportation
200 Stierli Court
Mt. Arlington, New Jersey 07856
(973) 770-5140

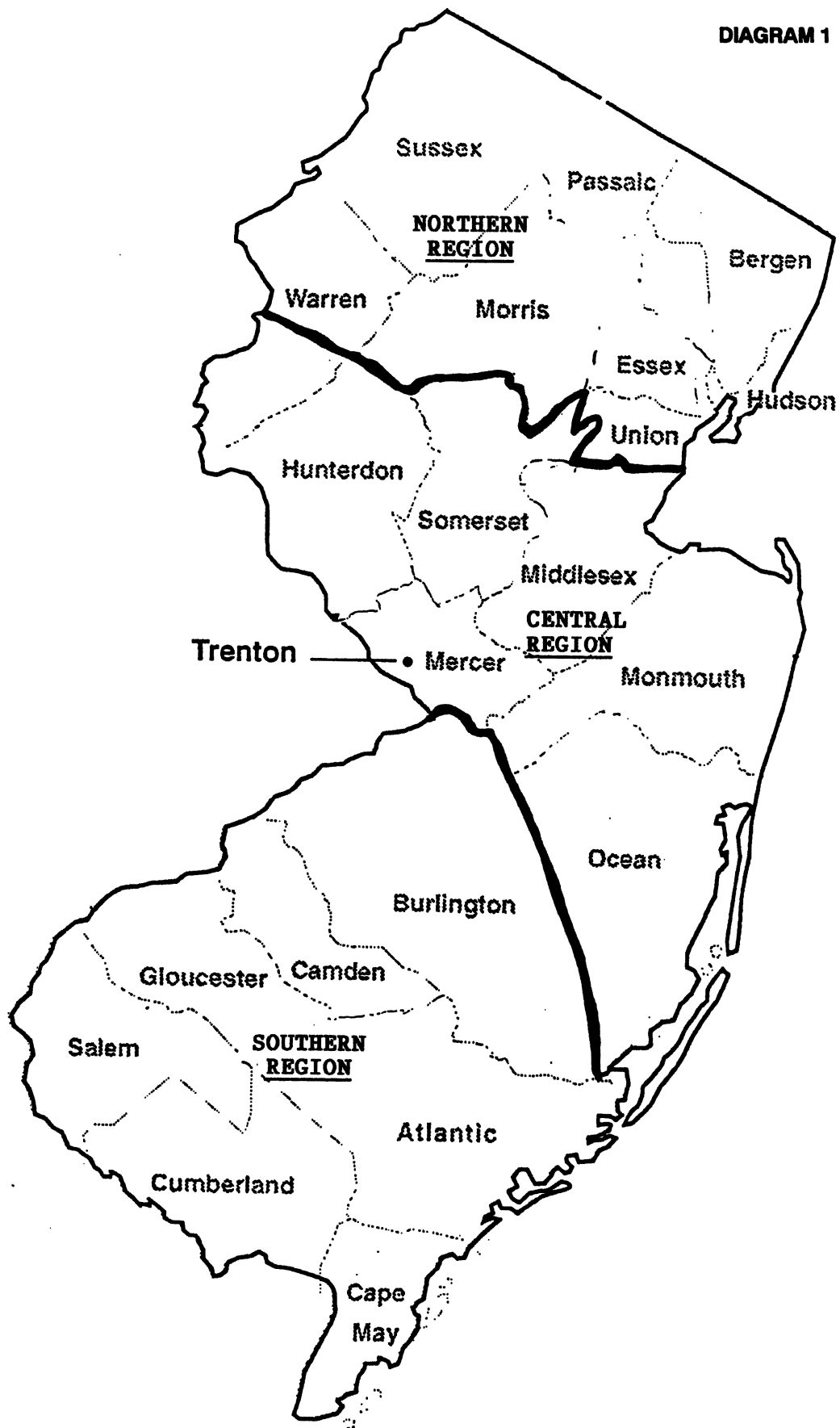
ii. Central Region

New Jersey Department of Transportation
100 Daniels Way
Freehold, New Jersey 07728
(732) 308-4106

iii. Southern Region

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

2. Regional boundaries: Boundaries of each region are shown on the map on Diagram 1 below.



(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).

