

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India

(Ministry of Road Transport and Highways)
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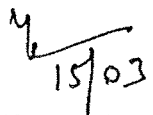
Dated: 15.03.2013

CIRCULAR

Sub: Tentative guidelines for granting permission for transporting industrial products/raw material across the National Highways.

Please find enclosed herewith letter No. RW-NH-12014/TamilNadu(1)/2-12-S&R(B) Pt. dated 04.02.2013 received from SE(S,R&T) (Bridge), MoRT&H on the above subject regarding adoption of guidelines for carrying industrial products/raw materials from one side to other side of National Highways alongwith a license deed format for necessary action and compliance.

2. This issues with the approval of Competent Authority.


15/03
(V.K. Sharma)
CGM(Coord)

To

All officers and employees of HQ/ROs/PIUs/CMUs/Site Offices

1497/COR/1/13
25/2/13

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GOVERNMENT OF INDIA
MINISTRY OF ROAD TRANSPORT & HIGHWAYS

Parivahan Bhavan,
Parliament Street,
New Delhi-110001

RW-NH-12014/Tamil Nadu(1)/2012-S&R(B) Pt.

Dated: 04-02-2013

To

1. The Chief Secretaries of all State Governments/Union Territories.
2. The Principal Secretaries /Secretaries of all States/U.Ts. Public Works Department dealing with National Highways, other Centrally Sponsored Schemes and State Schemes.
3. The Engineers-in-Chief and Chief Engineers of Public Works Departments of States/U.Ts dealing with National Highways, other Centrally Sponsored Schemes and State Schemes.
4. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110 075.
5. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110 010.

Subject: Tentative guidelines for granting permission for transporting industrial products/raw material across the National Highways.

With the economic development of the country, Ministry is receiving a lot of proposals from public/private business outfits seeking permission to cross the National Highways through over bridges/under pass for carrying industrial products/raw materials from one side to other side of National Highways. Preferably the transportation of product/raw material across the National Highway should be carried across underground. In case the pipe/conveyor belt carrying the material is of more than 1m dia/size, it should be carried through a box of minimum size 2.5m x 2.5m extending throughout the ROW. In this connection, if the product has to be carried out through over bridge the following guidelines may be adopted in addition to the extant instructions:

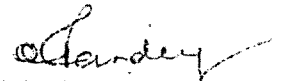
- i) The proposed over bridge/under pass should cross the National Highway preferably at right angle.
- ii) In case of over bridge, the span arrangement of proposed bridge should be equal to ROW or 60 m whichever is more. In case it is necessary to provide any pier within the ROW, the pier location should be kept at median of the existing National Highway or at proposed median of future 4/6 lane highway.
- iii) The usage fee for use of national highway land should be levied as per Ministry's circulars in vogue in this regard.
- iv) In case of over bridge, the minimum vertical clearance should be kept 5.5 mtr. While deciding the vertical clearance the future expansion/development as well as the longitudinal profile in the near vicinity of National Highway should be taken into account.
- v) The design of over bridge should be in such a way that periodic inspection and maintenance can be taken up either by the owner of the over bridge or NH authorities. For inspection foot over bridge along the proposed over bridge carrying the industrial product/raw material should be constructed as per IRC specifications. Also the provision of FOB should be in such a way that both side inspection can be inspected. The design should also take care that no material of any sort should come on the National Highway ROW at any point of time during operation and maintenance of over bridge/under pass. To cater this requirement a deck spanning all along the carriage way may be provided.
- vi) The design of the over bridge should be as per IRC guidelines and Ministry's specifications. Design should be carried out by one of the Ministry's empanelled consultants and should be proof checked by any IIT or the Ministry's empanelled consultant for proof checking. The design should be accepted by the Highway Administration. The construction work should be supervised either by the Highway Administration or supervision consultant appointed by Highway Administration out of Ministry's empanelled consultant for the purpose.

- vii) The private agency/govt. undertaking who desires to cross the national highway must provide undertaking for carrying out the design, proof checking, supervision, safe traffic diversion, maintenance and payment of usage fee to government as per the existing norms and guidelines of the Ministry. They will also furnish an undertaking for dismantling/relocating the over bridge at their own cost if it is required for development of the National Highway in future.

The Highway administrator/administration may issue NOC for granting permission and sign the license deed (Annexure -A) under intimation to Ministry Headquarters.

This issue with the approval of the competent authority

Yours faithfully,



(Alok Kumar Pandey)
Superintending Engineer (S,R&T) (Bridge)
For Director General (Road Development) & SS

Encl: As above.

Copy with enclosures for information and necessary action to:

1. All Technical officers in the Ministry of Road Transport & Highways
2. All ROs and ELOs
3. The Secretary General, Indian Roads Congress
4. The Director, IAHE
5. Technical Circular File of S&R Section

Copy for kind information to:

1. PS to Hon'ble Minister (RT&H)/PS to MOS(T)/PS to MOS(S).
2. Sr. PPS to Secretary (RT&H)
3. PS to DG (RD) & SS

LICENCE DEED FOR TRANSPORTING INDUSTRIAL OF PRODUCTS/RAW MATERIAL ACROSS THE NATIONAL HIGHWAYS.

