

RULES AND REGULATIONS 1955

STATE HIGHWAY DEPARTMENT

In Dave Thompson

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SEC. 1.1:

DEFINITIONS:

In all statutes where reference is made to the State Commissioner of Public Roads, the State Highway Commissioner, or the Highway Commissioner, such reference shall be construed to mean and shall refer to the State Highway Commissioner. In these rules whenever reference is made to the Department, it shall mean New Jersey State Highway Department; the term Commissioner shall mean the State Highway Commissioner; the term Engineer shall mean State Highway Engineer; the term Secretary shall mean Secretary of the State Highway Department. The term Highway shall mean any road, street, Freeway or Parkway in the State Highway System.

SEC. 1.2:

PURPOSE:

These rules and regulations are promulgated pursuant to R.S. 27:7-21 and other sections as set forth in the Revised Statutes which authorizes the Commissioner to set up Rules and Regulations.

SEC. 1.3:

ORGANIZATION AND POWERS OF STATE HIGHWAY DEPARTMENT:

1. The State Highway Department as a Department is in the Executive Branch of the State Government and is constituted a principal Department therein.
2. The State Highway Commissioner as head of the State Highway Department is the administrative and executive head.
3. The Commissioner has the power to set up rules and regulations for his Department and also has the power to designate someone to sign his name to any orders, regulations, contracts, bills or other papers or documents.
4. The Commissioner may sub-contract with any authority in the State Highway Department, undertake and perform any acts in connection with acquisition, construction, reconstruction, maintenance, repair or operation of any project or projects of such authority, at the sole expense of such authority.
5. When the Commissioner contemplates taking over a route as a State Highway, he shall give notice in writing to the presiding officer or clerk of the body having control of such route, that a hearing will be held within thirty (30) days of the notice.
6. Copies of any regulations of the State Highway Commissioner when authenticated under his seal shall be evidence in like manner and with equal effect as the originals.

7. The Commissioner shall have the authority to restrict the use of roadways in parkways to passenger motor vehicles and to make such other regulations as may be proper or necessary to carry out provisions of this Act, i.e., the Highway Act.

8. The Commissioner by law, subject to the approval of the Director of Motor Vehicles, may be regulations establish speed limits, "no passing" zones, parking restrictions, or "trucks keep in right lane operations" on State highways where such regulations are deemed necessary by reason of hazard to the traveling public.

9. No such regulations will be effective unless the notice thereof is given to the public by placing a sign at the place where the regulation is effective.

10. When a speed regulation is requested by local government officials, a survey is made and a reasonable speed limit is determined based on 85 percentile speed. Before regulation is submitted to the Director of Motor Vehicles, the local officials are advised.

SEC. 1.4:

CONTRACTS, SPECIFICATIONS AND BIDDING:

1. Standard Specifications shall be distributed only by the Chief Clerk & Secretary in compliance with request accompanied by the sale price of \$5.00 per copy.

The Chief Clerk & Secretary may issue one copy of the Standard Specifications, without cost, to each successful bidder on department work upon award of contract if so requested.

The State Highway Engineer, or in his absence the Assistant State Highway Engineer, shall preside at the receipt of bids. If neither is present, bids shall be received by the Director & Chief Road Engineer, or Director & Chief Bridge Engineer in that order.

The Chief Clerk & Secretary shall permit the withdrawal of a bid by the bidder on a given project prior to the opening of any bid on that project.

When a bidder submits proposals on two or more projects, the Chief Clerk & Secretary shall accept a single revised questionnaire in a separate sealed envelope in lieu of separate questionnaires with each bid.

The Prequalification Officer shall, before a bid is declared closed, indicate the bidders' prequalification status on the front of their respective sealed bid envelopes.

The person presiding shall declare the bidding closed at the time specified in the advertisement and no further bids

shall be accepted thereafter.

The Chief Clerk & Secretary, upon delivery of contract documents to the contractor, shall obtain from him a receipt showing date and time of delivery of same.

