

16:25-5.2 Type of construction

(a) Any longitudinal installation of overhead lines on the highway rights-of-way shall be limited to single wooden pole type of construction. Pole replacement is an exception to single wooden pole type of construction. Pole replacement shall be completed within 90 calendar days of installation of the new pole including removal of the pole being replaced. The permittee is responsible for compliance with this requirement. The Department shall consider requests to use a non-wooden pole type of construction on a case-by-case basis in accordance with N.J.A.C. 16:25-2.3, only in circumstances in which public safety is not compromised.

(b) Joint-use single pole construction shall be encouraged, as indicated by Rule 222 of the NESC¹, at locations where more than one utility or type of facility is involved. This is of particular significance at locations where the right-of-way widths approach the minimum needed for safe operations or maintenance requirements or where separate installations may require extensive removal or alterations of trees. Every effort should be made to limit utility poles to one side of the highway with joint usage.

Amended by R.1993 d.433, effective September 7, 1993.
See: 25 N.J.R. 2217(a), 25 N.J.R. 4111(a).
Amended by R.1998 d.401, effective August 3, 1998.
See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).

In (a), inserted new second through fourth sentences, and substituted a reference to circumstances for a reference to unusual circumstances in the last sentence; and in (b), added a third sentence.

¹Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, current issue, National Bureau of Standards, U.S. Department of Commerce (for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402).

16:25-5.3 Clearance

(a) The minimum clearances for overhead power and communication lines shall in no case be less than the standards prescribed by the (NESC).

(b) Greater clearances are permissible.

(c) The minimum clearances between overhead power lines and highway traffic signals or lighting standards shall be determined by the following:

Power Line Voltages ¹	Minimum Clearances ³	
	Lateral NESC	Vertical NESC
0-750 volts		
750 volts-50 KV ²	10 feet (3.048 m)	10 feet (3.048 m)

Notes:

¹ Voltages are measured phase to ground.

² Voltages above 50 KV, clearance shall be increased by 0.4 inches (10 mm) per kilovolt.

³ Overhead power lines conforming to either of the following requirements shall adhere to the minimum clearances prescribed by the National Electrical Safety Code (NESC):

i. Cables of any voltage covered with a continuous auxiliary semiconducting shield in combination with

suitable metallic drainage and supported on and cabled together with an effectively grounded bare messenger.

ii. Insulated, nonshielded cable operated at not over five KV phase to phase, or 2.9 KV phase to ground, effectively grounded bare messenger.

(d) The minimum clearances between overhead power lines and highway signs, sign standards or sign bridges shall be determined by the following:

Power Line Voltages	Minimum Clearances	
	Lateral NESC	Vertical NESC
0-750 volts		
750 volts-50 KV	NESC	10 feet (3.048m)

Note: Voltages above 50 KV, clearance shall be increased by 0.4 inches (10 mm) per kilovolt.

Amended by R.1998 d.401, effective August 3, 1998.
See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).
Rewrote the section.

16:25-5.4 Location

(a) Utility poles shall be located as close to the right-of-way line as practical. The pole offset shall be five feet (1.5 m) from the right-of-way line. The Department may direct a utility to locate utility poles farther from the right-of-way line. The Department may request a utility to locate utility poles closer to the right-of-way line, and the utility may decline the request based upon one or more of the following factors: closeness of buildings or slopes; existing pole construction type; maintenance requirements; future utility needs; constructability; environmental constraints; public safety; and mitigating conditions such as the existence of parking, auxiliary lanes or excess lane widths which lessen the accident exposure or severity. A utility may apply to the Department for leave to locate utility poles farther from or closer to the right-of-way line, and the Department shall consider the utility's application based upon the Department's consideration of the following factors: closeness of buildings or slopes; existing pole construction type; maintenance requirements; future utility needs; constructability; environmental constraints; public safety; and mitigating conditions such as the existence of parking, auxiliary lanes or excess lane widths which lessen the accident exposure or severity. In no case shall utility poles be located closer than 1.5 feet (0.5 m) distance from the face of the pole to the face of the curb or gutter line.

(b) Utility poles shall be behind the sidewalk and as close to the right-of-way line as practical. When this is not feasible, poles may be placed between the sidewalk and the curb or gutter line, as close to the sidewalk as possible.

(c) Consideration should be given to increasing the minimum pole offsets on the outside of horizontal curves, particularly on those curves with a sharper degree of curvature than what are normal for the section of highway involved.

Amended by R.1993 d.433, effective September 7, 1993.
See: 25 N.J.R. 2217(a), 25 N.J.R. 4111(a).

Amended by R.1998 d.401, effective August 3, 1998.