Amended by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(b), 29 N.J.R. 3851(c).

Deleted (b)1 and (b)2; inserted new (b)1; recodified (b)3 as (b)2; in (b)2, substituted "the map on Diagram 1 below" for "the map on page 20"; and replaced the State of New Jersey Department of Transportation map showing Territory of Regions 1968 with Diagram 1.

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.

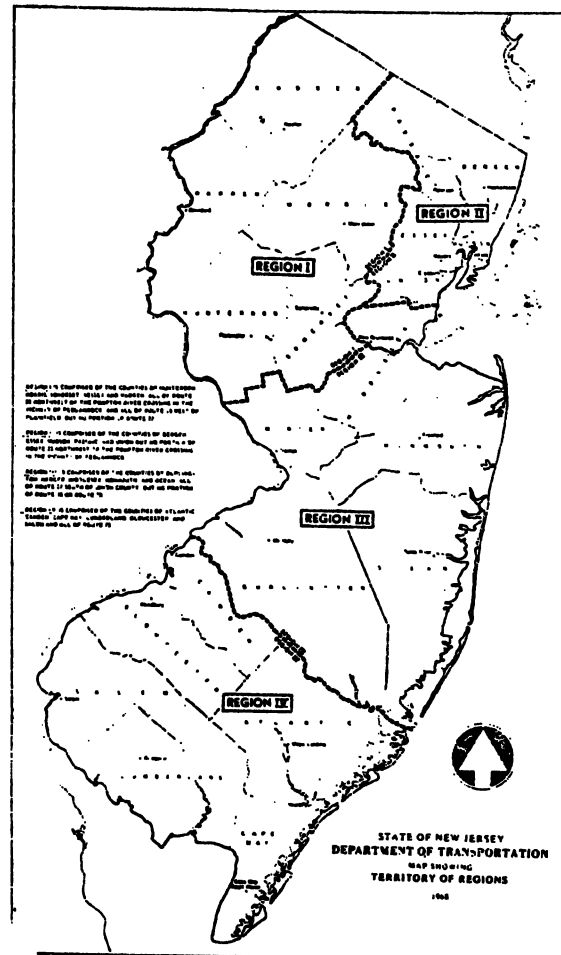
As amended, R.1973 d.283, effective September 27, 1973.

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. (RESERVED)

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 ¾ 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.

(j) 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. Where conditions warrant, the Department may assign an inspector to the project at the expense of the permittee. 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 guaranty or insure the proper maintenance or restoration of the area disturbed.

(k) Where the proposed pipe herein authorized is to be used for the conveying of water, gas or other liquid or gaseous substances under pressure, brass-seated unions or other approved disconnecting devices shall be installed just inside of the State's right-of-way on each side of the highway. Similarly, a gate valve or shutoff with standard curb box shall be installed in the line just inside the State's right-of-way line on the inlet or pressure side of the highway. The department reserves the right to close the shutoff in case of emergency.

(l) The permittee will be required to reimburse the department for any expense which may be incurred by reason of the improper operation or maintenance of the installation by the owner thereof, and the issuance of the permit shall not operate as a waiver of liability in favor of the owner of the installation or his successors or assigns. In the event the permittee ceases to retain ownership of the property on both sides of the highway right-of-way, this permit shall be null and void.

(m) The department reserves the right to impose special conditions in special cases.

16:41-3.3 Fee schedule; utility openings

(a) The fees or installations within border areas are:

1. Application fee:
 - i. \$10.00 for an opening in a project not to exceed ten square feet;
 - ii. \$10.00 for an opening in a project over ten square feet, but not to exceed 200 square feet;
 - iii. \$35.00 for an opening in a project over 200 square feet.
2. Permit fee:
 - i. \$10.00 for an opening in a project not to exceed ten square feet;
 - ii. \$30.00 for an opening in a project over ten square feet, but not to exceed 200 square feet;
 - iii. \$30.00 for first 200 square feet of opening in a project, plus \$5.00 for each additional 400 square feet of opening.

