

**New Jersey Department of Transportation**

1035 Parkway Avenue, PO Box 600, Trenton, New Jersey 08625-0600



**Baseline Document Change Announcement**

**Standard Specifications, related to Right-Of-Way Delays**

**BDC01S-11**

**March 8, 2002**

**Subject: Revisions to the Metric and English 2001 Standard Specifications, Subsections 101.03, and 108.12**

Subsections 101.03 and 108.12 of the Standard Specifications have been revised to include a notification to the Contractor of its obligation regarding adherence to the length of time limitations and scheduling the work of the project to accommodate temporary easements and temporary construction rights.

Additionally, the revision provides a basis to assess R.O.W. delays on temporary easements as recommended by the Department's Deputy Attorney General's Office.

This specification revision has no reference to dimensions. Therefore, the same text shall be used for both English and metric unit specification books.

The Standard Specifications are revised by incorporating the following into the both English unit Standard Input, SI2001E1 and metric unit Standard Input SI2001M1:

**101.03 Terms.**

THE FOLLOWING IS ADDED:

PARCEL. Property to be acquired for transportation purposes, described by metes and bounds.

**108.12 Right-Of-Way Delays.**

THE TITLE OF THIS SUBSECTION IS CHANGED TO:

**108.12 Right-Of-Way Information and Delays.**

**108.12 Right-Of-Way Information and Delays.**

THE FOLLOWING IS ADDED:

The Contractor shall obtain from the Engineer all information regarding ROW Parcels and Easements acquired for the Project as well as the nature and type of title acquired. The Contractor shall make periodic requests for updates to this information during the course of the Contract.

The Contractor shall not enter an Easement until the Resident Engineer provides written notice to the property owner. The Contractor shall provide written notice to the Resident Engineer, 30 calendar days prior to entering a particular Easement or right, which is lesser than a fee interest. The Contractor shall make no claim for delays by reason that entry upon an Easement or right which is lesser than a fee interest is conditioned upon notice or is limited in duration; the Contractor is required to schedule accordingly and take such limitations into account when planning performance of the Work.

Temporary Easements and/or temporary construction rights will in most cases contain a limitation as to the length of time that they are extant. The Contractor shall schedule the Work pursuant to Subsection 108.04 so as to accommodate the

particular time limitations of an Easement or right which is lesser than a fee interest as reflected on the R.O.W. plans. The Contractor shall provide a written request to the Engineer that the Department procure an extension from the owner of a particular temporary easement or right, which is lesser than a fee simple interest, so as to enable the Contractor to continue occupancy of or re-enter same in the future, beyond the initial time period set forth in the respective property description prior to the expiration thereof.

Where the Contractor fails to complete the work within an area of a temporary easement or right lesser than a fee interest during the time allowed under the property description, by reason of the Contractor's own fault; the Contractor shall reimburse the State for the sum payable to the owner of the underlying fee interest for the extended period of occupancy use. The Resident Engineer may deduct an amount equal to such payments from the monthly estimate of the Work performed after providing 30 day written notice to the Contractor of such action, including a breakdown of the costs sought or to be sought by reason of the delay in timely vacating a temporary easement or right lesser than a fee interest.

### **Instructions to Designers:**

The above specification revision shall be included on all Department projects designed using the 2001 Standard Specifications in either metric or English units.

The above specification revision has been incorporated into the English unit Standard Input, SI2001E1 updated as of 03/08/02 and future updates and metric unit Standard Input SI2001M1 updated as of 03/08/02 and future updates. These SI's can be accessed from the following New Jersey Department of Transportation Web Page:

<http://www.state.nj.us/transportation/cpm/StandardInputs/standardinputs.htm>

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