

22

31/5/14
25/14
31/5/14
25/14
31/5/14
25/14

10/14

Government of India
Ministry of Road Transport & Highways

Parivahan Bhavan,
1, Parliament Street,
New Delhi-110 001.

dated 28.04.2014

No. RW/NH-12037/1049/2011/PB/NH-I(pt.)

Subject: Minutes of the Meeting held on 07.04.2014 under the Chairmanship of Secretary (RT&H) for review of the Guidelines/Norms for access permission to Fuel Stations, Private Properties, Rest Area Complexes and such other facilities along National Highways in view of the orders dated 21.2.2014 in CoCP 143 of 2010 by the Hon'ble Punjab and Haryana High Court.

mer
Cambridge

Sir,

Please find enclosed herewith a copy of Minutes of Meeting held on 07.04.2014 on the above mentioned subject for information and necessary action.

Vijayalakshmi
(Vijayalakshmi)
Section Officer (P-I)
Tel 237 16598

Encl.: As above

To

1. Chairman, NHAI, G-5&6, Sector-10, Dwarka, New Delhi-110 075.
2. JS, LA & Cordination, MoRT&H.
3. Chief Engineer, S&R (R), MoRTH.
4. R.O, MoRT&H, Kendriya Sadan, 6th floor, Sector-9A, Chandigarh.
5. R.O-cum-CGM, NHAI, Chandigarh.

Sub: Minutes of meeting held on 07.04.2014 under the Chairmanship of Secretary(RT&H) for review of the Guidelines/Norms for access permission to Fuel Stations, Private Properties, Rest Area Complexes and such other facilities along National Highways in view of the orders dated 21/02/2014 in O.P. 143 of 2010 by the Hon'ble Punjab and Haryana High Court.

List of participants are at annexure-I

1. The Secretary (RT&H) welcomed all the participants. Chief Engineer (P-1) briefed the matter including the issues relating to the control of access as being debated in the Hon'ble High Court. Earlier, Ministry had issued separate guidelines on access permission to Fuel Stations, Services Stations, Rest Areas etc. vide Circular No. RW/NH-33023/19/99-DO-III dated 25.09.2003/17.10.2003 & access permission to Private Properties etc. along National Highways vide Circular No. RW/NH-33023/19/99-DO-III dated 31.08.2000. With the improvement in the National Highways network, a greater need for road safety of the users has been felt along with stricter enforcement of the guidelines. It has also been decided that unified norms for access to Fuel Stations, Service Stations, Private Properties, Rest areas and other such facilities the National Highways may be evolved. Accordingly, the existing guidelines were modified by M.O. including a procedural change with regards to the implementation mechanism and issued vide letter no. RW/NH-33023/19/99-DO-III dated 24/07/2013.
2. Member(F), NHAI stated that, the said guidelines have been placed on record before the Hon'ble Punjab and Haryana High Court where on perusal it has been noticed by the Court that the Guidelines are still required to be changed as the present norms are with the intention of permitting the access service road within the RoW of NH. The court has observed that the present norms shall leave no or little space for improvement of NH to the future requirements.
3. Chairman, NHAI opined that due to rapid urbanization coupled with linear development activity specifically along highways connecting Metro cities and other urban areas, the future development of NHs shall be severely affected and stressed that it is a high time to think on the existing guidelines for access permission. Chairman, NHAI further stated that some of the States have an existing act which controls the constructions on the land abutting NH/highways, upto a certain distance and we should make use of such provisions in State Acts to regulate access to the National Highway corridors. Chairman, NHAI stated that direct access within NH ROW shall be limited to only for the essential services highway users such as Petroleum Retail Outlets, service stations, eating points and way side amenities and all other entity shall have access either from parallel service road outside ROW or from lateral road connecting NHs.
4. Secretary(RT&H) stated that in addition to regulating the access permission cases along NHs, need of the hour is to have a deterrent rule for unauthorized access all along the and emphasized for heavy penalty/fine for unauthorized access. It was also opined that in case of access to the Fuel Stations/Rest area/Highway user oriented facilities, annual shall be charged in place of one time fee.

5. It was also brought to the notice that a committee was constituted by the Hon'ble Court For Punjab to work out a solution for the access issues. The committee had representatives from all the stake holders i.e. PWD, PUDA, GMADA, MC's as well as the representative's of the property owners. The meeting took place on 23/10/2012 and the following was agreed.

- (i) Within MC limits-As in most of the towns/cities, hardly any space is left for providing service lane outside ROW, service lane will be provided by Highways Authorities within ROW and the cost shall be borne by concerned Municipal Authority which shall be recovered from concerned users.
- (ii) In such towns/cities where space is still available outside ROW for construction of service lane, the Municipal Authority shall plan service lane outside the NH ROW and connect the same with ROW at some specified places as identified by highway authority.
- (iii) Outside MC limits- detailed survey shall be carried out by concerned authority along with necessary acquisition of land required for service road/lateral road. The proposal for proposed service lane/lateral road shall be submitted to highway authority for approval of the same. However, the cost of land along with cost of construction shall be recovered from the developers/Promoters/whose project fall on the said highways.

Keeping in view the decision in the meeting it was agreed that the present guidelines shall be modified to the extent that it takes help from the State Acts to regulate the Ribbon Development/Linear Development along NH.

6. After the detailed deliberation on the issues, it was agreed that the following should be incorporated in the guidelines:

- i) Guidelines should make it mandatory to make way for leaving open space/green belt along side the NH beyond ROW.
- ii) No direct access from NH ROW except for the services which is felt necessary for the Highway users such as; Fuel Stations, service stations, eating points, trauma centers and other highway amenities.
- iii) The present form of the access to the private properties abutting on NH from NH ROW should be discouraged.
- iv) It was also agreed that any access to the private properties should be charged on annual basis so that the access permission is not sought by the property owners and they explore all other means available. To work out the annual charges a rational should be worked out based on the existing rules.
- v) In case any construction is required to be carried out in the ROW as a result of the access requirements of the Private Property, fuel stations, Service stations Rest areas etc. The same shall be carried out by the Highway Authority.

In the light of above deliberations, the existing guidelines need to be reviewed/reframed.

(Action: CE(S&R, roads), MoRTI)

7. Member (F) NHAI pointed out that, on most of the NHs entrusted with NHAI, still the Highways Administration as per the Highways Administration Rules, 2004 under the Control of National Highways (Land and Traffic) Act, 2002 is the Executive Engineers of the state PWDs and no modification to the earlier notifications have been issued which at some locations has already become a legal complication. It was agreed that for the stretches of NH which have been entrusted to NHAI the Regional Officer of NHAI controlling the State shall be notified as HA under Control of National Highways (Land & Traffic) Act, 2002. A mechanism is also required to be evolved that the HA notification is issued parallel to the entrustment notification.

(Action: JS(LA & MORTH)

The meeting ended with a vote of thanks to the Chair.
