

14:2-3.1 Designation

The Board shall designate a person 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 person 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).

Amended by R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

Substituted "person" for "system operator" in the first sentence and "person" for "party" in the fourth sentence.

SUBCHAPTER 4. EXCAVATORS

14:2-4.1 Notice

(a) Notification to the One-Call Damage Prevention System, as provided in this section, shall be made by the person or entity actually directly performing the excavation.

(b) 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 (c) or (d) 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.

(c) Notice pursuant to (b) 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 (b) above.

(d) Notice pursuant to (b) 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 (b) above.

(e) Where appropriate to provide clarification of the site of the intended excavation, an excavator shall mark and identify the perimeter of the proposed site using white paint or other appropriate white marking materials prior to notifying the One Call Damage Prevention System of his intent to excavate.

(f) Upon notifying the One-Call Damage Prevention System, an excavator shall provide the following information:

1. The name and telephone number of the person notifying the One-Call Damage Prevention System;
2. The name, address and office and field telephone numbers and facsimile numbers of the excavator;
3. The name, address and telephone number of the person for whom the excavation work is to be performed; and
4. The specific site location, starting date, starting time and description of the intended excavation or demolition, including the approximate depth of the excavation or demolition.

Amended by R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

Added a new (a), recodified former (a) through (d) as (b) through (e) and amended paragraph designators throughout, and added (f).

14:2-4.2 Duties of excavators

(a) An excavator shall:

1. Not operate any mechanized equipment within two feet horizontally of the outside wall of any underground facility marked in accordance with the provisions of this chapter unless the underground facility has been first located by hand digging. Mechanized equipment shall be used with proper care and under adequate supervision to avoid damage to the underground facility;
2. Plan the excavation or demolition to avoid damage to and to minimize interference with underground facilities;
3. Use reasonable care during excavation or demolition to avoid damage to or interference with underground facilities; and
4. After commencement of excavation or demolition, protect and preserve the marking, staking, or other designation of an underground facility until the marking, staking or other designation is no longer necessary for safe excavation or demolition.

New Rule, R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

Former N.J.A.C. 14:2-4.2, Emergency excavations, recodified to N.J.A.C. 14:2-4.3.

14:2-4.3 Emergency excavations

(a) An excavation that is undertaken in response to an emergency shall not be subject to the notification requirements of N.J.A.C. 14:2-4.1, provided that the One Call Damage Prevention System is notified at the earliest reasonable opportunity and that all reasonable precautions are taken to protect any underground facilities that may be located at the site of the excavation. Notification required pursuant to this subsection shall be given prior to excavation, if feasible. An excavator who provides notice of an emergency excavation that is not in compliance with the notification requirements of N.J.A.C. 14:2-4.1 shall include with the notice an explanation as to why such late notification was reasonable.

(b) An excavation with non-mechanized equipment that is undertaken between October 1 and April 30 of the following year, in order to repair or replace the vent or filler pipe of an underground heating oil tank or any other heating system in response to a service call by a customer, shall not be subject to the requirement of notifying the system operator not less than three business days prior to the beginning of the excavation. An excavator shall notify the One Call Damage Prevention System operator prior to commencing the excavation, but the excavation may be commenced immediately upon notification.

Recodified from N.J.A.C. 14:2-4.2 by R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

Former N.J.A.C. 14:2-4.3, Accident reporting, recodified to N.J.A.C. 14:2-4.4.

14:2-4.4 Accident reporting

(a) An excavator shall immediately report to the operator of an underground facility any damage to the facility caused by or discovered by the excavator in the course of excavation or demolition work.

(b) In those instances where the excavator is unable to reach the affected operator and to obtain confirmation that a message concerning the damage has been received by the appropriate responsible party, the excavator shall also inform the One-Call Damage Prevention System Operator at 1-800-272-1000, in addition to notifying appropriate local police and fire or other emergency agencies when indicated.

New Rule, R.2000 d.1, effective January 3, 2000.