SEC. 1.4:2 Regulations Covering the Classification of Prospective Bidders Issued in Accordance with Title 52:35, Revised Statutes of New Jersey, 1937

REVISED TO MARCH 27, 1954

All persons proposing to bid on State Highway work must furnish a statement under oath in response to a Questionnaire to be submitted by the State Highway Commissioner. Such statement shall fully develop the Financial Ability, Adequacy of Plant and Equipment, Organization, and Prior Experience, and such other pertinent and material facts as may be desirable.

In order that proper CLASSIFICATION may be made, the following Regulations have been adopted by the State Highway Commissioner, which will supersede existing Regulations and become effective March 27, 1954.

(1) Prospective Bidders will be classified according to the type of work and the amount of work on which they are entitled to bid as follows:

A. As to type of work:

"GRADING"--Work involving grading and drainage including drainage structures.

"PAVING"--Work involving grading, drainage, drainage structures and all types of paving.

"BRIDGE CONSTRUCTION"--Work involving bridges, viaducts and similar structures.

"GENERAL CONSTRUCTION"--Any type of grading, paving and bridge work ordinarily undertaken by the State Highway Department.

"SPECIAL MISCELLANEOUS WORK"--All other special types of work not regularly undertaken by the Highway Department, such as: the painting of bridges and other structures; landscaping; the taking of test borings; the demolition of buildings or other structures; the furnishing and applying of surfacing materials; plumbing, heating and ventilation work; electrical installations; underground utilities; fabrication erection and installation of steel and iron, and the like.

B. As to the amount of work:

Class	Amount	Class	Amount	Class	Amount
A	.... \$50,000.00	J	.... \$300,000.00	S	.... \$1,250,000.00
B	.... 75,000.00	K	.... 350,000.00	T	.... 1,500,000.00
C	.... 100,000.00	L	.... 400,000.00	U	.... 2,000,000.00
D	.... 125,000.00	M	.... 450,000.00	V	.... 3,000,000.00
E	.... 150,000.00	N	.... 500,000.00	W	.... 4,000,000.00
F	.... 175,000.00	O	.... 600,000.00	X	.... 5,000,000.00
F	.... 200,000.00	P	.... 700,000.00	Y	.... 6,000,000.00
H	.... 225,000.00	Q	.... 800,000.00	Z	.... Unlimited
					Class
I	.... 250,000.00	R	.... 1,000,000.00		

Class "Z" (Unlimited involves work in excess of \$6,000,000.00. A prospective bidder, so prequalified, will be notified of the intention of the New Jersey State Highway Department to undertake a project in the "Unlimited" class, and such prospective bidder shall be required to specifically prequalify to bid upon the work in question by applying for such specific classification at least 20 days before the date set for the receiving of bids.

A prospective bidder, whose statements do not qualify him to bid in an amount that will be sufficient to place him in "Class A", will be graded and classed according to his actual ability to undertake a project as shown by his statements.

- (2) Each prospective bidder must furnish UNDER OATH the following statements:
- a. A statement as to financial ability, which statement shall show quick assets and current liabilities, and which shall include verification of lines of credit extended by banks.
 - b. A statement as to plant and equipment which shall give complete details as to cost, age, condition and present value.
 - c. A Statement as to organization which shall develop the adequacy of such organization, including key personnel, to undertake a project in the classification desired.
 - d. A statement as to prior experience which shall show the number of years the prospective bidder has been engaged in the contracting business and shall further disclose generally his experience over that period.
 - e. A statement which shall give an accurate and complete record of work done in the past two

years, giving the name of projects undertaken, the type of work, the location, the contract price, and the name of the engineer in charge for the owner.

f. A statement which shall list in detail any liens, stop notices or claims filed against any project within the past two years. This statement shall also disclose any labor troubles experienced, any failure or failures to complete a contract or contracts, and any penalties imposed by reason of any contract undertaken within the said two-year period. The prospective bidder shall explain such items.

g. A statement setting forth any other pertinent and material facts that will justify the rating desired.

