

# GENERAL PERMIT 1



**DRCC #:** 18-3015C

**DATE:** November 28, 2018

**PROJECT NAME:** NJDOT I-295 -- In-kind Pavement and Bridge Replacement

**Latest Submission Received:** November 1, 2018

**Applicant:**

New Jersey Department of Transportation  
1035 Parkway Avenue  
Ewing, NJ 08625  
[tina.shutz@dot.nj.gov](mailto:tina.shutz@dot.nj.gov)

**Project Location:**

Road	Municipality	County	Block(s)	Lot(s)
Interstate Highway Route 295 between Interstate Highway Route 195 and U.S. Highway Route 1 (Milepost 60.23 to 67.73)	Hamilton Township Lawrence Township	Mercer	Multiple	Multiple

**Jurisdictional Determination:**

Zone A	Minor	Nongovernmental
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**Documents Received:** Application received November 1, 2018.

The Delaware and Raritan Canal Commission has reviewed the referenced application for a General Permit authorization pursuant to the requirements of the Regulations for the Review of the Delaware and Raritan Canal State Park at N.J.A.C. 7:45-6.2. The proposed project is authorized by General Permit No.1, which authorizes projects in Zone A that are necessary to carry out the repair, rehabilitation, maintenance or reconstruction

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[www.nj.gov/dep/drcc/](http://www.nj.gov/dep/drcc/)

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of a structure, road, utility line, or stormwater management measure or basin lawfully existing prior to January 1980 or approved under this Chapter by the Commission.

The project authorized under this general permit shall not be put to any use other than as specified in any approval authorizing its original construction. Projects authorized under the general permit shall not visibly change, expand, widen or deepen the feature, and shall not deviate from any plans of any prior project approvals, except for minor deviations due to changes in materials or construction techniques. Any such deviations must be shown as necessary to fulfill the purpose of the proposed project and must be consistent with the Master Plan.

**Description of the authorized project:** The New Jersey Department of Transportation (NJDOT) proposes the in-kind rehabilitation of Interstate Highway Route 295 between Interstate Highway Route 195 and U.S. Highway Route 1 in Hamilton and Lawrence Townships, Mercer County. Since a portion of the project is located in Commission Review Zone A (Milepost 67.15 to Milepost 67.73), the entire project shall, pursuant to the provisions of N.J.A.C. 7:45-1.3, be considered to be in Zone A.

The project consists of two elements: the in-kind rehabilitation of the pavement at the above-referenced project limits. This rehabilitation project does entail milling and resurfacing but does not entail full-depth replacement of the pavement. These activities will not create any new impervious surface coverage or result in the disturbance of any land. The second element of the project would provide for the in-kind replacement of deteriorated parapets on 27 bridges that intersect with the highway. The NJDOT proposes to replace the parapets in a manner that complies with the provisions of the federal "Americans with Disabilities Act of 1990," (ADA) 42 U.S.C. §12101 et seq.

The entire project would result in the disturbance of 6,490 square feet (0.149 acres) of impervious surface coverage and disturbance of 23,914 square feet (0.549 acres) of land. It should be noted that a considerable portion of the proposed impervious surface coverage and land disturbance would occur entirely outside the Commission Review Zone, and that the ADA compliance elements of the project are a minor deviation resulting from a change in construction technique necessary to comply with federal law. As such, the deviation is necessary to fulfill the purpose of the proposed project and it is consistent with provisions of the Delaware and Raritan Canal State Park Master Plan (See N.J.A.C. 7:45-6.1(b)).

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**Permit Conditions:** The project allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the "Delaware and Raritan Canal State Park Law of 1974" (N.J.S.A. 13:13A-1 et seq.).

1. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rules prior to this date.
2. The project as described shall be constructed and/or executed in conformity with the application.
3. No change in plans or specifications shall be made except with prior written permission from the Commission.
4. The permittee shall allow the Commission the right to inspect the construction site and shall provide the Commission with written notification 7 days prior to the start of the authorized work.
5. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
6. The issuance of this permit shall not be deemed to affect in any way other actions by the Commission on any future application.
7. The Delaware and Raritan Canal is used as a raw water source for several water companies downstream, and as such, water quality and flow shall be maintained.
8. If work in the canal is required, the NJDOT shall following any recommendation by the New Jersey Water Supply Authority (NJSWA) that such work shall be conducted during times of low flow through the canal.
9. During the work, the contractor shall ensure that no debris, soil or vegetation from the work shall fall, drop, be placed or dumped in the canal. The applicant shall ensure that a boom or other method is employed to contain any debris in the canal and remove any debris from the water.
10. It shall be the contractor's responsibility to ensure that all debris caused by the work is removed from the canal.
11. The contractor shall not pierce or puncture the clay liner or the bed of the canal.
12. The NJDOT shall periodically inform and update the NJSWA on the status of the work schedule for the project.
13. Access to the canal, towpath and adjacent NJSWA buildings for NJWSA personnel shall be maintained.
14. Any damage to the canal caused by the contractor or any subcontractor shall be repaired to the satisfaction of the NJSWA.
15. The NJDOT shall obtain a Special Use Permit from the Superintendent of the D&R Canal State Park.
16. The contractor shall obtain general liability insurance in the amount of \$1 million, which shall list the State of New Jersey, the Department of Environmental Protection, the Division of Parks and Forestry, the State Park Service and the NJWSA as additionally insured.

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17. When available, NJDOT shall provide the name of the contractor undertaking the project to the Commission, NJWSA and the State Park Superintendent.
18. The contractor shall assume all risk of and responsibility for, and agrees to indemnify, defend and save harmless the State of New Jersey and its employees from and against any and all claims, demands, suit, actions, recoveries, judgements, costs and expenses in connection therewith on account of the loss of life, property or injury or damage to the person, body, or property of any person or persons whatsoever, which shall arise from or result directly or indirectly from work performed in connection with this permit. The indemnification obligation is not limited by, but is in addition to, the insurance obligation contained in this permit.

**Expiration Date:** November 28, 2023.

**Appeal of Decision:** In accordance with N.J.A.C. 7:45- 7.1, any person who is aggrieved by this decision may request a hearing within 30 days of the date of decision.

If you have any questions regarding this authorization, please contact the Commission at (609) 397-2000 and reference the above file number.

Sincerely,



John Hutchison  
Executive Director

- c. Mercer County Engineering Department  
Lawrence Township Construction Office  
Hamilton Township Construction Office  
Mike Sellar, Facility Manager, Delaware & Raritan Canal, NJSWA  
Julie Shelley, Property & Permit Administrator, NJWSA  
Patricia Kallesser, Superintendent, Delaware & Raritan Canal State Park  
Meghan Baratta, Supervising Historic Preservation Specialist, DEP/SHPO