See: 30 N.J.R. 4130(a), 32 N.J.R. 63(a).

Recodified from N.J.A.C. 14:2-4.3 by R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

SUBCHAPTER 5. MARKOUTS

14:2-5.1 Temporary markouts

All temporary markouts shall conform with the requirements of the Act, as supplemented by this subchapter.

14:2-5.2 Locations of markouts

(a) Markouts of an underground facility 12 inches or less in nominal outside dimension shall be over the center line of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility.

(b) Markouts of an underground facility greater than 12 inches in nominal outside dimension shall be over each outside wall of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility.

(c) Markouts shall be made at intervals sufficient to clearly indicate the location and direction of the underground facility. However, the distance between any two marks indicating the same facility shall not be more than 25 feet. Site conditions or directional changes of the underground facility may necessitate a shorter distance between marks.

(d) Markouts shall conform with those standards set forth in Appendix A to this subchapter, incorporated herein by reference.

(e) If conditions exist which make it impossible to mark out the center line or outside walls of the underground facility, the operator may indicate the location of the underground facility by use of offset markings that clearly indicate the location and course of the underground facility. Offset markings must follow the criteria set forth in N.J.A.C. 14:2-5.7.

(f) Whenever more than one underground facility of the same type is located within a rigid envelope, there shall be only one centerline or outside wall markout for the entire envelope.

14:2-5.3 Color and letter codes for markouts

(a) Markouts shall conform to the following colors and letters codes:

Facility or Product	Letter Designation Code	Uniform Color
Water Systems	W	Safety Precaution Blue
Slurry Systems	SP	Safety Precaution Blue
Sewer Lines	S	Safety Green
Telephone and Telecommunications	T	Safety Alert Orange
Fiber Optic Cable	FOC	Safety Alert Orange
Cable Television	TV	Safety Alert Orange
Police and Fire Communications	FA	Safety Alert Orange
Electric Power Distribution and Transmission	E	Safety Red
Traffic Control (communications)	TC	Safety Alert Orange

Facility or Product	Letter Designation Code	Uniform Color Safety
Traffic Control (power)	TC	Safety Red
Gas Distribution and Transmission	G	High Visibility Safety Yellow
Petroleum products, Oil Distribution and Transmission	PP	High Visibility Safety Yellow
Steam	ST	High Visibility Safety Yellow
Hazardous liquids/Chemicals	CH	High Visibility Safety Yellow
Excavation boundaries	—	White
Proposed excavation	—	Pink
Temporary surveys†	—	Pink

† Survey markings are not within the jurisdiction of the Board under the Act; however, the Board recommends that the accepted, industry standard pink color be used for survey markings.

(b) These colors must conform to the Uniform Color Code of the American Public Works Association (2345 Grand Boulevard, Suite 500, Kansas City, Missouri 64108-2625) using Standard Z535.1 of the American National Standards Institute, Inc. (25 West 43rd St., New York, New York 10036).

Amended by R.2002 d.107, effective April 1, 2002.
See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).
Rewrote (b).

14:2-5.4 Markouts made on paved, concrete, brick or other firm surfaces

Markouts made on paved, concrete, brick, or other firm surfaces where the use of temporary stakes or flags is not possible, shall be made with paint or other suitable marking material that makes an equivalent mark, in accordance with the color code provided in N.J.A.C. 14:2-5.3. Reference in this subchapter to paint shall be construed to include other suitable marking material that makes an equivalent mark. The paint shall have sufficient lasting properties so as to withstand vehicular traffic during the course of the excavation, but shall be sufficiently degradable with time as to not be permanent.

14:2-5.5 Centerline markouts

(a) Painted markouts of underground facilities of 12 inches or less nominal outside dimension shall consist of the following:

1. Three paint marks, each approximately eight inches to 10 inches in length, and approximately one inch to two inches in width, with the eight inch to 10 inch side of each paint mark over the center line of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility. A minimum of three separate paint marks shall be made for each underground facility;
2. The appropriate uniform color; and

3. The appropriate letter designation code and the nominal outside dimension of the underground facility in inches, centered between the paint strokes. All letters and numbers shall be six to eight inches in height. Whenever more than one facility is located within a rigid envelope, the markout shall state the dimension of the envelope, not of the individual facilities.

