

CHAPTER 2

PROTECTION OF UNDERGROUND FACILITIES:
ONE-CALL DAMAGE PREVENTION
SYSTEM

Authority

Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., specifically N.J.S.A. 48:2-76 and 80.

Source and Effective Date

R.1996 d.467, effective October 7, 1996.
See: 27 N.J.R. 3773(a), 28 N.J.R. 4489(a).

Executive Order No. 66(1978) Expiration Date

Chapter 2, Protection of Underground Facilities: One-Call Damage Prevention System, expires on October 7, 2001.

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SUBCHAPTER 1. SCOPE

14:2-1.1 Scope

These rules govern the standards for the protection of underground facilities pursuant to the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

Amended by R.1997 d.164, effective April 7, 1997.

See: 28 N.J.R. 5144(a), 29 N.J.R. 1345(a).

Substituted "protection of underground facilities" for "temporary markout of underground facilities", and deleted reference to N.J.S.A. 48:2-80.

SUBCHAPTER 2. DEFINITIONS

14:2-2.1 Words defined

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Underground Facility Protection Act.

"Board" means the Board of Public Utilities.

"Emergency" means:

1. Any condition constituting a clear and present danger to life, health or property caused by the escape of any material or substance transported by means of an underground facility, or by the interruption of a vital communication or public service that requires immediate action to prevent or mitigate loss or potential loss of the communication or public service; or

2. Any condition on or affecting a transportation right-of-way or transportation facility that creates a risk to the public of potential injury or property damage.

"Excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes, but is not limited to, drilling, grading, boring, milling to a depth greater than six inches, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, fence post or pile driving, and wrecking, razing, rending, or removing any structure or mass material. "Excavation" includes utility pole removal, and does not include:

1. Routine maintenance of residential property or of a right-of-way performed with non-mechanized equipment,

including the use of a hand tool to remove earth for the repair of a sprinkler system or to locate a property boundary marker;

2. Routine landscaping activities performed with non-mechanized equipment;

3. Excavation within the flexible or rigid pavement box within a right-of-way;

4. Tilling of soil for agricultural purposes to a depth of 18 inches or less; or

5. Routine landscaping activities with mechanized equipment that are intended to cut only vegetation, including lawn edging and de-thatching.

“One-Call Damage Prevention System” means the communication system established pursuant to N.J.S.A. 48:2-76.

“Operator” means a person owning or operating, or controlling the operation of, an underground facility, but shall not include a homeowner who owns only residential underground facilities, such as an underground lawn sprinkler system or an underground structure for a residential low-voltage lighting system.

“Routine” means an activity which is conducted on a cyclical basis, such as annually or seasonally, which is unlikely to result in damage to an underground facility.

“Site” means the specific place where excavation work is performed or to be performed.

“Underground facility” means any public or private personal property which is buried, placed below ground, or submerged on a right-of-way, easement, public street, other public place or private property and is being used or will be used for the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control, or for the transportation of a hazardous liquid regulated pursuant to the provisions of 49 U.S.C. §§ 60101 et seq., but does not include storm drains or gravity sewers. For the purpose of this definition, “personal property” means a single conduit, or multiple conduits of the same facility type within a rigid envelope such as a concrete envelope. This envelope shall be considered one facility for the purposes of these rules, except as otherwise specifically provided.

Amended by R.1997 d.164, effective April 7, 1997.
See: 28 N.J.R. 5144(a), 29 N.J.R. 1345(a).

Added “Emergency”, “Excavation”, and “Routine”; and “One-Call Damage Prevention Center” was renamed “One-Call Damage Prevention System”.

SUBCHAPTER 3. SYSTEM OPERATOR

Authority

N.J.S.A. 48:2-73 et seq.

Source and Effective Date

R.1997 d.164, effective April 7, 1997.
See: 28 N.J.R. 5144(a), 29 N.J.R. 1345(a).

14:2-3.1 Designation

The Board shall designate a system operator who shall operate the One Call Damage Prevention System under a tariff approved by the Board. The term of the system operator shall be five years, but the Board may rescind this designation if it determines, after hearing, that the designee is not operating the system in conformance with the Act. In the fifth year of a system operator’s term, the Board shall advertise the position in the New Jersey Register and in newspapers of general circulation. The Board shall accept applications and designate a party for a new five year term based on a determination of the applicant that will best operate the system to achieve the purposes of the Underground Facility Protection Act. The Board shall announce its choice of system operator for the next term at least three months prior to the expiration of the current term.

Public Notice: One Call Damage Prevention System Operator Applications.

See: 31 N.J.R. 905(b), 31 N.J.R. 1113(a).

SUBCHAPTER 4. EXCAVATORS

Authority

N.J.S.A. 48:2-73 et seq.

Source and Effective Date

R.1997 d.164, effective April 7, 1997.
See: 28 N.J.R. 5144(a), 29 N.J.R. 1345(a).

14:2-4.1 Notice

(a) An excavator shall notify the One Call Damage Prevention System of his intent to engage in excavation or demolition not less than three business days and not more than 10 business days prior to the beginning of the excavation or demolition. In the case of a new notification that is required pursuant to (b) or (c) below, the excavator shall notify the system not less than three business days and not more than 10 business days prior to the date on which the previous notice ceases to be valid.

(b) Notice pursuant to (a) above for an excavation that is not commenced within 10 business days after notifying the One Call Damage Prevention System shall no longer be valid and any excavation occurring after 10 business days shall require new notification pursuant to (a) above.

(c) Notice pursuant to (a) above for an excavation that is commenced within 10 business days shall remain valid for 30 business days from the notification, providing that the excavator maintains any markout that is made by an operator. Any excavation continuing after the 30 business days shall require new notification pursuant to (a) above.