

No. RW/NH-33023/19/99-DO.III

Dated, the 31st August, 2000

To

All Chief Secretaries/Secretaries/Chief Engineers PWD/Roads of all State Governments/UTs (dealing with National Highways & Centrally Sponsored Schemes); Director General Border Roads; Chairman, National Highways Authority of India

Subject : Systems Improvement for Installation of Petrol/Diesel/Gas-Retail outlets and service-stations as well as access to private properties along National Highways

This Ministry had issued detailed instructions on licensing of National Highways land for construction of approach roads to private properties including Petrol/Diesel Retail Outlets and service stations abutting National Highways vide letter No.RW/NH-III/P/17/75 dated 30.10.1980 and RW/NH-III/P/72/76-Vol.II dated 19.2.1987. The need for system improvement for installation of Petrol/Diesel - Retail Outlets along National Highways was laid down by Ministry's circular No.RW/NH-33023/19/99-DO-III dated 27.7.1999.

2. However, it has been reported that there is still some lacunae in the present system of installation of Retail Outlets/Service Stations and private properties, leading to damage to National Highways, reducing safety and considerable time lag in the process. Therefore, it has been decided to streamline the procedure for installation of Petrol/diesel/gas Retail Outlets/ Service Stations and private properties along National Highways.

3. The general requirements governing the location and layout of petrol/diesel retail outlets and service stations have been specified in IRC:12-1983, "Recommended Practice for Location and Layout of Roadside Motor Fuel Filling and Motor-fuel Filling-cum-Service Stations". Considering the nature of changing traffic on National Highways and experience in the field, it has been decided to amend some of the requirements as applicable to National Highways. Stipulated Norms regarding location, layout and other features of petrol/diesel rates are given in Check List and *Annexure-I* enclosed with this circular. Regarding each road to private properties, provisions made in para 4 of Ministry's circular No-RW/NH-III-P/17/75 dated 30.10.1980 (Licensing of NH land for construction of approach road to private property abutting National Highways) and para 7.4 of IRC:62-1976 (Guidelines for Control of Access on Highways) have been amalgamated with slight modification and reproduced in para 13 of *Annexure-I*. Approach road to private properties may be regulated as per paras 7, 8 & 13 of *Annexure-I* and Check List enclosed with this circular. Modified procedure for installation of retail outlets/private properties, etc. are given in para 4 below.

4. **PROCEDURE FOR INSTALLATION FOR NEW RETAIL OUTLETS (PETROL/DIESEL/GAS) AND ACCESS TO PRIVATE PROPERTIES**

4.1. The present procedure was outlined in para 6 of the Ministry's circular No. No.RW/NH-33023/19-99.DO-III dated 27.7.1999. To streamline the present system, the procedure may be modified as follows.

4.2. It is the prime responsibility of the oil companies/ private parties to follow the IRC guidelines and the norms in this circular while preparing the drawing for the retail outlet/ private properties. At the time of making reference to the District Magistrate/Authorities/Licensing Authority for issue of "No Objection Certificate", the oil companies/ private parties should simultaneously make a reference to the concerned Highway Authority. The issue of "No Objection Certificate" by Licensing Authority should be made conditional to the oil company/private parties having obtained necessary approval/permission from Highway Authority and executed the License Deed before going ahead with the actual installation of the pump, and a copy should be endorsed to the Highway Authority. The Divisional/Executive Engineers (or equivalent) of Highway authority may inform the concerned Licensing Authority about this requirement. It is reiterated that any "No Objection Certificate" granted by any Licensing Authority is not binding on Highway Authority as such.

4.3. The Highway Authority at the level of Superintending Engineer in the case of State Public Works Department/Border Roads Organisation (BRO) and General Manager in the case of National Highways Authority of India (NHAI) shall examine the drawings and document to see if the location and layout of retail outlets conforms to norms given in Check List and *Annexure-I* of this circular and if so, forward the documents and

drawings as per *Annexure-II* to the Ministry through Regional Officer of Ministry for approval and signing of licence deed. Construction should be permitted only after approval and signing of licence deed in the Ministry. The Highway Authorities of the State Governments/BRO/NHAI should not give any approval to oil companies/ retail outlet owners/private parties before signing of licence deed by the concerned Chief Engineer in the Ministry.

4.4. In cases, where the standard conditions are not satisfied, the parties concerned may be asked to modify the proposals. If in the rare case, it is not practicable to fulfill the standard conditions, the Highway Authorities at the level of Superintending Engineer in the case of State Public Works Department/BRO and General Manager in the case of NHAI may forward the proposal to the Ministry through Regional Officer of Ministry along with detailed reason for granting the relaxation and signing of licence deed by the concerned Chief Engineer in the Ministry. In the absence of a detailed explanation, the proposal would not be entertained.