(b) Illustrations of a centerline markout are set forth in Appendix A, figures 2 and 6.

14:2-5.6 Outside dimension markouts

(a) Painted markouts of underground facilities greater than 12 inches nominal outside dimension shall consist of the following:

1. Three pairs of parallel marks, with three marks over each outside wall of the underground facility, but no more than 18 inches horizontally from either outside wall of underground facility. A minimum of three separate pairs of paint marks shall be made for each underground facility;
2. The appropriate uniform color; and
3. The appropriate letter designation code and the nominal outside dimension of the underground facility in inches, centered between the parallel marks. All letters and numbers shall be six to eight inches in height. Whenever more than one facility is located within a rigid envelope, the markout shall state the dimension of the envelope, not of the individual facilities.

(b) Illustrations of an outside dimension markout are set forth in Appendix A, figures 3 and 6.

14:2-5.7 Offset markouts

(a) An offset markout shall be made with paint on a firm surface.

(b) An offset markout symbol shall consist of the following:

1. Two perpendicular paint marks one inch to two inches in width and eight inches to 10 inches in length with an arrow head in the direction of the offset;
2. The facility letter code designation pursuant to N.J.A.C. 14:2-5.3;
3. The nominal outside dimension of the facility; and
4. The offset distance in inches and the letters "OFF".

(c) An offset markout for an underground facility of 12 inches or less nominal outside dimension shall consist of a pair of offset markout symbols as defined in (b) above. The base of each symbol shall be over the offset center line of the underground facility but no more than 18 inches horizontally, plus the offset distance, from either wall of the

underground facility. A minimum of three separate offset paint markouts shall be made for each underground facility.

(d) Illustrations of an offset centerline markout are set forth in Appendix A, figures 4 and 6.

(e) An offset markout for an underground facility of greater than 12 inches nominal outside dimension shall consist of a pair of parallel offset markout symbols as defined in (b) above. The base of each symbol shall be over one offset outside wall of the underground facility, but no more than 18 inches horizontally, plus the offset distance, from either wall of the underground facility. A minimum of three separate offset paint markouts shall be made for each underground facility.

(f) Illustrations of an offset outside dimension markout are set forth in Appendix A, figures 5 and 6.

14:2-5.8 Markouts made on non-firm surfaces

(a) Markouts made on grass, dirt, sand, or other non-firm surfaces shall be made with paint, to the maximum extent feasible, in accordance with N.J.A.C. 14:2-5.4 through 5.6 and, in addition, shall be marked with wooden or equivalent stakes and/or plastic flags.

(b) Stakes shall be two inches by two inches by 24 inches (nominal). Not less than 18 inches of the stake shall be exposed above the surface of the ground. The top six inches of the stake shall be colored in conformance with the color coding requirements of N.J.A.C. 14:2-5.3. The type of facility shall be identified on the side of the stake by one inch minimum size letter designations conforming to N.J.A.C. 14:2-5.3. The name of the operator of the underground facility shall be identified by either the operator's initials or logo in one inch minimum black lettering on the stake.

(c) Plastic flags shall be four inches by five inches (nominal) rectangular shape, attached to a staff that is a minimum of 24 inches in length. The top of the flag shall be not less than 18 inches above the surface of the ground. Flags shall be colored in conformance with the color coding requirements of N.J.A.C. 14:2-5.3. Flags shall indicate the type of underground facility by appropriate letter code, and shall also identify the name of the operator of the underground facility by either the operator's initials or logo. The facility operator's telephone number or the telephone number of the New Jersey One-Call Damage Prevention Center (1-800-272-1000) shall be shown on the flag.

(d) Illustrations of a stake markout and a plastic flag markout are set forth in Appendix A, figures 1 and 6.