- (3) Each prospective bidder shall state the type of work for which he seeks to be CLASSIFIED.
- (4) Each prospective bidder will be CLASSIFIED for one or more types of work and will be rated in accordance with his financial ability, adequacy of plant and equipment, organization, prior experience, record of construction, and any other pertinent and material facts which may affect such CLASSIFICATION. The prospective bidder will be assigned a CLASSIFICATION, which will designate the type and quantity of work upon which he will be eligible to bid. The State Highway Commissioner will give notice of such CLASSIFICATION by registered mail within eight (8) days after receipt of such fully executed prequalification questionnaire.
- (5) A prospective bidder dissatisfied with his CLASSIFICATION MAY request a hearing before the New Jersey State Highway Commissioner, and at the hearing may present further evidence to justify a different CLASSIFICATION. No change in CLASSIFICATION where the letting has been advertised, will be made unless written request shall have been received at least twenty (20) days preceding the final day for the submission of bids.
- (6) Any prospective bidder dissatisfied with the ruling of the State Highway Commissioner or with the original CLASSIFICATION, if notice of the CLASSIFICATION shall have been sent him not less than twelve (12) days prior to the letting of the contract, may request a hearing before the Board of Review. This request must be filed not less than ten (10) days prior to the final day for the submission of bids.

- (7) When a prospective bidder has been assigned a CLASSIFICATION, he shall be entitled to bid on any proposal within his class for a period not exceeding six (6) months from the date shown upon his prequalification questionnaire. However, no bid will be received from any prospective bidder on any given date unless such prospective bidder shall have filed with the Department before such date a prequalification questionnaire which will not be more than six (6) months old on the date such prospective bidder submits his bid. Prospective bidders shall submit prequalification questionnaires, as provided herein, every six (6) months, or on such other intermediate occasions as may be deemed necessary by the State Highway Commissioner.
- (8) Bids will be accepted only from prospective bidders who have been assigned a CLASSIFICATION in accordance with Title 52:35 R. S. 1937 and the Regulations adopted herein and under no circumstances will bids be accepted from bidders who have not been CLASSIFIED, nor for work different in type or greater in amount than that to which the CLASSIFICATION of the bidder entitled him. When a doubt arises as to whether a bid is within the class to which the prospective bidder is qualified, the bid will be opened provisionally, and if it appears that the bid is, in fact, within a higher class than that to which the prospective bidder is CLASSIFIED, the bid will be immediately excluded.
- (9) The State Highway Commissioner may reject any bidder at any time prior to the actual awarding of a contract where there have been developments subsequent to qualification and CLASSIFICATION which, in the opinion of the State Highway Commissioner, would affect the responsibility of the bidder. Before taking such action the State Highway Commissioner will notify the bidder and give him an opportunity to present additional information.
- (10) In order that the State Highway Commissioner may have the necessary information to pass upon the ability of a bidder to satisfactorily complete a project, each bidder must submit with his bid on each proposal a revised financial statement, a plan and equipment statement and other pertinent data under oath in response to a questionnaire provided by the State Highway Commissioner. Revised statements submitted with bids by contractors holding CLASSIFICATIONS up to and including Class "U" (\$2,000,000.00) must be as of the close of business at the end of the month immediately preceding that during which bids are being received. In the instance of contractors holding Class "V", "W", "X", "Y" and "Z" (Unlimited) CLASSIFICATIONS the resubmission of statements upon

which the contractor was last CLASSIFIED or RECLASSIFIED will be permitted, provided that the statement has attached to it an affidavit to the effect that there has been no material change in financial condition since the former date of submission.

- (11) The above Regulations will be strictly adhered to and no deviation whatsoever will be allowed.

(Attention is called to excerpt from Title 52:35, Revised Statutes of New Jersey, 1937):

"Any person who makes, or causes to be made, any false, deceptive or fraudulent statement in the questionnaire required to be submitted, or in the course of any hearing under this act, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), and shall be permanently disqualified from bidding on all public work of the State of New Jersey; or, in the case of an individual or the officer or employee charged with the duty of making such questionnaire for a person, firm, co-partnership, association or corporation, to pay such fine or undergo imprisonment, not exceeding six months, or both".

