

New Jersey Department of Transportation QUALITY IMPROVEMENT ADVISORY

QUALITY MANAGEMENT SERVICES

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QIA No. QIA037

Approved: B.Strizki
Date: 11/21/2002

Subject: Preliminary Letter of Entry onto Private Property for Surveys/Subsurface Investigations

Process Affected:

Scope Design Right of Way Utilities Environmental Historic Construction

Bureaus Affected:

Bureau of Environmental Services; Survey Services; Geotechnical Engineering

Procedure(s) Affected:

Design

Nature of Issue(s):

It has recently come to the Division of Project Management's attention that a business property owner demanded and received a license fee from one of the Department's design consultants in order for that consultant to perform soil testing for a project. In addition to the fee, the property owner required various other conditions prior to granting approval to enter their property.

This runs counter to N.J.S.A. 27:7-21g and N.J.S.A. 20:3-16, which specifically grants the Commissioner of Transportation and his authorized agents and employees the ability to enter all such property after giving written notice.

Recommendation(s):

In order to further clarify the Department's rights, the following shall be added to the last paragraph of all Letters of Notification that reference the above statute and are sent to property owners on behalf of the Department:

"This entry shall be without conditions, beyond those stipulated within the referenced statutes."

Designers are hereby advised that property owners are not allowed to impose any conditions or fees for the entry. This includes the entry for surveys, drillings, borings, surface examinations and excavations that are deemed necessary as part of an overall review for the project.

This addition shall be incorporated into all letter of notification templates issued by the appropriate units of the Department.

Implementation: Immediately

Impact Assessment:

Schedule Quality Cost Scope

Cost Impact:

N/A