

former (b) through (d) as new (c) through (e); added new (f); recodified former (e) and (f) as new (g) and (h); in (h), added “or any traffic control device, either portable or permanent,”; recodified former (g) as new (i); in (i), inserted “that arose out of the solicitation activity”; recodified former (h) through (k) as (j) through (m); and in (m), deleted “resulting from a motor vehicle accident” preceding “arising out of” and substituted “the solicitation activity conducted by charitable organizations in highway right of way” for “or in the course of solicitations for the purpose of soliciting contributions, conducted by charitable organization, as defined at N.J.S.A. 45:17A-20, pursuant to N.J.S.A. 39:4-60”.

SUBCHAPTER 4. APPLICATIONS

16:40-4.1 Source of permits

(a) Applicants for a charitable solicitation permit shall complete a Form MT-120A and submit it to the appropriate regional maintenance office. The form is available from the Department’s regional maintenance offices or on the Department’s website at: <http://www.state.nj.us/transportation/eng/forms/>.

(b) Contact information for the Regional Maintenance Offices is as follows:

1. Northern Region

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

2. Central Region

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

3. Southern Region

New Jersey Department of Transportation
Route 70 West
Cherry Hill, New Jersey 08002
(856) 486-6688

(c) Regional boundaries are shown on the map appended hereto and incorporated by reference as the chapter Appendix.

Administrative change.

See: 31 N.J.R. 547(c).

Amended by R.2003 d.435, effective November 3, 2003.

See: 35 N.J.R. 2788(a), 35 N.J.R. 5126(a).

In (a), substituted “and/or permit application shall be sent” for “shall be referred” following “permits” in the introductory paragraph and amended address and phone number in liii.

Amended by R.2009 d.97, effective April 6, 2009.

See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

Rewrote the section.

16:40-4.2 Application requirements

(a) An applicant shall complete the application form MT-120A and submit it to the appropriate regional maintenance office.

(b) An application shall not be considered to have been submitted, and review of a permit application shall not begin until the proper application fee has been submitted.

(c) All applications shall be reviewed and either approved or denied within 45 days of their submission in complete form. The time for the Department review may be extended with the written consent of the applicant.

(d) To be complete, the application form shall be accompanied by a sealed copy of a municipal ordinance authorizing the signing of the permit on behalf of the municipality by the local police chief or whomever is responsible for municipal police services. The permit must be signed by this person. The ordinance shall state that the municipality has consulted with its police chief, person, or entity responsible for its police services and that this entity will be responsible for supervising the solicitation and enforcing the terms of the charitable solicitation permit.

(e) If the charitable solicitation is proposed at the intersection of a State highway and a county route, the application form shall also be accompanied by written approval from the county board of chosen freeholders.

(f) If the charitable solicitation is on the border of two or more municipalities and/or counties, municipal ordinances and county freeholder approvals from each municipality and each county shall accompany the application. The county freeholder approvals shall only be required if the conditions set forth in (e) above apply.

(g) The application form, municipal ordinance(s), and county approval(s) shall specify the location, date(s)/duration, and time(s) of proposed charitable solicitation. One application form may cover multiple dates during the same calendar year. Seasonal applications are encouraged by the Department.

Amended by R.2009 d.97, effective April 6, 2009.

See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

In (a), deleted “proper” preceding “application”, inserted “MT-120A”, and substituted “regional maintenance office” for “Regional Maintenance Office”; in (b), substituted “review” for “processing”, deleted “, unless and” following “begin”, substituted “application fee” for “fee for the application”, and deleted “(see N.J.A.C. 16:40-10.1) and the application is complete” following “submitted”; in (c), deleted “, however, the Department will make its best efforts to process Charitable Solicitation Permits in less time” following “form”; in (d), substituted “charitable solicitation permit” for “Charitable Solicitation Permit”; and in (f), substituted “apply” for “are met”.

SUBCHAPTER 5. SAFETY CRITERIA

16:40-5.1 Safety criteria

(a) All solicitors shall wear safety vests labeled as meeting the ANSI 107-1999 standard performance, incorporated herein by reference as amended and supplemented, for Class 2 risk exposure. The ANSI standards are available at <http://webstore.ansi.org/>.

(b) Parking of vehicles shall comply with applicable traffic regulations. The Department recommends off-site parking.

(c) The Department strongly recommends coin tosses using blankets located off the traveled way as the safest method of solicitation.

(d) The solicitor shall not install any traffic control devices.

Amended by R.2009 d.97, effective April 6, 2009.
See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

In (a), substituted "labeled as meeting the ANSI 107-1999 standard performance, incorporated herein by reference as amended and supplemented, for Class 2 risk exposure" for "that are in accordance with NJDOT standards", and inserted the last sentence.

SUBCHAPTER 6. SIGNAGE

16:40-6.1 Signage requirements

(a) Signs advertising the roadway solicitation are permitted, but they must be of a temporary construction and breakaway to the extent possible.

(b) Signs shall be a maximum of 16 square feet.

(c) Signage shall be in accordance with the temporary signage standards contained in the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), 2003 edition with revisions 1 and 2, as amended and supplemented, incorporated herein by reference. The MUTCD is available on the Federal Highway Administration website at: <http://mutcd.fhwa.dot.gov/> or on the American Association of State Highway and Transportation Officials ASHTO website at: <https://bookstore.transportation.org/>.

(d) At least two warning signs shall be placed as follows:

1. "CHARITABLE SOLICITATION 500 FEET AHEAD"; and

2. A second sign following identifying the name of the organization soliciting.

(e) Signs shall not be permitted in the traveled way or in medians less than eight feet in width.

(f) All signs warning, noticing, or advertising a solicitation shall be removed immediately following the solicitation event.

Amended by R.2003 d.435, effective November 3, 2003.
See: 35 N.J.R. 2788(a), 35 N.J.R. 5126(a).

In (c), substituted "Millennium Edition" for "1988" preceding "or superseding issue".

Amended by R.2009 d.97, effective April 6, 2009.

See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

In (c), inserted the opening quotation mark preceding "Manual", substituted "for Streets and Highways" (MUTCD), 2003 edition with revisions 1 and 2, as amended and supplemented, incorporated herein by reference" for "Millennium Edition or superseding issue, available through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402" and inserted the last sentence.

SUBCHAPTER 7. SPECIAL CONDITIONS

16:40-7.1 Special permit conditions

The Department may impose special conditions on any charitable solicitation permit to preserve and protect the public safety and the free flow of traffic on its roadways.

Amended by R.2009 d.97, effective April 6, 2009.

See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

Substituted "charitable solicitation permit" for "Charitable Solicitation Permit".

SUBCHAPTER 8. UNAPPROVED APPLICATIONS

16:40-8.1 Criteria for denial

(a) The Department may deny a permit based on the following reasons:

1. To ensure that traffic flow is not unreasonably impeded, interrupted, or delayed;
2. The design of the particular highway and/or intersection, turning movements, traffic densities, and/or speeds do not permit the safe interaction between the solicitor and vehicular traffic;
3. The solicitation would interfere with construction activity; or
4. To protect the public safety.

(b) If the Department denies a permit, the notice of denial will set forth the reasons for the denial.

Amended by R.2009 d.97, effective April 6, 2009.

See: 40 N.J.R. 6408(a), 41 N.J.R. 1507(a).

In the introductory paragraph of (a), substituted a colon for a period at the end; and in (b), substituted "notice of denial will" for "denial letter shall" in the first sentence, and deleted the last sentence.