The above Regulations were formally adopted by the State Highway Commissioner, on the twenty-third day of February, 1954, effective March 27, 1954.

SEC. 1.5

ACQUISITION AND SALE OF LANDS:

1. The determination by the State Highway Commissioner to acquire certain land or other property for the purpose of constructing a highway, under the law gives the State, its agents or contractors, the right to take immediate possession of such required land.
2. The procedure in disposing of excess property no longer required for highway purposes after determination by the Highway Commissioner is as follows:
 - a. A minimum value is established by the Division of Right-of-Way and the prospective purchaser is required to guarantee a bid in that amount as a starting point of the sale.
 - b. Notice of the sale to be published in the

newspaper in the county in which the property lies.

- c. Notice of the sale posted on the property.
- d. The successful bidder at the sale is required to pay 25% of his bid in cash or by certified check; the balance to be paid to the Secretary of the State Highway Department within ten (10) days thereafter.

3. The procedure in the sale or disposal of buildings located on properties acquired by the State for highway purposes, either by agreement or through condemnation proceedings, is as follows:

- a. Open competitive bids.
- b. Sealed bids.
- c. Public Auction.
- d. Agreement with owners to retain and remove.
- e. Demolition by the general road contractor or demolition contractor.

SEC. 1.6:1 RIGHTS OF WAY--PERMITS--WORK AND MATERIAL--ADVERTISING:

(1) No person, firm, corporation, public utility or governing body, unless under contract to or under order from the State Highway Commissioner, shall construct, maintain, or cause to be constructed or maintained, for any purpose whatsoever, any structure above or below the surface of the ground, wholly or partially within the limits of a State Highway right-of-way, without first having made application to the State Highway Department for permission to perform the proposed work or maintain the proposed structure and having been granted a permit covering the proposed work.

(2) No person, firm, corporation, public utility or governing body shall disturb, alter or remove any of the existing components, elements or appurtenances of a State Highway without first having applied to the State Highway Department for a permit to perform such alteration or removal and having been granted a permit for the proposed work.

SEC. 1.6:2 ERECTION OF POLES:

(1) Protection from Overhead Cross-Overs: All high-tension wires are to be doubly secured to the pins of poles on each side of the road where the wires cross from one side to the other of the highway, and special safety

devices for the protection of the traveling public in such cases must be used when required by the State Highway Engineer. Where high-tension wires are strung to the under side of bridges, passageways, etc., through which the highway passes, great precaution must be taken to insure the proper anchorage of the wires, and, if so directed by the Engineer, special safety devices must be employed. Except where special permission is granted all wires of any nature crossing over the highways must not be less than eighteen feet above the highway.

(2) Relocation of Line: Where the location of the highway may be such that a future realignment becomes necessary, the permittee will in such event upon the granting of a proper permit therefor, remove the pole or poles to the new location at his own expense.

(3) Interference of Poles with Signs: Where the proposed erection of poles will interfere with existing Highway Department cautionary or directionary signs the location of the poles shall be changed so that no interference will be made with the proper view of the signs.

(4) Painting of Poles: A three foot (3') white band shall be painted and maintained on every pole, the top of the band to be at a uniform elevation of six feet (6') above the center line elevation of the highway. Where poles have been creosoted or treated for their entire length making the use of white paint unsatisfactory, some other method shall be used, which method shall be approved by the State Highway Engineer or his representative.

(5) Shade Trees: Where the erection of poles will require the removal or trimming of shade trees on State Highway Department property, the location of the trees shall be shown on the sketches accompanying the application together with the type of trimming required. Special permission will be granted covering the removal or trimming of the trees after investigation by the State Highway Department. Where Shade Tree Commissions exist in the various municipalities within the State, permission for the removal or trimming of trees shall be secured from the proper Shade Tree Commission. Where no Shade Tree Commission exists, the removal or trimming of trees shall be subject to the supervision and approval of the State Highway Engineer or his representative.