Agreement to Transport industrial products/raw material at/from _____
Kilometre/kilometer _____ to kilometers on/along National
highway No. _____ in Survey No.
_____ of the village of _____ Taluks
_____ of the _____ district.

AN AGREEMENT made this _____ day of _____ (month) of
_____ year (to be written in words) _____ between the
President of India (hereinafter called the 'Government which expression shall, unless excluded by
or repugnant to the context, include his successors in office and assigns) of the one part and
_____ (name of the party)-(hereinafter called 'The Licensee' which
expression shall, unless excluded by or repugnant to the context, include his heirs its
successors/their successors and assigns) of the other Part.

WHEREAS the license has/licensees have applied to the Government for permission to lay over
bridge/underpass at from kilometer/Kilometre _____ to Kilometer _____
on/along National Highway No; _____ In Survey No.
_____ of the Village of _____ Taluka
_____ of the District.

3. AND WHEREAS the Government have agreed to grant such permission on the terms and conditions hereinafter mentioned;

4. Now this Agreement witnesseth that, in consideration of the conditions hereinafter contained and on the part of the Licensee/Licensees to be observed and performed, the Government hereby grants to the licensee/licensees permission to lay over bridge/underpass as per the approved drawing attached hereto subject to the following conditions, namely:-

- (i) That the licensees shall within six months from the date here of but without interfering with the road traffic complete the construction of over bridge/underpass to the satisfaction of the NH authorities incharge of the National Highways (hereinafter referred to as the Divisional/Executive Engineer/PD, NHAI) in accordance with the drawings and specifications approved by the Divisional/Executive Engineer/PD, NHAI.
- (ii) That the licensee/licensees shall be responsible for restoring the road and at his/their own cost to its original condition after construction or, after any damage caused due to inadequate maintenance/operation of the over bridge/underpass.
- (iii) That in case of any burst or leak of over bridge/underpass/carry of mechanism, the Licensee/Licensees shall bear the entire cost of restoration of damage caused to the road.

- (iv) That the licensee/licensees shall not without the prior permission in writing of the Divisional/Executive Engineer/PD, NHAI undertake any work of shifting, repairs or alterations to the said over bridge/underpass.
- (v) That the Licensee/licensees shall at all times permit any duly authorised officer or servant of the Government to inspect the said over bridge/underpass.
- (vi) That the licensee/licensees shall be liable for any loss or damage caused to the Government by drainage obstruction or any other like cause due to the said over bridge/underpass.
- (vii) That the licensee/licesees within two months of a notice duly given to him to this behalf by the Divisional/Executive Engineer/PD, NHAI shall at his/their own cost remove the over bridge/underpass and restore the road land to its original condition when required to do so by the Government or by any person authorised on its behalf. The licensee/licensees shall not be entitled to any compensation on account of such removal or restoration.
- (viii) That if the licensee fails/licensees fail to execute any work which he has/they have agreed to execute under this agreement to the entire satisfaction of the Divisional/Executive Engineer, the work shall be executed by the Divisional/Executive Engineer/PD, NHAI at the cost of the Licensee/licensees and the amount shall be recoverable from the Licensee/licensees as arrears of land revenue without prejudice to any other remedies which may be open to the Government in this behalf.
- (ix) That the licensee/licensees shall not sell, transfer or otherwise dispose of the premises without obtaining the previous consent of the Government in writing.
- (x) That this agreement will remain in force for a period of five years from the date of execution in the first instance and be terminated by a notice of two months and the permission may not be renewed after the expiry of the said period.
- (xi) That the permission granted by this licence shall not in any way to be deemed to convey to the licensee/licensees right to or over or any interest in Government land other than what is herein expressly granted
- (xii) That during the subsistence of this licence, the over bridge/underpass located on the road shall be deemed to have been constructed and continued only by the consent and permission of the Government so that the right of the licensee/licensees to the use thereof shall not become absolute and indefeasible by lapse of time.
- (xiii) That the licensee/licensees shall bear the stamp duty charges on this agreement.

5. The over bridge/underpass shall not be brought into use by the licensee/licensees unless a completion certificate to the effect that the over bridge/underpass have been laid in accordance with the approved specifications and drawings has been obtained from the Divisional/Executive Engineer/PD, NHAI.

6. Notwithstanding anything contained in clause 4(vii), the licence may be cancelled at any time by the Government for a breach of any condition of the licence and the licensee/licensees shall not be

entitled to any compensation for any loss caused to it by such cancellation, nor shall it be absolved from any liability already incurred under this agreement.

IN WITNESS WHEREOF Shri the Director General (Road Development) and Additional Secretary, Ministry of Transport and Shipping (Road Wing) for and on behalf of the President of India and the licensee has/licensees have signed and subscribed their respective hands hereinto the day, month and year first above written.

Signed by Shri (Name in full) the licensee
The constituted attorney of the licensees

Signed by Shri (Name in full) for and on behalf of the President of India

In the presence of

- 1. Name in full (Signature) with designation
- 2. Name in full (Signature) with designation

- 1. Name in full (Signature) with designation
- 2. Name in full (Signature) with designation