(b) The fees for installation within the shoulder or main travelled way are:

1. Application fee:
 - i. \$15.00 for an opening in a project not to exceed ten square feet;
 - ii. \$15.00 for an opening in a project over ten square feet, but not to exceed 200 square feet;
 - iii. \$120.00 for an opening in a project over 200 square feet.
2. Permit fee:
 - i. \$35.00 for an opening in a project not to exceed ten square feet;
 - ii. \$100.00 for an opening in a project over ten square feet, but not to exceed 200 square feet;
 - iii. \$100.00 for first 200 square feet of opening in a project, plus \$20.00 for each additional 200 square feet of opening.

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

SUBCHAPTER 4. ERECTION OF POLES

16:41-4.1 Permit applications

All applications for the erection, relocation and replacement of poles, supports, anchors, guys, and so forth, for the purpose of carrying overhead utilities, such as, power transmission, telephone, telegraph and signal systems, within the highway system are to be made by utility companies on a Department of Transportation "Pole permit" form.

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

16:41-4.2 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) The permittee shall provide all necessary safeguards, such as, barricades, lights, and so forth, for the protection of the public during the progress of the work, and until such work is entirely completed.

(c) All high-tension wires crossing highways are to be doubly secured to the pole pins on either side and special safety devices for the protection of the traveling public in such cases must be used when required by the department. Where high-tension wires are strung to the underside of bridges, passageways, and so forth, through which the highway passes, great precaution must be taken to insure proper anchorage. Energized lines must be lead-sheathed or armored cable. Except where special permission is granted, all wires of any nature crossing over the highways must not be less than 18 feet above the highway.

(d) Poles that conflict with construction shall be removed to a new location approved by the department.

(e) Where the proposed erection of poles will interfere with existing Department of Transportation advisory, directional or regulatory signs or devices, the location of the poles shall be changed so that total visibility of the installations will be unimpaired.

(f) When the erection of poles will require the removal or trimming of shade trees on State Department of Transportation property, the location of the trees shall be shown on the sketches accompanying the application together with the type of trimming required. Permission will be granted for the removal or trimming of trees after investigation by the Department of Transportation landscape forces. Routine trimming will be considered upon application by letter indicating specific locations. All work shall be subject to the supervision and approval of the department representative.

(g) There shall be no interference with structures on, over or under the highway. Interference with drainage installations must be avoided. Work shall be conducted to eliminate interference with subsurface utilities and their appurtenances unless permission for interference has been obtained from the proper authorities. Upon completion of work the area disturbed shall be properly restored and all excess material, if any, shall be removed.

(h) The department reserves the right to impose special conditions in special cases.

16:41-4.3 Definitions

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

"Pole appurtenance" means any attachment to a utility pole which occupies ground surface area at a distance greater than one foot from the base of the pole or which creates a low overhead clearance of less than 13½ feet. The following items are examples of pole appurtenances: guy cables, guy anchors and low mounted transformer supports. The following items are not pole appurtenances:

1. Call boxes;
2. Climbing rungs;

3. Transmission lines;
4. Crossarms;
5. High transformers; and
6. Conduit risers.

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).

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).

16:41-4.4 Fee schedule; erection of poles

(a) Application fees are as follows:

1. \$10.00 for projects involving one to three pole(s) or pole appurtenance(s);
2. \$15.00 for projects involving four to ten poles or pole appurtenances;
3. \$30.00 for projects involving more than ten poles or pole appurtenances.

(b) Permit fees are as follows:

1. \$5.00 for projects involving one to three pole(s) or pole appurtenance(s);
2. \$50.00 for projects involving four to ten poles or pole appurtenances;
3. \$50.00 for projects involving more than ten poles or pole appurtenances, plus \$5.00 for each additional pole or pole appurtenance over ten.

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

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

SUBCHAPTER 5. DRAINAGE

16:41-5.1 Permit applications

All applications for permission to make an attachment or install drainage facilities to any State drainage structure or within the State highway system are to be made by municipal engineers or property owners on a New Jersey Department of Transportation "Drainage permit" form. Private installations must be confined within the side property lines of the owner's land. An extension beyond the side property lines would be a responsibility of the municipal engineer.

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

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

16:41-5.2 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) The permittee shall properly safeguard all work performed under this permit, and during hours of darkness maintain sufficient warning lights or employ other measures necessary for the public's protection.