SEC.1.6:3

ATTACHMENT TO STORM DRAIN:

- (1) Pipe will not protrude beyond the inside of walls of highway drainage structure and space between wall and pipe is to be chinked with 1:2 Portland Cement Mortar.
- (2) The drain will not be used to carry sanitary sewage or household or other waste to the State's storm drain.
- (3) Workmanship and materials shall conform to the New Jersey

State Highway Department specifications and the work shall be done under the inspection and approval of the State Highway Commissioner or his authorized representative.

(4) Notwithstanding complete compliance with the aforementioned regulations, if the interests of the State so require, the right is reserved to revoke a permit and all privileges and permissions granted thereunder on thirty (30) days' notice.

(5) Violation of any of the covenants and conditions contained in the permit will be cause for summary revocation and severance of the connection.

SEC. 1.6:4

APPLICATION FOR OPENING:

(1) Protection for Traveling Public: The permittee shall keep such opening properly guarded and at night have lights placed thereat. In doing the work, there shall be as little interference as possible with travel along the road and no greater part of the road shall be opened at any time than shall be allowed by the State Highway Engineer. Transverse openings, involving the full width of the highway shall be made so that only one-half of the highway will be obstructed at any one time. The work shall be scheduled and executed so as to present a minimum of inconvenience to the traveling public. Where feasible, pipes, mains and conduits shall be bored under all pavements. Tunnels may be driven if and where directed.

(2) Protection from Suits: The permittee shall save harmless the State of New Jersey, its officer and servants, from and against any loss, injury or damage resulting from any negligence or fault of the permittee, his agents or servants, in connection with the performance of the work covered by the permit.

(3) Time Limit: After any opening is made, the work shall be energetically prosecuted and final restoration of disturbed surface shall be completed as soon as weather conditions permit. In case the work has not been completed before the expiration date set forth in the permit, and permittee has not requested an extension of time, the Engineer may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit has been issued. If any extension of time beyond said date is needed for the completion of the work, a new application must be filed if required by the State Highway Engineer. Permits will not be issued for a period in excess of twelve months. Expired permits may be renewed on written request.

(4) Excavation: The work shall be conducted so as not to interfere with water, gas and sewer mains, other sub-surface structures or their connections to abutting properties until permission has been obtained from the proper authorities. Rock within five (5) feet of sub-surface structures liable to be damaged shall be removed without blasting. No excavation which will damage trees shall be made without approval of the Engineer.

(5) Backfilling and Temporary Paving: The permittee shall completely backfill the excavation and shall replace as great a portion as possible of material excavated, compacting it by mechanical tamping, or as otherwise directed, and shall supply additional material where there is a deficiency. Whenever the inspector shall deem the material unsatisfactory for backfill and the Engineer or his duly authorized assistant, shall concur with this decision, the permittee shall backfill the trench with sand, or other proper material, acceptably compressed as required, and shall remove excess material from the premises. If tamping alone is employed, the material shall be placed in layers not exceeding six inches in thickness, moistened if directed, and each layer shall be energetically tamped until thoroughly compacted. Longitudinal ditches may be compacted by rolling with dual-tired trucks of not less than 28,000 pounds net weight fully loaded with stone or gravel. Trenches may not be flushed except under specific permission of the State Highway Engineer. If, for any reason, immediate replacement of permanent pavement is not feasible, the excavation shall be back-filled and consolidated as specified above, after which not less than two (2) inches of cold patch material shall be placed to highway grade. The permittee is required to maintain the temporary pavement in a satisfactory condition until permanent repairs are made.

(6) Replacement of Pavement on Concrete Base: To prepare for restoration of the original pavement, the following rules shall govern: The foundation shall first be restored to a width of not less than twelve (12) inches wider than the width of the trench and not less than twelve (12) inches longer than the length of the trench. The surface pavement shall extend twelve (12) inches wider than the width of the foundation and twelve (12) inches longer than the length of the foundation. The foundation or base shall be composed of cement concrete of a mixture by volume of one part cement, two parts concrete sand and four parts coarse aggregate. This cement concrete foundation replacement shall be squared up horizontally and the edges of the cut trimmed to an approximately vertical plane. In no case shall the concrete base be less than nine (9) inches in depth. All surface replacements shall duplicate as closely as possible, the original pavement in type, material, color and texture of surface. Reinforcement, if any, in concrete base shall be restored in accordance with instructions under "Replacement of Concrete Surface".

