

CHAPTER 2

**UNDERGROUND FACILITIES:
ONE-CALL DAMAGE PREVENTION SYSTEM**

Authority

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

Source and Effective Date

R.2007 d.298, effective August 23, 2007.
See: 39 N.J.R. 1232(a), 39 N.J.R. 4422(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 2, Underground Facilities: One-Call Damage Prevention System, expires on August 23, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 2, Protection of Underground Facilities: One-Call Damage Prevention System, was adopted as R.1996 d.467, effective October 7, 1996. See: 27 N.J.R. 3773(a), 28 N.J.R. 4489(a).

Subchapter 3, System Operator, Subchapter 4, Excavators, and Subchapter 6, Underground Facility Operators, were adopted as R.1997 d.164, effective April 7, 1997. See: 28 N.J.R. 5144(a), 29 N.J.R. 1345(a).

Chapter 2, Protection of Underground Facilities: One-Call Damage Prevention System, was readopted as R.2002 d.107, effective March 6, 2002. See: 33 N.J.R. 2606(a), 34 N.J.R. 1458(a).

Chapter 2, Protection of Underground Facilities: One-Call Damage Prevention System, was readopted as R.2007 d.298, effective August 23, 2007. As a part of R.2007 d.298, Chapter 2, Protection of Underground Facilities: One-Call Damage Prevention System, was renamed Underground Facilities: One-Call Damage Prevention System; Subchapter 2, Definitions, was recodified to N.J.A.C. 14:2-1.2; Subchapter 3, System Operator, was recodified to Subchapter 2 and renamed One-Call System Operator; Subchapter 4, Excavators, was recodified to Subchapter 3 and renamed Excavators and Responsible Contractors; Subchapter 4, Underground Facility Operators, was adopted as new rules; and Subchapter 6, Underground Facility Operators, was repealed and Subchapter 6, Violations, Penalties, and Enforcement, was adopted as new rules, effective October 15, 2007. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. SCOPE

- 14:2-1.1 Scope and applicability
- 14:2-1.2 Definitions

SUBCHAPTER 2. ONE-CALL SYSTEM OPERATOR

- 14:2-2.1 Duties of System operator
- 14:2-2.2 Designation and term of System operator

SUBCHAPTER 3. EXCAVATORS AND RESPONSIBLE CONTRACTORS

- 14:2-3.1 Notice of intent to excavate - timing
- 14:2-3.2 Notice of intent to excavate – contents, perimeter marking
- 14:2-3.3 Excavators - onsite requirements
- 14:2-3.4 Responsible contractors
- 14:2-3.5 Excavation or demolition in response to an emergency
- 14:2-3.6 Excavators - incident and damage reporting

SUBCHAPTER 4. UNDERGROUND FACILITY OPERATORS

- 14:2-4.1 Applicability
- 14:2-4.2 Underground facility operators – basic requirements
- 14:2-4.3 Underground facility operators – markout records
- 14:2-4.4 Underground facility operators – accidents and emergencies

SUBCHAPTER 5. MARKOUTS

- 14:2-5.1 General markout provisions
- 14:2-5.2 Specifications for marks used in markouts
- 14:2-5.3 Types of markouts
- 14:2-5.4 Centerline markouts
- 14:2-5.5 Outside dimension markouts
- 14:2-5.6 Offset markouts
- 14:2-5.7 through 14:2-5.10 (Reserved)

SUBCHAPTER 6. VIOLATIONS, PENALTIES, ENFORCEMENT

- 14:2-6.1 Violations in general
- 14:2-6.2 Penalty amounts
- 14:2-6.3 Notice failure, prima facie evidence of negligence
- 14:2-6.4 Notices of probable violation
- 14:2-6.5 Response by alleged violator to Notice of Probable Violation
- 14:2-6.6 Failure of alleged violator to submit Answering Certification
- 14:2-6.7 Notice of Administrative Order and Civil Administrative Penalty Assessment (AONOCAPA)
- 14:2-6.8 Adjudicatory hearings
- 14:2-6.9 Actions in Superior Court
- 14:2-6.10 Criminal prosecution

APPENDIX

SUBCHAPTER 1. SCOPE

14:2-1.1 Scope and applicability

(a) This chapter implements the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq.

(b) This chapter governs the following, as these terms are defined at N.J.A.C. 14:2-1.2:

1. The Board-designated One-Call System Operator;
2. Underground facility operators;
3. Excavators; and
4. Responsible contractors.

(c) This chapter establishes the one-call damage prevention system (also called the One-Call System). The One-Call System receives information from excavators that plan to perform excavation or demolition, and relays that information to those persons that own, operate, or control the operation of underground facilities, and have registered with the One-Call System operator. This chapter is intended to ensure that underground facilities are marked to enable excavators to avoid damaging underground facilities.

(d) This chapter applies to a homeowner as follows:

1. Because a homeowner that owns only residential underground facilities, including, but not limited to, an underground sprinkler system or an underground structure for lighting, is excluded from the definition of "underground facility operator," such a homeowner is not subject to the requirements for underground facility operators at N.J.A.C. 14:2-4; and

2. Any homeowner that performs excavation or demolition is acting as an excavator and therefore shall comply with all requirements of this chapter that apply to excavators, including the requirement at N.J.A.C. 14:2-3.1 for notice to the One-Call center prior to excavation or demolition.

(e) This chapter does not affect or apply to the requirements for identification of utility equipment under N.J.A.C. 14:3-2.5.

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.

Amended by R.2007 d.298, effective October 15, 2007.

See: 39 N.J.R. 1232(a), 39 N.J.R. 4422(b).

Section was "Scope". Added designation (a); rewrote the introductory paragraph; and added (b), (c), (d) and (e).

14:2-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

"Act" means the Underground Facility Protection Act.

"Business day" means any day other than Saturday, Sunday, or a State recognized holiday.

"Damage" means any impact or contact with an underground facility, its appurtenances or its protective coating or any weakening of the support for the facility or protective housing, including, but not limited to, a break, leak, dent, gouge, groove, or other damage to the facility, its lines, or their coating or cathodic protection.

"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.

"Excavate" or "excavation" or "demolition" 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. This term includes utility pole removal, but does not include:

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

2. Routine use of a hand tool on a residential property or a residential right-of-way, to remove earth for the repair of a sprinkler system or to locate a property boundary marker, which does not remove earth to a depth of more than six inches;

3. Excavation or demolition that remains entirely within the flexible or rigid pavement box within a right-of-way, such that it does not disturb any material except for the pavement;

4. Tilling of soil for agricultural purposes to a depth of 18 inches or less, on land that has received or is eligible to receive a farmland assessment under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq.; or

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

"Excavator" means any person performing excavation or demolition, including a homeowner or person performing excavation or demolition on a residential property on behalf of a homeowner.

"Hand digging" means any excavation involving non-mechanized tools or equipment, including, but not limited to, digging with shovels, picks, probe bars and manual post-hole diggers.

"Mark" means any line, arrow, curve, whiskers, flag, stake, or other symbol, placed or made as part of a markout.

"Markout" means letters, symbols and marks, as defined in this section, placed on the ground or other surface in order to show the location and characteristics of an underground facility.

"Mechanized equipment" means equipment powered by a motor, engine, or hydraulic, pneumatic or electrical device, including, but not limited to, trenchers, bulldozers, power shovels, augers, backhoes, scrapers, drills, cable and pipe plows, and other equipment used for plowing-in cable or pipe, but does not include tools manipulated solely by human power.