

**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.2008 d.283, effective August 25, 2008.  
See: 40 N.J.R. 2075(a), 40 N.J.R. 5833(a).

**Chapter Expiration Date**

Chapter 41, Highway Occupancy Permits, expires on August 25, 2013.

**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Subchapter 8, Outdoor Advertising on Limited Access Highways and Nonlimited Access Highways, was repealed by R.1992 d.206, effective May 4, 1992.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Driveways (Access); Subchapter 7, Street Intersection; Subchapter 11, Railroad Grade Crossings; and Appendix A, were repealed.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Chapter 41, Highway Occupancy Permits, was repealed and Chapter 41, Highway Occupancy Permits, was adopted as new rules by R.2003 d.129, effective March 17, 2003.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: 34 N.J.R. 3753(a), 35 N.J.R. 1435(a).

Chapter 41, Highway Occupancy Permits, was readopted as R.2008 d.283, effective August 25, 2008. As a part of R.2008 d.283, Subchapter 1, Scope, was renamed Purpose and Scope, effective October 6, 2008. See: Source and Effective Date. See, also, section annotations.

Public Notice: Notice of Permit Extensions. See: 40 N.J.R. 6237(a).

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. PURPOSE AND SCOPE**

- 16:41-1.1 Purpose and scope
- 16:41-1.2 Requests for permits
- 16:41-1.3 Department functions for wireless communications site survey permits

**SUBCHAPTER 2. DEFINITIONS**

- 16:41-2.1 Definitions

**SUBCHAPTER 3. GENERAL PROVISIONS**

- 16:41-3.1 General restrictions
- 16:41-3.2 Inspection, material, and workmanship

**SUBCHAPTER 4. STANDARDS**

- 16:41-4.1 Standards

**SUBCHAPTER 5. PERMIT APPLICATIONS**

- 16:41-5.1 Submission of permit applications
- 16:41-5.2 Permit application categories
- 16:41-5.3 Concurrent applications
- 16:41-5.4 Review time for applications
- 16:41-5.5 Application process
- 16:41-5.6 Application checklist
- 16:41-5.7 (Reserved)

**SUBCHAPTER 6. PERMIT ISSUANCE AND CONDITIONS**

- 16:41-6.1 Permit issuance process
- 16:41-6.2 Permit conditions for all highway occupancy permits
- 16:41-6.3 Permit conditions for some highway occupancy permits
- 16:41-6.4 Movement or relocation of highway facilities
- 16:41-6.5 Bonds
- 16:41-6.6 Agreements
- 16:41-6.7 Permit expiration
- 16:41-6.8 Permit violations
- 16:41-6.9 Permit revocations or modifications
- 16:41-6.10 Permit extensions
- 16:41-6.11 Acceptance of permit
- 16:41-6.12 Appeal process

**SUBCHAPTER 7. FEES**

- 16:41-7.1 Fees

**SUBCHAPTER 8. WAIVERS**

- 16:41-8.1 Waivers

**APPENDIX**

**SUBCHAPTER 1. PURPOSE AND SCOPE**

**16:41-1.1 Purpose and scope**

The purpose of this chapter is to provide the procedures, standards, and conditions for the issuance of highway occupancy permits by the Department. Highway occupancy permits are required when any activity is undertaken over, under, or within any portion of State highway right-of-way or property under the jurisdiction of the Department. Additionally, a highway occupancy permit is required for any activity which may interfere with the free and safe movement of normal highway traffic on a State highway or when any activity will affect any portion of State highway right-of-way or property under the jurisdiction of the Department. This chapter does not apply to Charitable Solicitation Permits as these permits are covered under N.J.A.C. 16:40, Charitable Solicitation on Roadways. This chapter does not apply to highway access permits, which are addressed in N.J.A.C. 16:47, State High-

way Access Management Code, or to activities concerning the operation, erection, placement or maintenance of news dispenser boxes within State highway rights-of-way or property under the jurisdiction of the Department which are subject to the provisions of N.J.A.C. 16:41B, Newspaper Boxes on State Highway Right-Of-Way.

Repeal and New Rule, R.2008 d.283, effective October 6, 2008.

See: 40 N.J.R. 2075(a), 40 N.J.R. 5833(a).

Section was "Scope of permits".

### 16:41-1.2 Requests for permits

(a) Applicants shall direct requests for permits, except for wireless communications site survey permits, to 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) 601-6625  
(609) 588-6211 (Emergency only)

2. For the Central Region:

New Jersey Department of Transportation  
100 Daniels Way  
Freehold, NJ 07728-2670  
(732) 625-4330  
(609) 588-6212 (Emergency only)

3. For the Southern Region:

New Jersey Department of Transportation  
1 Executive Campus  
Cherry Hill, NJ 08002-4123  
(856) 486-6688  
(609) 588-6213 (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

(c) Applicants shall direct requests for field markouts of fiber optic cables or conduit facilities to the Department's website or Traffic Operations Centers listed below:

1. <http://www.state.nj.us/transportation/eng/elec/ITS/markout.shtm>.

2. Traffic Operations North (Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Sussex, Somerset, Union and Warren counties):

New Jersey Department of Transportation  
670 River Drive  
Elmwood Park, NJ 07407  
(201) 797-3676

3. Traffic Operations South (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem counties):

New Jersey Department of Transportation  
One Executive Campus  
Route 70 at Cuthbert Road  
Cherry Hill, NJ 08002  
(856) 486-6610

4. For emergency markouts Statewide call (609) 588-6212.

(d) Applicants wishing to undertake more than one activity shall make one application for a single permit for the combination of activities.

(e) 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.

Amended by R.2008 d.283, effective October 6, 2008.

See: 40 N.J.R. 2075(a), 40 N.J.R. 5833(a).

Section was "Source of permits". In (a)1, substituted "(609) 588-6211" for "(973) 770-5000"; in (a)2, substituted "(609)-588-6212" for "(732) 308-4086"; in (a)3, substituted "(609) 588-6213" for "(856) 222-2098"; and added (c) through (e).

Administrative change.

See: 42 N.J.R. 722(a).

Administrative change.

See: 43 N.J.R. 318(a).

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

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

Amended by R.2008 d.283, effective October 6, 2008.

See: 40 N.J.R. 2075(a), 40 N.J.R. 5833(a).

Section was "Department functions for wireless communication site survey permits". In (a) and (b), substituted "communications" for "communication".