(7) Replacement of Concrete Surface: To prepare for the restoration of concrete pavement, the following points are to be observed: The hole is to be squared with the sides truly parallel and perpendicular to the center line

of pavement and not closer than eighteen (18) inches to any expansion joint. All concrete reinforcement shall be replaced. The type of reinforcement and its spacing may be ascertained while the old concrete is being removed such reinforcing and spacing shall be duplicated in the restoration. New reinforcing shall be lapped at least thirty (30) diameters and tied to the reinforcing which shall be bent back while the work is being done. Where restorations are made in pavement not reinforced, reinforcement of a type and spacing to be determined by the State Highway Engineer may be required. The concrete mixture to be used shall be determined by the size of restoration. For general work, this proportion shall range between 1:1-1/2:2 and 1:1-3/4:3-1/2, the former mix being used for patches averaging two square yards or less. A three-quarter inch coarse aggregate shall be used in the former mix and a larger coarse aggregate shall be used in replacements of three square yards or more. Commercial high early strength cements shall be used in all restorations unless permission for the use of standard portland cements with additives to produce high early strength is granted by the State Highway Engineer. Central or Transit Mix Concrete is acceptable where approved by the State Highway Engineer, or his authorized representative. Unless otherwise specifically authorized, concrete pavement openings shall be at least two (2) feet from the sides and ends of slabs. If necessary to make an opening adjacent to a joint, a reinforcing sill or bolster, 12" x 12", shall be constructed under the edge of the adjacent slabs.

(8) Improved Shoulders: Improved shoulders shall be replaced in kind whether such improvement consists of stone, gravel or other higher type material. When treated with bituminous material by either penetration or surface method, the bituminous surface shall be restored as originally constructed except that two (2) inches of bituminous cold patch material, prepared with asphaltic material as specified, may be used in lieu of road oil on surface treated shoulders after stone or road gravel base of proper thickness has been replaced.

(9) Backfill in Tunnels: In cases where it becomes necessary to resort to tunneling operations to reach the point of connection with the main line, the backfill in such tunnel shall be of rammed lean cement concrete of proportions specified by the State Highway Engineer, or his authorized representatives.

SEC. 1.6:5

MOVEMENT OF BUILDINGS ON STATE HIGHWAYS:

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

(2) It is to be distinctly understood that the permittee

is to be responsible to the State Highway Department for any damage to the highway or its structures which may arise from the prosecution of the work.

(3) 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.

(4) 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.

(5) All arrangements must be made with the Electrical Division of the State Highway Department regarding lighting and traffic signals which may become damaged or interfered with during the progress of the work.

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

(7) 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.

(8) 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.

(9) In the movement of this 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.

(10) 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 State Highway Department.

(11) If movement of a building in excess of maximum legal weight or dimensions is to be made on licensed motor vehicle, application should be made to the Commissioner of Motor Vehicles, as this Department then has no jurisdiction.

SEC. 1.6:6

WORK AND MATERIAL:

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

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

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

SEC. 1.6:7

ADVERTISING SIGNS:

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

SEC. 1.6:8

RIGHT-OF-WAY:

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

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

SEC. 1.6:9

INJURIOUS SUBSTANCES ON HIGHWAY FORBIDDEN:

(1) No person shall place or allow to fall upon a State highway any broken glass, pottery or sharp object, or any substance injurious to the surface of the road or to the person, health or property of those using the highway or residing along the line thereof nor shall any person interfere with or injure any tree, handrail, wall, bridge, culvert or other public property within the lines of a State Highway.