(c) There shall be no interference with any structure on, over, or under the highway. The existing cross section and drainage of the highway shall not be disturbed. The longitudinal flow of water along the gutter line must not be interrupted. It shall be the responsibility of the owner to make adequate provision for all transverse, lateral and longitudinal drainage affected by this construction.

(d) The permittee shall take all necessary precautions to prevent settlement or dislocation of, or damage to existing adjacent roadways or other facilities. If such roadways or facilities are damaged by or as a result of the work, they shall be repaired, replaced or otherwise restored to a condition as good as prevailed at the time the project started, by and at the expense of the permittee.

(e) Concrete for the foundations of brick, concrete block or concrete manholes, inlets and catch basins, shall be Class D. For the walls of concrete inlets, manholes and catch basins, the concrete shall be Class C. Top slabs, if required, shall be of Class B concrete.

(f) Pipe must not protrude beyond the inside walls of the highway drainage structure and space between wall and pipe is to be chinked with 1:2 Portland cement mortar. The Department, under no circumstances, will bear any part of the expense of the installation of pipe which may be necessary, nor will it furnish or place fill material either within a right-of-way of the highway or outside of it. The permittee may be required to construct manholes, catch basins or both where drainage conditions or future maintenance conditions may be such that these structures are necessary.

(g) 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 energetically tamped until thoroughly compacted. Upon completion of the work, the area disturbed shall be properly restored and all excess material, if any, shall be removed.

In pavement areas, if immediate replacement of permanent pavement is not feasible, the excavation shall be backfilled and consolidated as specified in this subsection after which not less than two inches of cold patch material shall be placed to grade. Temporary pavement must be maintained in a satisfactory condition until permanent pavement is completed.

(h) 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. Where conditions warrant, the department may assign an inspector to the project at the expense of the permittee. 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 guaranty or insure the proper maintenance and restoration of the area disturbed.

(i) The Department of Transportation may impose special conditions in special cases.

16:41-5.3 Fee schedule

(a) The fee schedule is:

1. Application fees:

- i. Installation of pipe:

- (1) \$20.00: Area 100 square feet or less;

- (2) \$70.00: Area greater than 100 square feet.

- ii. Standard manhole or inlet installation: \$2.00 each;

- iii. Manhole or inlet conversion and/or relocation: \$2.00 each.

2. Permit fee:

- i. Installation of pipe:

- (1) \$35.00: Area 100 square feet or less, including atts.;

- (2) \$35.00: Each additional 200 square feet or fraction thereof, including atts.;

- ii. Standard manhole or inlet installation: \$10.00 each;

- iii. Manhole or inlet conversion and/or relocation: \$10.00 each.

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

SUBCHAPTER 6. BRIDGE ATTACHMENTS**16:41-6.1 Permit applications**

All permit applications for the installation, laying, connection, maintenance or operation of pipes, conduits, wires, cables or other appliances on, over, or under viaducts or bridges comprising parts of the State highway system must be submitted by municipalities or franchised utility companies on a New Jersey Department of Transportation "Bridge attachment permit" form.

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

16:41-6.2 Regulations

(a) The following terms and regulations for the use to be made of viaducts or bridges comprising parts of the State highway system, by public utility corporations, for the installation, laying, connection, maintenance and operation of pipes, conduits, wires, cables or other appliances, except railway or railroad tracks in, on, over or under such viaducts or bridges, are hereby prescribed by the Commissioner of Transportation and shall constitute an agreement between the Commissioner of Transportation and any public utility corporation securing a permit therefor in accordance with the terms hereof:

1. The applicant, before obtaining a permit, shall have on file with the New Jersey Department of Transportation satisfactory evidence that it is subject to regulation by the Board of Public Utility Commissioners of the State of New Jersey and that its rates are subject to be fixed by said Board and that it has the right to use the highway on both sides of the viaduct or bridge, or that it has the pipes, conduits or wires in, on, over or under the viaduct or bridge when the same was taken over as a part of the State highway system.

2. 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.

3. 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.

4. Whenever it becomes necessary for the State to make repairs to its structure, the applicant will, upon notice from the State, protect its installation during the time the repairs are being made by the State.

