

16:47-4.6 Permits and permit fees

(a) The nonrefundable fees for access applications, permits, and renewals are set forth below. Fees shall be in the form of a check or money order made payable to the Department. Cash will not be accepted. The application fee shall be submitted with the application, but the permit fee should not be submitted until the applicant returns the signed permit. The Department shall not issue a permit until the proper fee for the permit has been collected and the permit has been signed.

Type	Application Fee Each Lot	Permit Fee Each Lot	Renewal Fee Each Lot
Single Family Residential Driveway	\$ 35.00	\$ 15.00	\$ 15.00
Residence and Business Driveway	75.00	25.00	25.00
Government Driveway	150.00	500.00	250.00
Minor	265.00	85.00	85.00
Major	3,750.00	1,250.00	250.00
Major with Planning Review	9,000.00	3,000.00	250.00
Concept Reviews	500.00	—	—
Street Intersection	150.00	500.00	250.00
Street Improvement	5.00	25.00	25.00
Lot Subdivision or Consolidation	200.00	50.00	—
Temporary Access Permit	200.00	50.00	—

(b) Developments containing at least 10 percent of the housing units on the site set-aside for low and moderate income residents, pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., or under court settlement, are entitled to a 10 percent reduction in the permit fee. To be eligible for this reduction, the applicant shall submit the full application fee and an affidavit from the municipal approving authority, certifying that the 10 percent requirement has been met. Upon approval of the access, the Department will reduce the permit fee by 10 percent of the total application and permit fees combined. The renewal fees are not subject to reduction.

(c) A permit issued by the Department affords the permittee the right to construct, maintain and repair, and use a driveway or street connecting to a State highway under the terms and conditions of the permit. Approval of an access application does not accord the applicant any of these rights.

(d) A permittee may construct an access point intersecting a State highway except that a permit expires if all construction work under the permit, including those permits issued under N.J.A.C. 16:41, is not completed within two years of the date the permit was issued, unless stated otherwise in the permit or extended by renewal. Upon expiration, the Department may use the remedies described in (g) below to restore any disturbed area. The permittee shall submit a new application, with supporting documentation as set forth in the checklists in N.J.A.C. 16:47-4.9(b),

4.10(b), 4.12(b) or 4.14(b) which reflects changes and the fee appropriate at the time of the new application.

(e) When the construction work under the permit, including those permits issued under N.J.A.C. 16:41, is started within two years of the date of permit issuance but cannot be completed in the indicated time, the permittee shall request an extension of time in writing from the appropriate Regional Maintenance Office and submit the required renewal fee in the form of a check or money order. The Department may approve one one-year extension.

(f) The Department may impose those site-specific terms and conditions it deems necessary and convenient when issuing permits. Every permit will include the daily and peak-hour traffic volumes permitted for the lot. The baseline traffic for determining a significant increase in traffic shall be the allowable traffic generation shown on the permit. If such figures are not shown on the permit, then the baseline traffic shall be based on the ITE trip generation rates for the use, based on the ITE edition in effect at the time the permit was issued. If there is a grandfathered permit or ITE trip generation rates did not exist for the use at the time that the permit was issued, then the trip generation rates shown in the current edition of the ITE manual shall be used to compute the baseline traffic.

(g) As a condition of any permit the Department may require a bond or certified check in an amount sufficient to guarantee or insure proper maintenance or restoration of the area disturbed by the permittee. If it becomes necessary for Department forces or contractors to make repairs, for any reason, the cost of such work shall be borne by the permittee.

(h) The permittee shall notify the Regional Maintenance Office at least 72 hours prior to starting work, in order that the Department may have a representative at the site. The access shall be completed in an expeditious and safe manner. It is the responsibility of the permittee to complete the construction of the access according to the terms and conditions of the permit.

(i) The Department will have each permit recorded in the county in which the subject lot is located. Access permits are associated with the property and not with the applicant.

(j) If, after issuance of a permit by the Department, a permittee is barred or prevented, directly or indirectly, from proceeding with the development by a legal action instituted by any State agency, political subdivision, or any other individual or party or by a directive or order issued by any State agency, political subdivision, or court of competent jurisdiction, the period of time prescribed by this Code for construction of an access point intersecting a State highway shall be tolled during the pendency of said legal action, directive, or order. The permittee shall notify the Regional Maintenance Office in writing and include its supporting documentation within 30 days of any action that may invoke

this provision. If construction has already commenced, the permittee shall immediately contact the Regional Maintenance Office to ensure that the cessation of work does not create a hazard. The permittee shall restore any disturbed area at a time and in a manner prescribed by the Department or the Department may do so at the permittee's expense. The remaining access construction time shall again begin to run from the date on which the legal directive or order is removed. The permittee shall notify the Regional Maintenance Office or the Bureau of Major Access Permits, whichever issued the permit, in writing within 30 days of the date of such resolution or removal. The Department reserves the right to evaluate the access permit conditions if the tolling time extends beyond five years from the date of the permit.