SEC. 1.7:1

DRIVEWAY ACCESS, MAINTENANCE AND PERMITS:

1. By virtue of the powers and duties set forth in Title 27 of the Revised Statutes, and in the interests of highway

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

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

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

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

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

Traffic surveys indicate that the number of parking spaces available should equal about 60% of the number of patrons at peak business hours. The average passenger car requires a space of about 8 1/2' x 18' plus an aisle width of about 25' between rows of cars. If parking space is required for heavy commercial vehicles, as well as passenger cars, a separate parking area of adequate size should be provided at the sides or in the rear of the establishment.

(3) Driveway locations for ingress and egress must be reasonable from the viewpoint of the traveling public in that no unusual hazard to pedestrians or motorists should be created, nor should they invite or compel vehicular movement in directions or locations contrary to those for which the

highway was designed, neither should they invite or compel illegal or unsafe traffic movements. Driveways may not be constructed which interfere with the highway itself, its component structures or with normal maintenance operations or possible future construction.

General Remarks

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

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

SEC. 1.7:2

SPECIFIC LIMITATIONS ON DRIVEWAYS:

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

SEC. 1.7:3

PROTECTION OF THE TRAVELING PUBLIC:

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

SEC. 1.7:4

PROTECTION FROM SUITS:

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

SEC. 1.7:5

PROTECTION OF STRUCTURES AND DRAINAGE:

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

(2) Unless curb returns are constructed, the Highway Department does not authorize the construction of driveways

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

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

SEC. 1.7:6=

CURB DEPRESSIONS:

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

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

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

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

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

SEC. 1.7:7

DRIVES:

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

(2) An exception may be made to the general provision of

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

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

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

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

(4) Where sidewalks exist or are proposed to be constructed as part of the operation, a concrete ramp not less than six inches in thickness shall be built connecting the inner edge of the depressed curb with the outer edge of the sidewalk. The concrete shall be mixed in the proportions of 1:1 1/2:2 1/2 as above specified for curbs.

(5) The standard slope of the sidewalk area is 1/4" per foot rising from the top of the standard curb.

(6) The drives on highway property shall be covered with not less than six inches of a suitable paving material not inferior to crushed stone or slag road gravel or cinders.

If crushed stone, slag, cinder or road gravel is used, the six inches are to be measured after compacting.

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

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

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

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

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

The cost must be borne by the permittee. Where traffic signals are owned by a county or municipality, the consent of said county or municipality must be obtained before final approval.

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

(13) Guardrail will be removed when an applicant has

completed the fill behind the guardrail to the satisfaction of the Department.

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

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

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

SEC. 1.7:8

SIDEWALK AREA:

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

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

(3) In exceptional instances, a hardship may be inflicted on the property owner if a standard set-back to service facilities is used. The Department may consent to a smaller set-back if the owner will agree to erect a curbing on and along the right-of-way between drives in order to prevent the use of the sidewalk area of the highway for parking or for service purposes.

(4) Except at corner lots, properties of less frontage than

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

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

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

SEC. 1.7:9

SAFETY ZONES:

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

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

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

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

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

(5) In general, twenty-five feet is the minimum length of

safety zone which the Department will approve. Greater lengths are more desirable from the standpoint of the operator, as turns into and out of the station may be made with ease by the operators of motor vehicles. Safety zones must extend the entire width between curb or shoulder line and property line.

SEC. 1.7:10

INSTALLATION OF PIPES:

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

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

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

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

should be given to this in planning roadside development.

SEC. 1.7:11

SPECIAL CONDITIONS:

- (1) The State Highway Department may impose special conditions in special cases.
- (2) The Department will exert every effort to make and maintain the highways safe and convenient for the traveling public and to protect the highway and its structures against damage, alteration or encroachment. Where situations arise which are not covered by the encroachment. Where situations arise which are not covered by the preceding regulations, the Department may refuse or limit access or require such special construction as may be deemed proper under the circumstances.
- (3) As above stated, no fees are charge for permits for the construction of entrances at this time. However, where the relocation of signals or appurtenances is authorized, the permittee is required to reimburse the Department for the cost and, where close inspection of the proposed work is required, the inspector's time and expense may be collected from the permittee.
- (4) Applications for entrances will not be entertained unless made on a standard form furnished by the Department which application must be supported by four copies of a legible plot plan or sketch of the property setting forth the following information: The proposed location width and arrangement of driveways, distance between drives, setback from the right-of-way line of the highway, of buildings, pumps, etc.; length, size and location of pipe, if necessary, position of existing trees, utility poles, catch basins, manholes, cross-drains, headwalls, directionary and cautionary signs and curbing if such exist.