5. All work of construction and maintenance in connection with the installation shall be subject to inspection and approval by the State.

6. 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.

7. 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, the applicant shall make no claim of any kind against the Commissioner of Transportation or the State of New Jersey.

8. Applicant shall pay for its use in laying, connecting, maintaining and operating its pipes, conduits, wires, cables or other appliances in, on, over or under the viaduct or bridge, such a sum as will sufficiently compensate the State for the extra burden imposed upon the State by reason of the use by applicant of the viaduct or bridge, which sum shall be stated in the permit.

9. The issuance of any permit under an application shall not relieve the applicant from the payment of any sum now due or claimed to be due or accrued under any contract heretofore entered into by applicant for its use of the bridge or viaduct.

10. Applicant shall furnish such security as the Commissioner of Transportation may determine to be advisable to insure the proper performance of these terms and regulations; and the wilful failure to perform or the wilful violation of any of these terms and regulations shall render the permit null and void.

11. Applicant shall pay the State all actual cost and expense incurred by the State in the inspection and approval of plans and specifications for the proposed installation and for the inspection of the actual installation, not to exceed an amount to be stated in the permit.

16:41-6.3 Conditions

- (a) The permittee shall notify the Construction and Maintenance Unit's regional office at least 72 hours prior to starting work in order that the Department may have a representative at the site.

- (b) The permittee shall properly safeguard all work performed under permit and if considered necessary, maintain sufficient warning lights, Departmental approved signs and safety devices for the protection of the general public at all times, until the project has been completed.

(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).

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

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).

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).

SUBCHAPTER 11. (RESERVED)

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 engineer¹ 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.

¹ 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).

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 Parades

Letters of application must include information concerning routing and time.

Recodified from 16:41-15.6 by R.1997 d.355, effective September 2, 1997.
See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).
Former N.J.A.C. 16:41-15.4, "Crossovers", repealed.

16:41-15.5 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.

Recodified from 16:41-15.7 by R.1997 d.355, effective September 2, 1997.
See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).
Former N.J.A.C. 16:41-15.5, "Left turn slots", repealed.

16:41-15.6 Erection of bus shelters

All applications for the erection of bus shelters require municipal approval. Special conditions covering the issu-

ance of this permit shall be indicated at the time of approval.

Recodified from 16:41-15.8 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.6, "Parades" recodified to N.J.A.C. 16:41-15.4.

16:41-15.7 Test holes

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

Recodified from 16:41-15.9 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.7, "Removal of fill" recodified to N.J.A.C. 16:41-15.5.

16:41-15.8 Crosswalks

Permits for crosswalks are restricted to municipal requests.

Recodified from 16:41-15.10 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.8, "Erection of bus shelters" recodified to N.J.A.C. 16:41-15.6.

16:41-15.9 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.

Recodified from 16:41-15.11 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.9, "Test holes" recodified to N.J.A.C. 16:41-15.7.

16:41-15.10 Grading (excavation or fill)

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

Recodified from 16:41-15.12 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.10, "Crosswalks" recodified to N.J.A.C. 16:41-15.8.

16:41-15.11 Landscaping

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

Recodified from 16:41-15.13 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.11, "Guard rail removal" recodified to N.J.A.C. 16:41-15.9.

16:41-15.12 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.

Recodified from 16:41-15.14 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.12, "Grading (excavation or fill)" recodified to N.J.A.C. 16:41-15.10.

16:41-15.13 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.

Recodified from 16:41-15.15 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.13, "Landscaping" recodified to N.J.A.C. 16:41-15.11.

16:41-15.14 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).

Recodified from 16:41-15.16 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Former N.J.A.C. 16:41-15.14, "Benches" recodified to N.J.A.C. 16:41-15.12.

16:41-15.15 (Reserved)

Recodified to N.J.A.C. 16:41-15.13 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Section was "Pedestrian overpass".

16:41-15.16 (Reserved)

Recodified to N.J.A.C. 16:41-15.14 by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).

Section was "Fee schedule".

SUBCHAPTER 16. (RESERVED)

APPENDIX A

(RESERVED)

Repealed by R.1997 d.355, effective September 2, 1997.

See: 29 N.J.R. 2789(a), 29 N.J.R. 3851(c).