

**New Jersey Department of Transportation
CORRECTIVE ACTION NOTICE**

CAN No. CAN048

QUALITY MANAGEMENT SERVICES

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Approved: B. Strizki

Date: 9/21/2001

Subject: Denials of Access Procedures

Bureau(s) Affected: All Design Consultants
In-House Design/QA Review Units
Division of Project Management
Bureau of Major Access Permits
Bureau of Right-of-Way Engineering

Description of Issue(s):

Denials of highway access to and from properties abutting state highway right-of-way can be established either through the right-of-way process which is compensable, or "administratively or by regulation", under the provisions of the New Jersey State Highway Access Management Code, Title 16 Chapter 47. While it is anticipated that either or both methods might be appropriate on a project, or even on a single property, it is unlikely that both methods would ever be applied in a manner so as to be coincident. In the past, the Department almost exclusively denied access through the right-of-way process. As a result, many times the Department has provided compensation to property owners for access rights by means of the right-of-way process that should have been acquired "administratively or by regulation", without compensation. A procedure has been developed that will help in identifying and exercising the proper method by which the Department should acquire access rights.

Corrective Action Plan:

The attached "Denials of Access" procedure was prepared in coordination with several in-house subject matter experts from various Bureaus along with the DAG's office. It is designed to provide guidance to designers in determining which means of denying access is appropriate for a project's particular circumstances. The procedure also defines how designers are to show denials of access on plans developed for capital construction and developer projects, and is designed such that it is compatible with the NJ State Highway Access Management Code. Designers are responsible for making a recommendation as to how access is to be denied after which the Department will grant approval upon various key offices reaching a consensus to the designer's proposal. In order to implement this requirement on projects with access denials, or potential access denials, the following responsibilities shall be in effect:

Designers (consultants and in-house):

During Scope Development and the Design stages of capital project development, designers (consultant and in-house), shall follow the attached "Denials of Access" procedure when proposing to deny access to properties abutting State highways.

Project Management:

Project Managers shall be responsible for ensuring that designers (consultant and in-house), follow the attached "Denials of Access" procedure when proposing to deny access to properties.

Quality Management Services:

Quality Review and Development section – This unit shall be responsible for preparing a Baseline Document Change request to incorporate the attached procedure into the NJDOT Procedures Manual.

Until these changes are incorporated into the NJDOT Procedures Manual, this Corrective Action Notice shall be in effect.

Implementation: *Immediately*