(e) Markouts done in accordance with (a) above of facilities 12 inches or less in nominal outside dimension shall be flagged and/or staked over the center line of the underground facility, but no more than 18 inches horizontally from either outside wall of the underground facility. A minimum of three separate flags or stakes shall be utilized for each underground facility.

(f) Markouts done in accordance with (a) above of facilities greater than 12 inches nominal outside dimension shall consist of a pair of parallel stakes, one over each outside wall of the facility, but no more than 18 inches horizontally from either outside wall of the underground facility, with a flag conforming to the requirements of subsection (c) of this section centered between the parallel stakes. A minimum of three separate sets of stakes and center flags shall be utilized for each facility.

14:2-5.9 Records of markouts

(a) An operator shall make and maintain for seven years a record of each markout of its underground facilities. These records shall conform to the following minimum requirements:

1. A written record of the markout that identifies:
 - i. The location of the markout by street addresses and, where appropriate, lot and block number;
 - ii. The name(s) of the person(s) performing the markout including the names of any contractors who performed the markout for the operator;
 - iii. The time and date the markout was performed; and
 - iv. The markout method(s) employed, such as paint, stakes and/or flags, centerline markout, outside dimension markout and/or offset markout.

(b) In addition to a written record made pursuant to (a) above, an operator may make and maintain a record of the markout using photography or other equivalent electronic documentation, which shall:

1. Be made with color print film, if photography;
2. Depict the entire markout performed;
3. Adequately show landmarks in the vicinity of the markout in sufficient detail to establish the location of the markout; and
4. Be emblazoned with an automatic date or time stamp at the time the photographic or equivalent record is made.

(c) Operators shall make the records made pursuant to (a) and (b) above available to the Board or its staff upon request.

14:2-5.10 Markouts around white perimeter markings

Whenever an excavator has marked the perimeter of a proposed site of excavation by the color white as part of the excavator's notification to the One Call Damage Prevention System, an operator shall mark out all of the operator's facilities that lie within 10 feet of the white perimeter marking.

New Rule, R.1997 d.164, effective April 7, 1997.

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

SUBCHAPTER 6. UNDERGROUND FACILITY OPERATORS

14:2-6.1 General requirements

(a) An operator of an underground facility shall:

1. Participate in and comply with the requirements of the One Call Damage Prevention System that are set forth in the Act and in this chapter;

2. Mark out its underground facilities in compliance with the markout standards in N.J.A.C. 14:2-5 within three business days after receipt from the One Call Damage Prevention System operator of the information concerning a notice of intent to excavate; and

3. Maintain a record of all damage to its underground facilities, including all damage reported by an excavator pursuant to N.J.A.C. 14:2-4.3, and provide an updated copy of this record to the Board on a quarterly basis.

(b) An underground facility operator who does not own, operate or control any underground facility at the site concerning which the operator received information of a timely notice of intent to excavate shall make a reasonable effort to so advise the excavator within three business days of receipt of the information.

Amended by R.2002 d.107, effective April 1, 2002.
See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).
In (a), added 3.

14:2-6.2 Markout exemptions

(a) The following operators are not subject to the markout requirements in N.J.A.C. 14:2-5:

1. An operator of an underground non-metallic water pipe or non-metallic water distribution facility that was installed prior to November 18, 1994; and

2. A State department or agency operator that meets the requirements of N.J.S.A. 48:2-81(b).

(b) An operator that qualifies for the limited exemption in (a) above shall otherwise participate in and comply with the requirements of the One Call Damage Prevention System. An operator of such a facility who receives information of a timely notice of intent to excavate shall cooperate

with the excavator in reasonable efforts to determine the location of the facility.

Amended by R.2002 d.107, effective April 1, 2002.
See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).
In (a)2, inserted "department or" preceding "agency operator".

