

Regulations for Access from NHA Controlled Network

1.1. Background.

- a. NHA Network consists of:
 - i. Controlled Access i.e. Motorways/ Expressways /Link Roads: Interchanges are constructed for approach to/from controlled access network. These Interchanges are constructed through PSDP/project cost. Link roads also make part of controlled access.
 - ii. Non-controlled Access Roads and Highways/ Strategic Roads: Access from highways is made through ramps/acceleration/deceleration lanes or through service roads as approaches. NHA issues NOC for approach to National Highway Network through its RoW and charges NOC fee as well as approach rentals.
- b. NHA has been receiving request from private sector, particularly housing societies for access to NHA controlled network through construction of interchange at their own expenses.
- c. Although a policy for housing societies already existed, but need for making it more comprehensive and futuristic was felt, as approved by NHEB in its 314th meeting held on January 10, 2019 instead of keeping it sector specific.
- d. Hence inclusion of following sectors in the new regulations on the subject, as granting such permissions carries huge revenue potential.
 - i. Housing Societies
 - ii. Medical Cities
 - iii. Education Cities
 - iv. Industrial / Commercial Hubs
 - v. Factory Outlets
 - vi. Theme Parks
- e. Hence certain amendments were proposed in Policy for Access to NHA Controlled Network by Housing Societies earlier approved by NHA Executive Board in its 240th meeting held on November 12, 2014.
- f. These amendments were presented before NHA Executive Board in its 314th meeting held on January 10, 2019. NHEB approved Regulations for Access to NHA Controlled Network.
- g. Thereafter, same is presented before NHC in its 33rd meeting held on February 25, 2019 for consideration. NHC also approved these Regulations.

1.2. Preamble.

- a. Should there emerge a requirement of an interchange on motorways/expressways/link roads required by a Housing Society, Medical City, Education City, Industrial/Commercial Hub, Factory Outlet, Theme Park or any such like enterprise for access. NHA shall follow the **Regulations**.
- b. Provided except for requirement of GOP for national interest, NHA shall not allow interchange for access to (or) from Motorway/expressway/link road within 10 kms of an existing interchange on the Motorway/ Expressway/Link Road.

1.3. Conditions for Provisional Acceptance.

- a. An Entity i.e. Housing Society, Medical City, Education City, Industrial/Commercial Hub, Factory Outlets, Theme Park and other (to be determined by NHA Executive Board) will submit formal request in writing.
- b. An Entity shall have ownership/mutation in its own name, having a minimum area as per Schedule-I.
- c. An Entity shall submit the following along with request:
 - i. Detailed development plan approved by the relevant authority.
 - ii. Detailed services plan approved by the relevant authority.
 - iii. Mandatory NOCs from relevant Departments/ Ministries.
 - iv. Specified time limit for completion of the project.
 - v. Certificate of infrastructure completion upto 40% certified by the relevant Government Department which approved the development plan.
 - vi. One time processing fee (non-refundable) of Rs.5 million with the request.
 - vii. 25% of the total NOC Fee as described in Schedule-I.
- d. NHA shall scrutinize the request to confirm that there is no conflict for strategic reasons, road safety and smooth flow of traffic or any other sensitivities.
- e. Traffic impact study carried out on the expense of the applicant by an engineering consultant shall be submitted for approval by NHA.
- f. Geometric study/highway safety audit report prepared on the expense of the applicant by an engineering consultant shall be submitted for approval by NHA.
- g. Interchange and affiliated works shall be designed, estimated and constructed by NHA as deposit works.

- h. In case of change of title/ownership, fresh NOC shall be obtained from NHA.
- i. In case of addition of land/expansion, fresh NOC shall be obtained from NHA.
- j. On fulfilment of these conditions, NHA ROW Section will issue them letter of Provisional Acceptance after approval from Chairman NHA.
- k. This Provisional Acceptance shall be valid for a period of two years from the date of issuance. The same shall stand revoked on expiry of validity period.
- l. The 25% NOC fee deposited at the time of submission of application shall be refunded, in case Clause (k) is invoked.
- m. Provisional Acceptance shall not be used for advertisement/promotional purposes by any means including electronic, print and social media until grant of Formal Approval.
- n. The 25% NOC fee shall be forfeited in case Clause (m) is violated/not adhered to.
- o. Road safety certificate will be requested from NH&MP duly approved by IG (NH&MP) before provisional acceptance.

1.4. Conditions for Formal Approval.

- a. The Entity shall apply for formal approval on completion of 75% of infrastructure development.
- b. Applicant will provide undertaking on judicial paper regarding completion of infrastructure development up to 75%, certified by relevant Government department which approved the development plan.
- c. Adequate land, free of all encumbrances, will be mutated, for construction of interchange outside the fence / ROW including loop land, in the name of NHA without any cost to NHA.
- d. The land shall remain the property of NHA and shall not be given back, in case of demolition / removal etc. of the structure in future. Hence, new ROW will be defined.
- e. On fulfilment of these conditions, NHA will issue NOC to the applicant after Formal Approval by Executive Board.

1.5. Operation and Management.

- a. NHA shall own, operate or cause to operate the toll plazas.
- b. 100% toll shall be retained by NHA as a matter of right.
- c. Toll exemption shall be applicable to vehicle as per rules and regulations of NHA.

- d. If toll collection is not equal to cost of operations and maintenance, the applicant shall pay the deficit of toll collection on monthly basis till the time when such expenses and toll collection eventually becomes equal.
- e. The level of service and maintenance requirements shall be pre-agreed and become the part of agreement as determined by NHA.
- f. NHA shall reserve the right to close the interchange for reasons attributable to either the State requirements and in case of defaults or termination of contract following prescribed procedures.
- g. The applicant shall not do any other business or activity except the specific business or activity as shall be approved by NHA and covered under the laws of Pakistan.
- h. All the prevalent laws of the land, including NHSO-2000, applicable on Motorways/ Expressways/Link Roads shall be applicable to the so constructed interchanges.
- i. No hoarding/advertisement shall be permissible except directional/traffic signs approved by NHA. These signs shall also be paid by the applicant as per NHA Rules and Regulations.
- j. The applicant shall promptly act on legitimate directions of NHA within specified time.

1.6. Schedule-I. NHA shall charge NOC Fee (one time) for construction of new interchange, as per table below:

<u>Type of Amenity</u>	<u>Minimum Land Required (kanals/Acres)</u>	<u>NOC Fee per kanal (PKR)</u>	<u>Processing Fee (One time non-refundable) (PKR)</u>
Housing Society	4000 kanals (500 Acres)	60,000	5 Million
Medical City	2000 kanals (250 Acres)	50,000	
Education City			
Industrial / Commercial Hub	2800 kanals (350 Acres)	60,000	
Factory Outlets	2800 kanals (350 Acres)		
Theme Park	1600 kanals (200 Acres)		

- **Provided** that in case of establishment of subsequent multiple projects/schemes availing access from so constructed interchange, 100% original NOC fee shall be charged on one time basis.
- **Provided further**, in case of request for access through modification in so constructed interchanges, all above conditions including NOC fee shall be applicable.
- **Provided further**, the entity having constructed such Interchange will not permit any other subsequent entity to use the same unless so permitted by NHA through process of granting of fresh NOC as per these regulations.