

CHAPTER 41**HIGHWAY OCCUPANCY PERMITS****Authority**

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

Source and Effective Date

R.2003 d.129, effective March 17, 2003.
See: 34 N.J.R. 3753(a), 35 N.J.R. 1435(a).

Chapter Expiration Date

Chapter 41, Highway Occupancy Permits, expires on March 17, 2008.

Chapter Historical Note

Chapter 41, Permits, was adopted 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Subchapter 8, Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways, was repealed by R.1992 d.206, effective May 4, 1992.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Driveways (Access); Subchapter 7, Street Intersection; Subchapter 11, Railroad Grade Crossings; and Appendix A, were repealed.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, Highway Occupancy Permits, was readopted as R.2003 d.80, effective January 21, 2003. See: 34 N.J.R. 3169(a), 35 N.J.R. 1146(b).

Chapter 41, Highway Occupancy Permits, was repealed and Chapter 41, Highway Occupancy Permits, was adopted as new rules by R.2003 d.129, effective March 17, 2003. See: Source and Effective Date.

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APPENDIX**SUBCHAPTER 1. SCOPE****16:41-1.1 Scope of permits**

(a) A person shall obtain a highway occupancy permit from the appropriate Regional Maintenance Engineer before performing the activities listed in (a)1 through 3 below. If a person wants to undertake more than one of the activities listed in (a)1 through 3 below, a person shall make one application for a single permit for the combination of activities.

1. Initiating any activity over, under, or within any portion of State highway rights-of-way or property under the jurisdiction of the Department;

2. Initiating any activity which may interfere with the free and safe movement of normal highway traffic on a State highway; or

3. Initiating any activity that will affect any portion of State highway rights-of-way or property under the jurisdiction of the Department.

(b) A person performing any activity within any portion of State highway rights-of-way or property under the jurisdiction of the Department that does not require a new permit shall notify the Regional Maintenance Office of the region in which the majority of the activity is to take place.

(c) This chapter does not apply to Charitable Solicitation Permits. These permits are covered under N.J.A.C. 16:40, Charitable solicitation on roadways.

16:41-1.2 Source of permits

(a) Applicants shall direct requests for permits, except for wireless communications site survey permits, to the Regional Maintenance Engineer at the Regional Maintenance Office in the region in which the majority of the activity is to take place. The map at the chapter Appendix, incorporated herein by reference, shows the boundaries of each region. The addresses and telephone numbers of the Regional Maintenance Offices are:

1. For the Northern Region:

New Jersey Department of Transportation
200 Stierli Court
Mount Arlington, NJ 07856-1322
(973) 770-5140
(973) 770-5000 (Emergency only)

2. For the Central Region:

New Jersey Department of Transportation
100 Daniels Way
Freehold, NJ 07728-2670
(732) 308-4106
(732) 308-4086 (Emergency only)

3. For the Southern Region:

New Jersey Department of Transportation
1 Executive Campus
Cherry Hill, NJ 08002-4123
(856) 486-6688
(856) 222-2098 (Emergency only)

(b) Applicants shall direct requests for wireless communications site survey permits to the following address:

Wireless Communications Unit
New Jersey Department of Transportation
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600
(609) 530-3875

16:41-1.3 Department functions for wireless communication site survey permits

(a) The Wireless Communications Unit for wireless communication site survey permits shall perform those functions this chapter designates for performance by a Regional Maintenance Office for highway occupancy permits.

(b) The supervisor of the Wireless Communications Unit for wireless communication site survey permits shall perform the functions this chapter designates for performance by a Regional Maintenance Engineer for highway occupancy permits.

SUBCHAPTER 2. DEFINITIONS

16:41-2.1 Definitions

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

“Access permit” means a permit issued pursuant to N.J.A.C. 16:47, as amended and supplemented.

“Application” means a document submitted to the Department to initiate the permit process.

“Applicant” means a private party or entity, municipality, county, or any public agency applying for a permit.

“Banner” means a strip of material without rigid support that is painted or printed with text or graphics.

“Carrier” means a wireless communications company licensed by the Federal Communications Commission to operate in New Jersey.

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

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

“Day” means calendar day, unless otherwise specified.

“Decorations” means an ornament, other than a banner.

“Department” means the New Jersey Department of Transportation.

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