

CHAPTER 25

UTILITY ACCOMMODATION

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-19, 40:62-35 and 134, 48:5A-1, 48:7-1 et seq., 48:7-2 et seq., 48:9-17 and 25.4, 48:13-10, 48:17-8 and 16, and 48:19-17.

Source and Effective Date

R.2004 d.34, effective December 22, 2003.
See: 35 N.J.R. 3280(a), 36 N.J.R. 429(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 25, Utility Accommodation, expires on June 20, 2009. See: 40 N.J.R. 6761(a).

Chapter Historical Note

Chapter 25, Utility Accommodation, was adopted effective July 27, 1973 as R.1973 d.205. See: 5 N.J.R. 57(b), 5 N.J.R. 292(c).

1979 Revisions: Amendments to 12.1 became effective February 5, 1979 as R.1979 d.43. See: 11 N.J.R. 148(e). 1983 Revisions: Subchapter 13. Grade Crossing and Bridge Cases became effective March 7, 1983 as R.1983 d.45. See: 14 N.J.R. 1197(a), 15 N.J.R. 341(a).

Pursuant to Executive Order No. 66(1978), Chapter 25 expired on February 5, 1984. Chapter 25, Utility Accommodation, was adopted effective August 15, 1988 as R.1988 d.216. See: 19 N.J.R. 1064(a), 20 N.J.R. 2074(a). Subchapters 7A and 13 were adopted as R.1990 d.53, effective February 5, 1990. See: 21 N.J.R. 2234(b), 22 N.J.R. 359(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Utility Accommodation, was readopted as R.1993 d.433, effective August 9, 1993. See: 25 N.J.R. 2217(a), 25 N.J.R. 4111(a). Subchapter 8, Irrigation and Drainage Pipes, Ditches, and Canals, was repealed by R.1993 d.433, effective September 7, 1993. See: 25 N.J.R. 2217(a), 25 N.J.R. 4111(a).

Pursuant to Executive Order No. 66(1978), Chapter 25, Utility Accommodation, was readopted as R.1998 d.401, effective July 10, 1998. See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).

Chapter 25, Utility Accommodation, was readopted as R.2004 d.34, effective December 22, 2003. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:25-1.1 Definitions

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

“Arterial Highway” means a highway primarily for through traffic, usually a continuous route.

“Backfill” means the replacement of suitable material around and over a pipe or conduit system.

“Bedding” means the organization of soil or other suitable material to support a pipe or conduit system.

“Border area” is the space between the outer edge of a shoulder or curb line or gutter line and the right-of-way line.

“Boring” means a method for installing pipes underground without disturbing the surface by jacking large pipes through oversize bores carved progressively ahead of the leading edge of the advancing pipe as soil is removed through the pipe.

“Bury” means the depth of the top of a pipe or conduit system below the grade of a roadway or roadside.

“Cap” means the rigid structural element covering a pipe or conduit system.

“Carrier” means a pipe directly enclosing a transmitted fluid (liquid or gas).

“Casing” means a structural element surrounding a carrier or conduit.

“Clear Zone Area” means that roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles.

“Coating” means the material applied to, or wrapped around a pipe.

“Compensable property right or interest” means the installation, removal and relocation of utility facilities which are eligible for compensation in accordance with the provisions of the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., or the procedures set forth in Federal-Aid Policy Guide, 23 CFR Part 645, Subpart A.

“Conduit” or “duct” means an enclosed tubular runway for protecting wires or cables.

“Control of Access” means the condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is controlled by the Department to give preference to through traffic either:

1. Fully with access connections at selected public roads and with prohibited crossings at grade or prohibited direct driveway connections; or

2. Partially with some crossings at grade and some driveway connections in addition to access connections at selected public roads.

“Coordinating authority” means the individuals authorized by the Commissioner of the Department of Transportation to prepare utility agreements covering rearrangement and/or occupancy by utilities on highways in connection with all Department administered road construction and/or improvement projects.

“Coring” means a method for installing pipes underground without disturbing the surface by using a small casing without a pilot shoe that can be drilled into more difficult soil, which enters the pipe as it advances. The core is removed by sluicing, during or after the drilling.

“Cradle” means the rigid structural element below and supporting a pipe.

“Curb line” means the edge of the paved surface of the roadway where it meets a raised curb.

“Department” or “NJDOT” means the New Jersey Department of Transportation.

“Direct burial” means installing a utility underground without a casing or conduit.

“Drain” means an appurtenance to discharge liquid contaminants from casings.

“Driving” means a method for installing pipes underground without disturbing the surface by using a small pipe with a pilot shoe that can be driven through compressible soils by steady thrusting, hammering, or vibrating.

“Encroachment” means the unauthorized use of highway right-of-way or easements as for signs, fences, buildings, etc.

“Expressway” means a divided arterial highway for through traffic generally with grade separations at inter-sections.

“Facility” or “facilities” means all plant and equipment owned or operated by a utility.