(k) If the Department denies a permit, the denial letter shall set forth the reasons for the denial and include references to published policies and standards which support the denial.

(l) In order to obtain a permit, the applicant shall include a title block on the permit plans. The title block shall be located in the lower right corner of the plans and should be three inches (75 millimeters) high and seven inches (175 millimeters) wide and shall include the block, lot, municipality, county, date, and name of the lot owner.

(m) As a condition of any major with planning review permit, the Department will require that the permit expire if any expansion or change in use results in a LOS F at any site access point on a State highway. The Department will not require that the permit expire if the drop in level of service is caused by traffic attributable to other developments.

(n) All permits and developer agreements shall contain provisions for indemnification of the State, and its agents, servants, and employees. Current forms of these provisions shall be available upon request from the Bureau of Major Access Permits.

(o) Every permit authorizing construction shall contain a condition stating that the permit is not valid until the permittee obtains a confirmation number from the One-Call Damage Prevention System, in accordance with N.J.S.A. 48:2-83, and provides the confirmation number to the Department office issuing the access permit.

Administrative change to (l).

See: 25 N.J.R. 1005(b).

Amended by R.1993 d.210, effective May 17, 1993.

See: 25 N.J.R. 903(a), 25 N.J.R. 1990(a).

Revised (l).

Amended by R.1993 d.524, effective November 1, 1993.

See: 25 N.J.R. 3129(a), 25 N.J.R. 4915(b).

Amended by R.1995 d.107, effective February 21, 1995.

See: 26 N.J.R. 2549(a), 27 N.J.R. 736(c).

Amended by R.1997 d.165, effective April 7, 1997.

See: 28 N.J.R. 3731(a), 28 N.J.R. 4383(a), 29 N.J.R. 1353(a).

In (a), added "Temporary Access Permit" to the table; in (c), inserted reference to repair; deleted (i) and (j); recodified (k) and (l) as (i) and (j); in (i), added second sentence; deleted (m); recodified (n) and (o) as (k) and (l); and added new (m) and (n).  
Amended by R.1998 d.27, effective January 5, 1998.

See: 29 N.J.R. 4253(a), 30 N.J.R. 103(b).

Rewrote (d); deleted (d)1 and (d)2; and added (o).

Amended by R.2002 d.22, effective January 22, 2002.

See: 33 N.J.R. 2043(a), 34 N.J.R. 507(a).

#### 16:47-4.7 Companion Department permits

Access permits do not cover all types of occupancy of the Department's right-of-way. The Department may accept one access application for combining activities for access, drainage, curb, sidewalk, left-turn slots, lot consolidation or subdivision and landscape and issue a single access permit to authorize all of these activities.

Amended by R.1993 d.210, effective May 17, 1993.

See: 25 N.J.R. 903(a), 25 N.J.R. 1990(a).

Revised text.

Amended by R.1995 d.107, effective February 21, 1995.

See: 26 N.J.R. 2549(a), 27 N.J.R. 736(c).

Amended by R.1997 d.165, effective April 7, 1997.

See: 28 N.J.R. 3731(a), 28 N.J.R. 4383(a), 29 N.J.R. 1353(a).

Substituted "may" for "will", regarding issuance of all required permits at the same time.

Amended by R.1998 d.27, effective January 5, 1998.

See: 29 N.J.R. 4253(a), 30 N.J.R. 103(b).

Deleted the second through fifth sentences.

#### 16:47-4.8 Minor access permits process

(a) The Regional Maintenance Office will determine whether an application meets the criteria for the type of application applied for and whether the application is acceptable for review, and send a written notice of these determinations to the applicant within 10 days of receipt. If the application is unacceptable, the notification will contain a request for specific additional information.

(b) A minor application will be reviewed and either approved or denied within a maximum of 30 calendar days of receipt of a complete application, unless a traffic signal is involved. If the application is approved, the Regional Maintenance Office shall request that the applicant submit the permit documents and the permit fee. Permits will be issued within a maximum of 35 calendar days of receipt of a complete application if the application is approved, unless a traffic signal is involved.

(c) The applicant shall submit the completed and signed permit documents and permit fee to the Regional Maintenance Office within 180 days of the Regional Maintenance Office notice of approval. Applicants failing to respond on time will have their applications rejected.

(d) When the Department requests information from the applicant, the step in the process and its associated time frame will restart once the Department receives the information. If the applicant does not provide the Department with the requested information within 90 days of the request, the application shall be considered withdrawn.