14:2-6.3 Interstate natural gas or hazardous liquid pipelines

An operator of an interstate natural gas pipeline or an interstate hazardous liquid underground pipeline shall file a map depicting the route of the pipeline in this State with the Board, with the Department of Environmental Protection, and with the clerk of each municipality in the State through which the interstate pipeline passes.

14:2-6.4 Operator waivers

(a) The Board shall grant a waiver after application therefor when an operator demonstrates that:

1. Any damage that may be caused to an underground facility owned, operated or controlled by the operator would pose no threat to the public safety; or

2. There is no possibility that an underground facility owned, operated or controlled by the operator will ever be damaged by an excavation.

(b) An applicant for a waiver pursuant to (a) above shall follow the procedures for a petition set forth in N.J.A.C. 14:1-4 and, while the request is being considered by the Board, shall participate in the One-Call Damage Prevention System.

Amended by R.2002 d.107, effective April 1, 2002.
See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).
Rewrote (b).

14:2-6.5 Reportable accidents

(a) Each operator shall keep a record of and report to the Board all accidents that come within the meaning of reportable accidents, as defined in (b) below, occurring as a result of damage to the operator's underground facilities caused by excavation or demolition.

(b) A reportable accident is defined as an accident that results in one or more of the following circumstances:

1. Death of a person;

2. Serious disabling or incapacitating injuries to persons, including employees of the operator;

3. Damage to the property of the operator which materially affects its service to the public or results in a significant risk to public safety;

4. Except as provided in (c) below, damage to the property of others amounting to more than \$5,000; or

5. Any accidental ignition of gas.

(c) The Board shall be notified by the speediest, most feasible and practical means of communication available, followed by a detailed written report, as hereinafter set forth, of all reportable accidents which are clearly reportable and those for which there is good reason to believe may result in a "reportable accident" as defined herein. This notice shall in no event be made later than two hours after the operator learns of the accident. In addition, accidents that result in damage to the property of others in an amount between \$2,000 and \$5,000 shall be reported to the Board within 48 hours. The initial report shall be followed by additional reports, transmitted by any feasible means, providing further information about the accident as soon as practicable after the information becomes available, so as to enable Board staff to immediately undertake any necessary steps, such as site investigation. If such notification is not given in any case for the reason that at the time of the accident there were no indications that it was or would be reportable, and it subsequently develops that the accident is reportable, the operator involved shall notify the Board immediately after it has been ascertained that such accident is reportable. A detailed written report containing full information about the accident and a full explanation of why it was not immediately reported must then follow. Failure to demonstrate that it was not possible to have provided timely, complete and accurate notice to the Board may subject the operator to administrative enforcement action pursuant to N.J.S.A. 48:2-86 and 48:2-88.

(d) Initial notice of reportable accidents shall be made to the Board's Division of Service Evaluation by calling (973) 648-2066, and shall include all significant facts that are known by the operator about the location and cause of the accident and the extent of the damages and injuries, if any. Written reports shall be sent to the Board Secretary and to the Director of the Division of Service Evaluation, Board of Public Utilities, Two Gateway Center, Newark, New Jersey 07102 as soon as possible but no later than 15 days after the date of the accident.

(e) Notification to the Board's Division of Service Evaluation outside of normal hours shall be made by calling 1-800-817-6715.

(f) Annually, on January 30th, operators of underground facilities shall provide the Board with information pertaining to their procedures for the receipt of notification of accidental damage to these facilities and for emergency contact numbers. Operators are responsible for maintaining an emergency contact number for this purpose on a 24-hour per day basis, and must provide the Board with the names and titles of the supervisory level employees responsible for receipt of, and taking appropriate action on, notices of accidental damage to their facilities.

New Rule, R.2000 d.1, effective January 3, 2000.

See: 30 N.J.R. 4130(a), 32 N.J.R. 63(a).

Amended by R.2002 d.107, effective April 1, 2002.

See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

In (b), rewrote 4 and added 5; in (c), inserted "for" preceding "which there" and substituted "a 'reportable accident'" for "reportable accidents" in the first sentence and added the third sentence.