See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).

Rewrote the section.

Case Notes

Department of Transportation found primarily responsible for ensuring appropriate safety standards are satisfied by facilities installed in highway rights of way; telephone pole location rule was adopted to guide Department personnel in determining pole location; telephone company's failure to comply with location rule promulgated years after pole erected held not to constitute proof of negligence. *Ball v. New Jersey Bell Telephone Co.*, 207 N.J.Super. 100, 504 A.2d 29 (App.Div. 1986), certification denied 104 N.J. 383, 517 A.2d 391 (1986).

16:25-5.5 General considerations

(a) The desirable offset behind guide rail is four feet (1.2m). See the New Jersey Department of Transportation Design Manual—Roadway for further information.

1. In those cases where poles are set, with less than desirable offset behind guide rail, and said placement requires that the guide rail be modified, the utility owner shall be responsible for modifying, or for the cost of modifying the guide rail for a minimum distance of 12 and one-half feet (3.8 m) either side of the pole.

(b) Poles shall always be located behind guide rail wherever same exists and should not be placed longitudinally within 25 feet (7.5 m) of the advance of, or after the terminus of, guide rail. Where crash worthy end treatments exist, poles shall be located 50 feet (15 m) longitudinally behind the guide rail's termini. See New Jersey Department of Transportation Design Manual—Roadway for further details.

(c) Placement of poles in islands that do not have a longitudinal through roadway length of 100 feet (30 m) or more is discouraged, except where other locations are unusually difficult and unreasonably costly.

(d) Poles being constructed normal to a bridge in proximity to the structure will maintain a minimum of 40 feet (12 m) offset from the main span of the bridge structure.

(e) Guy wires to ground anchors and stub poles shall not be placed between a pole and the traveled way where they encroach upon the clear zone area. Push brace poles shall not be placed between the utility pole and the traveled way.

(f) Where irregular shaped portions of the right-of-way extend beyond the normal right-of-way limits, variances in the location from the right-of-way line may be allowed, as necessary, to maintain a reasonably uniform alignment for longitudinal overhead installations.

(g) Poles, guys, or other related facilities shall not be located in a highway median. Poles and other appurtenances for highway lighting may be located in the median if other alternatives are determined to be impractical and where suitable protection is provided to the highway user.

(h) When rebuilding an existing pole line or constructing a new pole line at locations where there is no traffic signal standard, lighting standard, or sign standard, poles of not less than 40 feet (12.2 m) on overall length shall be installed and the attached primary line, at its lowest point, shall have a minimum clearance of 30 feet (9.1 m) from the ground. At locations where a traffic signal standard, lighting standard, or sign standard exists, the criteria shall conform to N.J.A.C. 16:25-5.3.

(i) When electrical facilities (26 KV and above) are approved for installation across limited access highway rights-of-way in accordance with N.J.A.C. 16:25-5.1, they shall be installed in accordance with the criteria outlined in N.J.A.C. 16:25-5.3; however, the proximity criteria used shall take into account not only existing highway facilities (that is, light standards, sign supports, etc.), but also facilities that the Department proposes within the area where the utility crossing will be constructed.

Recodified from 16:25-5.6 and amended by R.1993 d.433, effective September 7, 1993.

See: 25 N.J.R. 2217(a), 25 N.J.R. 4111(a).

Former 16:25-5.5, Design exceptions, repealed.

Amended by R.1998 d.401, effective August 3, 1998.

See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).

Inserted metric measurement references throughout; in (d), inserted "normal to a bridge" following "constructed", and substituted a reference to main spans for a reference to main portions; in (e), substituted a reference to clear zone areas for a reference to clear roadside areas in the first sentence, and added a second sentence; and in (g), substituted "Poles" for "Longitudinal installations of poles" at the beginning.

SUBCHAPTER 6. SCENIC ENHANCEMENT

16:25-6.1 General provisions

The type and size of utility facilities and the manner and extent to which they are permitted along or within highway rights-of-way can materially alter the scenic quality, appearance, and view of highway roadsides and adjacent areas. For these reasons, additional controls as set forth in N.J.A.C. 16:25-6.2 through 6.4 are desirable in certain areas that have been acquired or set aside for their scenic quality. Such areas include scenic strips, overlooks, rest areas, recreation areas, the rights-of-way of highways adjacent thereto, and the rights-of-way of sections of highways which pass through public parks, recreation areas, wildlife and waterfowl refuges and historic sites.

The Department shall make a final decision on each request for variance from such controls.

Amended by R.1998 d.401, effective August 3, 1998.

See: 30 N.J.R. 1755(a), 30 N.J.R. 2940(a).

Rewrote the section.