

CHAPTER 25

UTILITY ACCOMMODATION

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:7-19, 27:7-44.9, 40:62-35, 40:62-134, 48:2-80 et seq., 48:5A-1, 48:7-1 et seq., 48:7-2 et seq., 48:9-17, 48:9-25.4, 48:13-10, 48:17-8, 48:17-16, and 48:19-17.

Source and Effective Date

R.2016 d.011, effective February 1, 2016.
See: 47 N.J.R. 1903(a), 47 N.J.R. 2490(a), 48 N.J.R. 209(a).

Chapter Expiration Date

Chapter 25, Utility Accommodation, expires on February 1, 2023.

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 Subchapter 8, Irrigation and Drainage Pipes, Ditches, and Canals, was repealed by R.1993 d.433, effective September 7, 1993.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: 35 N.J.R. 3280(a), 36 N.J.R. 429(a).

Chapter 25, Utility Accommodation, was readopted as R.2009 d.84, effective February 6, 2009. See: 40 N.J.R. 6761(a), 41 N.J.R. 1266(b).

Chapter 25, Utility Accommodation, was repealed, and Chapter 25, Utility Accommodation, was adopted as new rules by R.2016 d.011, effective February 1, 2016. See: Source and Effective Date.

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SUBCHAPTER 1. PURPOSE, SCOPE, STANDARDS,
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16:25-1.1 Purpose

This chapter provides the standards and procedures for the location, design, and methods of installing, maintaining, and relocating utilities within State highway right-of-way. This chapter is intended to preserve the integrity and visual quality of the highway; its maintenance and efficiency; to ensure the present and future safety of highway traffic; to promote cooperation among multiple users of the Department's right-of-way; and to ensure that for all utility installations, regardless of the method used, proper controls, compliance with specifications and use of trained personnel shall be used to achieve safe and dependable utility installations. Requirements of this chapter will not be applied retroactively to existing utility facilities until they are adjusted, replaced, or relocated.

16:25-1.2 Scope

(a) All utility facilities approved under highway occupancy permits, pursuant to N.J.A.C. 16:41 or by utility agreements issued pursuant to this chapter, are subject to the requirements of this chapter. Public utilities and cable television companies subject to this chapter are owners of underground, surface, or overhead facilities, either singularly or in combinations. The utilities include, but are not limited to, electric, telephone, sewer, water, gas facilities, and cable services. Requests for permits or agreements by private utilities will be treated as special cases pursuant to N.J.A.C. 16:25-5.1.

(b) Where laws or orders of public authorities, industry, government codes, or highway authorities prescribe a higher degree of protection than provided by this chapter, then the higher degree of protection shall prevail.

16:25-1.3 Standards

(a) Utility design and construction are subject to minimum safety standards and construction requirements prescribed by national or industry standard codes.

(b) In the absence of applicable national, State, or local regulatory agency standard codes, the industry standard code shall apply.

(c) The minimum applicable standards set forth in the Department's Design Standards shall apply in all instances where any such applicable highway specifications are more restrictive or require greater safety factors or higher standards

of construction, materials, or workmanship than the applicable national or industry standard code. The Design Standards, which are incorporated herein by reference, as amended and supplemented, are as follows:

1. The New Jersey Department of Transportation Roadway Design Manual, 2008 edition, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/documents/RDM/;

2. The New Jersey Department of Transportation Bridges and Structures Design Manual, 5th edition, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/documents/BSDM/;

3. The New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2007 edition, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/;

4. The New Jersey Department of Transportation Sample Plans, 2007, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/;

5. The New Jersey Department of Transportation Standard Roadway Construction/Traffic Control/Bridge Construction Details, 2007, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/;

6. The New Jersey Department of Transportation Standard Electrical Details, 2007 edition, available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at: www.nj.gov/transportation/eng/elec/; and

7. The New Jersey Department of Transportation's Soil Erosion and Sediment Control Standards 2008 edition, as required under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., available from the Department's Engineering Documents Unit at 609-530-5587 or on the Department's website at www.nj.gov/transportation/eng/documents/SESC/.

(d) Additional governmental and industry standards that are applicable, which are incorporated herein by reference, as amended and supplemented, are as follows:

1. A Policy on Geometric Design of Highways and Streets, 6th edition, available from the American Association of State Highway and Transportation Officials (AASHTO), Suite 249, 444 North Capitol St., NW, Washington, DC 20001, or on the AASHTO website at: <https://bookstore.transportation.org/>;

2. A Guide for Accommodating Utilities Within Highway Right-of-Way, 4th Edition, available from AASHTO, Suite 249, 444 North Capital St., NW, Washington, DC,