5. **PROCEDURE FOR EXISTING PETROL/DIESEL/GAS PUMPS/PRIVATE PROPERTIES ON EXISTING NATIONAL HIGHWAYS**

5.1. The licence deed for use of National Highway land for approach road to the retail outlets/private properties has a validity of three years and the same is required to be renewed thereafter. While considering the case for renewal of the licence deed for existing retail outlets/private properties, any deficiencies in terms of location, layout, signage, drainage, etc. and any infringements from the stipulated norms given in Check List and *Annexure-I* of this circular should be carefully identified and got rectified by Highway authority before licence deed is sent for renewal. This should be done at least four months before the existing licence deed lapses.

5.2. The Divisional/Executive Engineer (or equivalent) of the Highway Authority will keep a register of record of Retail Outlets/private properties (which have been permitted access to the National Highway under his jurisdiction) in the format enclosed with this circular. A copy of the record should be sent to the Circle Office as well as to the Regional Officer of the Ministry. The record should be periodically checked by inspecting officials.

5.3. Four months before the lapse of the licence deed, a reminder should be sent to the owner of the retail outlet/private property asking him to submit the documents for renewal of licence deed. Failure to comply by the date of lapsing of licence deed should be treated as violation of licence conditions and the access should be disconnected.

6. **PROCEDURE FOR EXISTING RETAIL OUTLETS ON NEWLY DECLARED NATIONAL HIGHWAYS**

6.1. Existing Retail Outlets/private properties on newly declared National Highways will have to execute a licence deed when they are taken over. The Divisional/Executive Engineer (or equivalent) of the Highway Authority will take steps to complete a record as per para 5.2 and suitable reminders should be sent to each outlet owner. Necessary modifications should be got made to the retail outlet/private property to adhere to the standard norms given in Check List and *Annexure-1* of this circular within six months of taking over of the newly declared National Highways by the concerned Highway Authority. If the owner of the retail outlet/private property does not respond and get the required rectification done within the stipulated time of six months, the access should be disconnected.

6.2. When a National Highway is transferred from one organisation to another, among other records, records of retail outlets will also be transferred.

7. **PROCEDURE IN CASE OF WIDENING OF ROAD**

7.1. As per Clause 4 (4) of the licence agreement issued under Ministry's letter No NHIII/P/17/75 dated 30th Oct., 1980, the licensee has to remove the approach road within six-month of a notice given to him by the Highway Authority. This provision may be used to shift the private property/retail outlet's access roads, if required for widening.

7.2. In case service roads are constructed, the access shall be from service roads and not from main carriageway. No compensation is to be given to retail outlet/private property owner, as per Clause 4(15) of licence agreement.

8. Any retail outlet/private property owner, who violates any of the conditions of licence deed or

Constructs / modifies retail outlet in violations of the stipulated norms for the retail outlets, should be given on month notice to rectify the violations. If the necessary rectifications are not done within the time given in the notice, access to the private properties / retail outlets should be disconnected.

9. SIGN BOARDS

Suitable entry and exit retro-reflective sign boards, as per-section 801 of Ministry of Surface Transport Specification for Road and Bridge Works as updated from time –to-time, shall be installed for guidance for motorist. They may be lit up, if necessary, in such a manner so that it does not distract the attention of drivers.

10. INSTRUCTIONS REGARDING REGULATION OF ACCESS POINTS / APPROACH ROAD TO PRIVATE PROPERTY

10.1 In urban areas, the spacing of access to National Highways should wherever possible be restricted to 500m interval. If the National Highway is likely to be developed as Expressway/Motorway, the spacing should be 1000m.

10.2 In rural areas, the spacings of connections from parallel service roads and of intersections should not be closer than 750m. Individual driveways to private properties should not be spaced closer than 300m from each other or from an intersection. On highways with dual carriageway (4 lane with median), median openings should generally be limited to intersection with public roads and should not be permitted for individual business needs. Where intersections are far apart, median openings may be provided at intervals of 2 km for permitting U-turn and diversion of traffic to one of the carriageways at times of emergency or major repairs. As far as possible, a number of property owners along the highway should be grouped together and parallel service roads (i.e. frontage roads) constructed to give access at selected points. The geometrics of the driveways should conform to requisite standards conducive to smooth traffic flow as given in paras 7 & 8 above.

Annexure-II

(Enclosure to Ministry's Circular No. RW/NH-33023/19/99-DO-III dated 31st August, 2000)

List of documents to be submitted for renewal of licence deed for allowing approach road to retail outlets / private property etc. along National Highways.

- 1) Signed copy of license deed as per Annexure – 2 of Ministry's circular No.NH-III/P/17/75 dated 30.10.1980.
- 2) Inspection report of Divisional / Executive Engineer (or equivalent) or his representative.
- 3) Certificate that no modifications have been made in the retail outlet / private property from original proposal for which license deed had been signed.
- 4) Certified copy of drawings showing any modifications (if done) with approval letter from competent authority.
- 5) Sectional view / drainage plan of retail outlet area / private property and culverts in approaches.
- 6) Undertaking from the private party oil company that the private party/oil company would pay necessary rent for the use of the National Highway land whenever the rent are asked by the highway authorities in future.