SEC. 1.7:12

LANDSCAPING:

- (1) The State Highway Department is endeavoring to maintain and preserve the appearance of the roadside. State Highways are the show windows of the State and impressions of our State and its municipalities are largely influenced by neat and well-planned enterprises.
- (2) Careful planning of buildings, driveways, customers' parking accomodations, landscape planting and effective signing not only produce more efficient operations, but assist the Department and your community in the maintenance of more attractive roadsides.
- (3) Landscaping operations may include presently unimproved portions of sidewalk area provided that only very low growing plants and shrubs are used which will not interfere with or prevent visibility between the driveway and the highway.

SEC. 1.7:13

TREE TRIMMING:

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

SEC. 1.8

PUBLIC UTILITIES, ATTACHMENTS TO VIADUCTS AND BRIDGES:

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 State Highway Commissioner and shall constitute an agreement between the State Highway Commissioner and any public utility corporation securing a permit therefor in accordance with the terms hereof.

1. Applicant before obtaining permit, shall have on file with the State Highway Department 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, applicant will maintain such portion of the State's structure.
4. 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.
5. All work of construction and maintenance on 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 State Highway Commissioner, 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 State Highway Commissioner 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 State Highway Commissioner 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.

SEC. 1.9

TRAFFIC SIGNALS:

1. Traffic signals installed on State Highways must be initiated by a written request to the State Highway Department, Department of Bureau of Planning and Traffic normally directed to the Bureau of Electrical Operations. The written request issuing from a municipality shall either be by resolution of a municipal body or by an authorized officer at the direction of the municipal body. In the event the crossing roadway is a county road, the request

may be initiated by the Board of Chosen Freeholders on behalf of the county.

2. Wherea private plant crossing is involved, the written request is to be initiated by the authorized party on behalf of the adjoining property owner or plant operator. In cases of Industrial Plant Operators, the request must indicate their willingness to abide by approved local regulations in addition to the State requirements.

3. All other requests for traffic signal installations received from individuals or service organizations such as the Rotary Club, Veteran Organization, P.T.A., etc.,--- are returned to the sender with the suggestion that this request must be initiated through the municipal authorities.

Sec. 1.10

TREE TRIMMING:

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

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

(3) The State Highway Department has no jurisdiction in those municipalities in which municipal Shade Tree Commissioners have been set up and are operating under 40:64 (1 to 14) of the Revised Statutes. In such municipalities, consent for trimming or removal of trees must be obtained from the local Commission.

(4) Only those trees may be trimmed which normally come within the legal jurisdiction of the State Highway Department.

(5) The yearly removal of dead, diseased growth, or the growth of the previous year, is authorized under a 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.

(6) The work is to be carried out in a workmanlike manner, with due regard to the shape and life of the trees. Trimming is to be carried on in a manner to insure that a satisfactory tree outline will be created and preserved by a complete trimming of the entire tree, including the lower and side growth, in the event that the preservations of the natural shape of the tree is impracticable. Only those branches may be removed which actually interfere with or which may menace

wires under a snow, ice or wind load. In particular, the practice of "topping" trees, so as to create a flat or umbrella shaped top, is forbidden.

(7) The work is to be carried out in a workmanlike manner, in accordance with the best tree 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.

(8) The rights of owners of abutting properties 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 abutting owner or owners of the land on which the highway may be located.

(9) Where tree trimming operations are being conducted in a manner deemed unsatisfactory by field representatives of the Department, complete cessation of work may be ordered pending a decision from the Supervising Engineer, Bureau of Maintenance.

(10) After the work is formally authorized, the New Jersey State Highway Department shall be notified one week in advance of the day on which the utility company proposes to begin work, so that a Department representative may go over the work with a company representative.