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NHA/Rev-ROW/23/325/2

**NATIONAL HIGHWAY AUTHORITY**  
**Office of Revenue-ROW**

the 04<sup>th</sup> August, 2023

**CIRCULAR**

Subject: **REGULATIONS FOR ACCESS FROM NHA CONTROLLED NETWORK-2019 AS AMENDED IN 2023, PURSUANT TO THE DECISION OF NHC 41<sup>ST</sup> MEETING HELD ON 29<sup>TH</sup> MARCH, 2023**

The National Highway Council (NHC) in its 41<sup>st</sup> Meeting held on March 29<sup>th</sup>, 2023 approved the amendments in Regulations for Access from NHA Controlled Network-2019 which will be named as subject quoted above. The same are circulated for information, dissemination, and implementation by all concerned, please.

2. This issues with the approval of competent authority, please.

 4/8

**(AHMED HASSAN)**  
Dy. Director (Rev-ROW)

**All Members (Zones/ Motorways)**  
**All General Managers (Regions/ MWs)**  
**All Deputy Directors (Maintenance)/PDs**

**CC:**

- Member (Finance) NHA, HQs, Islamabad.
- General Manager (Rev-ROW), NHA HQs, Islamabad.
- SPS to Chairman NHA, HQs, Islamabad.
- Deputy Director (MIS), NHA, HQs, Islamabad
- File.

For uploading on NHA Website, please.

**Regulations for Access from NHA Controlled Network-2019 as amended in 2023, pursuant to the decision of NHC 41<sup>st</sup> Meeting held on 29<sup>th</sup> March 2023**

**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 314<sup>th</sup> 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 240<sup>th</sup> meeting held on November 12, 2014.
- f. These amendments were presented before NHA Executive Board in its 314<sup>th</sup> meeting held on January 10, 2019. NHEB approved Regulations for Access to NHA Controlled Network.
- g. Thereafter, same is presented before NHC in its 33<sup>rd</sup> meeting held on February 25, 2019 for consideration. NHC also approved these Regulations.
- h. However, due to urbanization and their effect to the general public residing along the Link Road, the National Highway Council in its 37<sup>th</sup> Meeting held on 30<sup>th</sup> June, 2022 has directed NHA "to bifurcate Motorways and their link roads in 'Regulations for Access from NHA Controlled Network' and submit a concrete proposal in the next meeting".

- i. Accordingly, the NHA Executive Board in its 402<sup>nd</sup> meeting held on July 22, 2022 review the Regulations for Access from NHA Controlled Network-2019 and forwarded their recommendations for consideration of NHC.
- j. NHC in its 38<sup>th</sup> Meeting held on 1<sup>st</sup> August 2022, deferred the recommendations of NHEB and directed Member (Finance) NHA to seek input from CDA, LDA, PDA etc. for submission in next meeting alongwith provision of details of all Link Roads on motorways.
- k. In compliance of the above directions, requisite details were presented before the NHC in its 41<sup>st</sup> meeting held on 29.03.2023. After deliberations, the NHC considered the recommendations and approved the Regulations for Access from NHA Controlled Network-2019 as amended in 2023.

*[Sub-Clauses-h to k are inserted pursuant to the approval of NHC in its 41<sup>st</sup> meeting held on 29<sup>th</sup> March 2023]*

## **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 Government of Pakistan for national interest, NHA shall not allow interchange for access to (or) from Motorway/expressway \* within 10 KMs of an existing interchange on the Motorway/expressway\*.

*\*[Sub-Clause-b is amended by deleting "Link Road" for implementation of 10-KM distance criteria from existing interchanges, as approved by NHC in its 41<sup>st</sup> meeting held on 29<sup>th</sup> March 2023]*

- c. "Construction of interchange on a Link Road (as defined in Clause 1.7 as Schedule-II) of at any location shall be allowed, subject to fulfillment of requirements as per these Regulations and a detailed feasibility study to be conducted by NHA through M/s NESPAK at the expense of applicant."

*[Sub Clause-c is inserted as per approval of NHC in its 41<sup>st</sup> meeting held on 29<sup>th</sup> March 2023]*

## **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. To Facilitate the staff of NHMP, staff facilitation center (comprising of two rooms) on all new interchanges at the expense of the applicant will be established.  
*[Sub Clause-e is inserted as per approval of NHC in its 41<sup>st</sup> meeting held on 29<sup>th</sup> March 2023]*
- f. 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:

Type of Amenity	Minimum Land Required (Kanals/Acres)	NOC Fee per Kanal (PKR)	Processing Fee (One time non-refundable) (PKR)
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.

**1.7 Schedule-II.** Pursuant to insertion of Clause 1.2 (c) of Preamble, following Schedule-II in respect of Motorway Link roads having Controlled Access Status is inserted as under:

<b>Sr. #</b>	<b>Name of Link Roads</b>	<b>Length</b>
i.	Motorway Link Road-Islamabad (M-2).	08 KM
ii.	Motorway Link Road-Kalashakaku (M-2).	07 KM
iii.	Motorway Link Road-Lahore (M-2).	17 KM
iv.	NIIA (New Islamabad International Airport) Main Link Road (from M-1 /M2 intersection to Main gate of Airport)	05 KM
v.	NIIA Cargo Link Road-including Loops (from Thallian interchange to main gate of Cargo terminal)	05 KM
vi.	Slip Loop-1 (Kalashakaku N-5 Interchange to Aadian Road point)-LSM	03 KM
vii.	Slip Loop-2 (Aadian road point to LSM toll plaza)-LSM	1.5 KM
viii.	Slip Loop-4 (LSM Lahore Toll Plaza to Aadian point)-LSM	03 KM
ix.	Slip Loop-3 (Aadian road point to Kala Khatai interchange)-LEBP	03 KM
x.	Slip Loop-5 (Kala Khatai interchange to Aadian Road Point)-LEBP	01 KM
xi.	Lahore Eastern ByPass (LEBP) Kala Khatai Interchange to Mehmood Booti on Ring Road	11 KM

*[Schedule-II is inserted as per approval of NHC in its 41<sup>st</sup> meeting held on 29<sup>th</sup> March 2023]*