[Enclosure to Ministry's Circular No RW/NH-33023/19/99-DOIII dated 31st Aug. 2000]

List of documents to be submitted for getting approval for installation of new Retail Outlets/Private property along National Highways

- (1) Signed copy of licence deed (*Annexure-I* of Ministry's Circular No.NHIII/P/17/75 dated 30.10.1980).
- (2) Certified copy of location plan of the retail outlet/private property along the National Highway showing details of right of way of National Highway, access roads to private properties, existing public roads and other developments falling within a radius of 1.5 km in each side of the retail outlet.
- (3) Certified copy of plan of the proposed retail outlet/private property showing details of Access road, buffer strip, fuel pump, kiosk, lubritorium, air and water supply, drainage details etc.
- (4) Certified copy of sectional view showing elevation of retail outlet/private property with respect to National Highway and slopes to be provided for adequate drainage and preventing water logging on National Highway.
- (5) Drainage plan of the retail outlet/private property area.
- (6) Details of material to be provided for paving the retail outlet/private property.
- (7) Inspection report of the officer inspecting the site of proposed retail outlet/ private property.
- (8) Certificate that all standard conditions have been-specified.
- (9) Detailed explanation for reasons for granting of exemption from guidelines/stipulated norms (If required).
- (10) Undertaking from the private party/ oil company that the private party/oil company would pay necessary rent for the use of the National Highway land whenever the rents are asked by the highway authorities in future.

[Enclosure to Ministry's Circular No. RW/NH-33023/11/99-DO III dated 31st Aug. 2000]

Check list for getting approval for installation of new Retail Outlets/renewal of licence deed for existing Retail Outlets/access to private property along National Highways

1. GENERAL INFORMATION

- | | | | |
|--------|--|---|-------|
| 1.1. | National Highway Number | : | _____ |
| 1.2. | State | : | _____ |
| 1.3. | Location | : | _____ |
| 1.3.1. | (Chainage in km) | : | _____ |
| 1.3.2. | [Side of NH (Left or right side of NH towards increasing chainage/km direction)] | : | _____ |
| 1.4. | Name of Highway Authority (NHAI/PWD/BRO) | : | _____ |
| 1.5. | Executive Engineer (or Equivalent) address | : | _____ |
| 1.6. | Name of Oil Company (as applicable) | : | _____ |
| 1.7. | Name and address of Owner of Retail Outlet/ Private Property | : | _____ |

Existing Retail Outlets/access to private property along National Highways

3. STIPULATED NORMS FOR ACCESS TO PRIVATE PROPERTY

Sl. No.	Item	Value	MOST Norms		Whether complying with MOST Norms**
			Para No.*	Norms	
1.	Distance from nearest access/intersection		13.1/ 13.2	URBAN: Minimum 500 m (NH) Minimum 1000 m (for NH likely to be made Expressway) RURAL: Minimum 750 m (for service roads) Minimum 300 m (individual property)	Yes/No
2.	Provision of 7.0 m wide service road		13.2	Necessary where clustering of properties is present	Yes/No
3.	Width of entrance/exit		7.1	Minimum 9 m Maximum 12 m	Yes/No
4.	Radius of turning curve		7.2	Minimum 13 m Ruling 30 m	Yes/No
5.	Radius of non-turning curve		7.2	Minimum 1.5 m Maximum 3 m	Yes/No
6.	Minimum downward slope of access roads		8.1	Minimum 2 per cent	Yes/No
7.	Difference in elevation from edge of road and edge of property		8.1	Minimum 15 cm	Yes/No
8.	Provision of proper drainage arrangement for runoff from private premises		8	Drawing showing drainage arrangement as per satisfaction of highway authorities to be submitted.	Yes/No
9.	Provision of culvert designed for drainage in accordance with IRC SP-13		8.1/8.3	Minimum 1m dia (pipe culvert) Minimum 1m span (slab culvert)	Yes/No

* Annexure I to MOST Circular No. RW/NH-33023/19/99-DO. III dated 31st Aug. 2000

** If Norms are not satisfied, detailed explanation needs to be given, otherwise the application will not be considered. In all cases supporting documents as per Annexure II have to be submitted, otherwise, the case will be summarily rejected.

[Enclosure to Ministry's Circular No RW/NH-33023/19/99-DOIII dated 31st Aug., 2000]

Format for Maintaining Records of Retail Outlet/Access to Private Property

(to be maintained separately for every NH and State, every PWD Division or equivalent)

1. Name of State : _____
2. Name of Agency (PWD/BRO/NHAI) : _____
3. Name of PWD Division or Equivalent : _____
4. NH No. : _____

[illegible]