

CHAPTER 41B

**NEWSPAPER BOXES ON STATE
HIGHWAY RIGHT-OF-WAY**

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21 and 27:7-44.1.

Source and Effective Date

R.2000 d.211, effective April 24, 2000.
See: 32 N.J.R. 386(a), 32 N.J.R. 1777(a).

Executive Order No. 66(1978) Expiration Date

Chapter 41B, Newspaper Boxes on State Highway Right-of-Way, expires on April 24, 2005.

Chapter Historical Note

Chapter 41B, Newspaper Boxes on State Highway Right-of-Way, was adopted as R.1985 d.73, effective March 4, 1985. See: 16 N.J.R. 225(a), 17 N.J.R. 608(c).

Subchapters 3 through 10 were repealed and Subchapter 3, Indemnification, Subchapter 4, Location, Installation and Maintenance of News Dispensers, Subchapter 5, Conditions, Notice of Violations and Appeals, and Subchapter 6, Severability, were adopted as new rules by R.1988 d.393, effective August 15, 1988. See: 20 N.J.R. 1178(a), 20 N.J.R. 2087(a).

Pursuant to Executive Order No. 66(1978), Chapter 41B, Newspaper Boxes on State Highway Right-of-Way, was readopted as R.1990 d.333, effective July 2, 1990. See: 22 N.J.R. 1346(a), 22 N.J.R. 2032(a).

Pursuant to Executive Order No. 66(1978), Chapter 41B, Newspaper Boxes on State Highway Right-of-Way, was readopted as R.1995 d.314, effective May 25, 1995. See: 27 N.J.R. 1157(a), 27 N.J.R. 2433(a).

Pursuant to Executive Order No. 66(1978), Chapter 41B, Newspaper Boxes on State Highway Right-of-Way, was readopted as R.2000 d.211, effective April 24, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. DEFINITIONS

16:41B-1.1 Definitions

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

“Clear zone” means that roadside border area, starting at the edge of traveled way, available for safe use by errant vehicles. For the purpose of this chapter, the clear zone shall be as follows:

Posted Speed Limit	Clear Zone
45 mph	17.5 feet
50 mph	20 feet
55 mph	25 feet

“Department” means the Department of Transportation of the State of New Jersey.

“Gutterline” means line of demarcation delineated by the presence of a physical curb, a raised berm or a change in surface such as pavement to grass.

“News dispenser” means any self-service or coin operated box, storage unit, or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals.

“Person” means corporation, company, association, society, firm, partnership, or individual.

“Right-of-way” means the entire width of State highway property. This includes the traveled way and all land on both sides of the traveled way extending to the abutting owner’s property lines.

“Traveled way” means that portion of the highway provided for the movement of vehicles, exclusive of shoulders, acceleration or deceleration lanes.

Amended by R.1995 d.314, effective June 19, 1995.
See: 27 N.J.R. 1157(a), 27 N.J.R. 2433(a).

SUBCHAPTER 2. NOTIFICATION PROVISIONS

16:41B-2.1 General provisions

(a) It shall be unlawful for any person to operate, erect, place or maintain, on any State highway right-of-way, any

news dispenser without notifying the Department of Transportation, as set forth in this section.

(b) Owners of news dispensers who want to place or continue the existing placement in compliance with this chapter may do so by notifying the Department of Transportation in writing. This one-time notification will include the following information:

1. Intent to place or continue existing placement of news dispensers on State highway right-of-way in accordance with the provisions of this chapter. Individual placement locations do not need to be identified; only the owner's intent to place news dispensers on the State highway right-of-way needs to be established;
2. Name of news dispenser owner;
3. Person to contact with regard to news dispenser placement;
4. Address of owner; and
5. Telephone number of owner and contact person.

(c) Written notifications should be forwarded to the regional office having jurisdiction over the areas in which the news dispensers are located. The regional offices and their jurisdictions are set forth in the Appendix to this chapter.

Amended by R.1995 d.314, effective June 19, 1995.
See: 27 N.J.R. 1157(a), 27 N.J.R. 2433(a).
Deleted former (b) through (f); added (b) and (c).

SUBCHAPTER 3. INDEMNIFICATION

16:41B-3.1 General requirements

The owner of the news dispenser, upon the placement of a news dispenser within the State highway right-of-way, assumes the unconditional obligation and thereby agrees to defend, indemnify and save harmless the State, its agents, servants and employees from all suits, actions or claims of any character brought because of death or any injury received or sustained by any person or persons or because of any damage received or sustained by any property, irrespective of fault, arising out of the installation, use or maintenance of any news dispenser located on State highway right-of-way, or where such suit, action or claims arise out of such installation, use or maintenance of any news dispenser being a contributing factor to any such injury or damage, or on account of any act, omission, neglect or misconduct by the owner of the news dispenser, its employees, agents, distributors or servants relating to the installation, use or maintenance of any news dispenser within the State highway right-of-way.

Amended by R.1995 d.314, effective June 19, 1995.
See: 27 N.J.R. 1157(a), 27 N.J.R. 2433(a).
Deleted former (b); substituted "owner of the news dispenser".

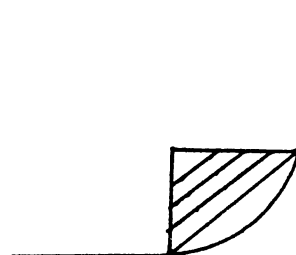
SUBCHAPTER 4. LOCATION, INSTALLATION AND MAINTENANCE OF NEWS DISPENSERS

16:41B-4.1 General requirements

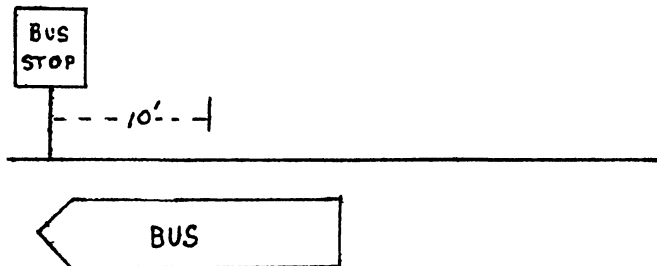
(a) News dispensers may be placed adjacent to the wall of a building but shall not be separated from such wall by more than six inches. Unless otherwise prohibited in this section, news dispensers may be placed within one and one-half feet of a gutterline or within one foot thereof in areas where the distance from the gutterline to the far edge of the sidewalk is less than six and one-half feet wide.

(b) Placement of news dispensers within the State highway right-of-way is prohibited in the following locations:

1. Within the traveled way, shoulders, acceleration or deceleration lanes of any State highway;
2. Within medians, jug handles, channelizing islands and along ramps;
3. Within three feet of any marked crosswalk;
4. Within the curved portion of a curb return (from point of tangency to point of tangency), as illustrated in the diagram below, except that news dispensers may be placed adjacent to the wall of a building as set forth in (a) above notwithstanding this paragraph;



5. Within five feet of any fire hydrant, fire call box, police call box, or other emergency facility;
6. Within three feet of any driveway;
7. Within 10 feet to the rear of any sign or other demarcation marking the beginning of a designated bus stop as illustrated in the diagram below;



8. Within three feet of any bus bench, except where such bench is within a bus shelter, in which event this restriction shall not apply provided that the news dispenser is not placed within such bus shelter;