

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-5.1.c.(2), Chapter 2, Underground Facilities: One-Call Damage Prevention System, expires on February 19, 2015. See: 46 N.J.R. 2011(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4, Underground Facility Operators, was adopted as new rules; and Subchapter 6, Underground Facility Operators, was repealed and Subchapter 6, Violations, Penalties, and Enforcement, was adopted as new rules, effective October 15, 2007.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.

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

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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.

“Nominal” means, in relation to the size of a pipe or other underground facility, a stake, or other object, the commonly used name of the size of the object, rather than the actual size of the object. For example, since dimensional lumber is named based on its size before drying and planing, the nominal or common-named sizes of dimensional lumber are usually expressed in terms of the nearest inch, regardless of the actual size of the lumber. Thus, a board that is two by four inches in nominal size is closer to 1½ inches by 3½ inches in actual size.

“One-Call Damage Prevention System” or “system” means the communication system established pursuant to N.J.S.A. 48:2-76.

“One-Call incident” means any of the following, if it involves an underground facility and results from excavation or demolition:

1. The death of a person;
2. A serious disabling or incapacitating injuries to one or more persons, including employees or contractors of an excavator or underground facility operator;
3. The evacuation of a building that normally is occupied by more than 25 people;
4. The evacuation of a school, hospital, public transit station, or similar public building;
5. Damage to the property of others estimated at more than \$5,000;
6. Damage to the property of the underground facility operator, which materially affects electric, gas, water or wastewater service to the public;
7. A major disruption of traffic, business, media operations, transportation, or any other vital communication or public service;
8. A significant environmental impact;
9. An event that attracts the presence of media personnel at the event, or that attracts telephone or other contact from media personnel at the time of the event; or
10. Any other occurrence similar to those at 1 through 9 above, which has a significant impact on community or public safety functions.

“One-Call System operator” or “System operator” means the person, as defined at N.J.A.C. 14:3-1.1, that the Board has designated to operate the One-Call Damage Prevention System. The System operator’s duties are detailed in a tariff, approved by the Board.

“Person” means any individual, firm, joint venture, partnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, cooperation association, or joint

stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

“Probe bar” means a rigid bar that is pushed through the earth in order to determine the exact location of underground facilities.

“Rented equipment” means mechanized equipment which is rented complete with its operator for use in an excavation or demolition.

“Rented equipment operator” means a person that performs excavation or demolition using rented equipment.

“Responsible contractor” means a person that takes responsibility for ensuring that excavation or demolition that is performed by a rented equipment operator complies with this chapter.

“Routine” means an activity which is conducted on a cyclical basis, such as annually or seasonally, which is unlikely to result in damage to an underground facility.

“Routine maintenance of residential property or of a right-of-way” means an activity which:

1. Is repeated on a cyclical basis, such as annually or seasonally;
2. Is conducted on a residential property or a right-of-way;
3. Is conducted with a hand tool and without the use of mechanized equipment, as defined in this section; and
4. Is unlikely to result in damage to any underground facility.

“Site” means the specific place where excavation or demolition is performed or is to be performed and shall be identified by street address referenced to the nearest intersecting street and sub-division name, if applicable, as well as by lot and block number, if available, and by kilometer or mile marker for railways. The boundaries of a site are determined by the excavator that will be doing the excavation or demolition.

“State department or agency” means any department, public authority, public agency, public commission, or other political subdivision of the State, including any county, municipality or political subdivision thereof.

“Underground facility” means any public or private personal property:

1. Which is buried, placed below ground, or submerged on a right-of-way, easement, public street, other public place or private property; and
2. Which is being used, or will be used:
 - i. For the conveyance of water, forced sewage, telecommunications, cable television, electricity, oil, petroleum products, gas, optical signals, or traffic control; or

- ii. For the transportation of a hazardous liquid regulated pursuant to 49 U.S.C. §§60101 et seq.

This term does not include storm drains or gravity sewers. For the purpose of this definition, “personal property” means a single conduit, or multiple conduits of the same facility type within a rigid envelope such as a concrete envelope. This envelope shall be considered one facility for the purposes of these rules, except as otherwise specifically provided.

“Underground facility operator” or “operator” means a person that owns or operates, or controls the operation of, an underground facility, except that this term does not include a homeowner who owns only residential underground facilities, such as an underground lawn sprinkler system or an underground structure for a residential low-voltage lighting system.

“Whiskers” means a small sheaf of plastic fibers, bent double and fastened together at the bent end, used to create a marker that may be used in place of paint under N.J.A.C. 14:2-5.2(c).

Amended by R.1997 d.164, effective April 7, 1997.

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

Added “Emergency”, “Excavation”, and “Routine”; and “One-Call Damage Prevention Center” was renamed “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).

Added “Business day”, “Damage”, “Excavator”, “Hand digging”, “Mechanized equipment”, “Person”, “Probe bar” and “State department or agency”; replaced “Excavation” with “Excavate” or “excavation” or “demolition”; in “One-Call Damage Prevention System”, inserted “or system” preceding “means”; rewrote “Site”.

Recodified from N.J.A.C. 14:2-2.1 and 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 “Words defined”. In the introductory paragraph, inserted the last sentence; deleted definitions “Board” and “Operator”; in definition “Business day”, deleted “nationally or” preceding “State”; rewrote definitions “Excavate” and “Underground facility”; added definitions “Mark”, “Markout”, “Nominal”, “One-Call System operator”, “One-Call incident”, “Rented equipment”, “Rented equipment operator”, “Responsible contractor”, “Routine maintenance of residential property or of a right-of-way”, “Underground facility operator” and “Whiskers”; in definition “Probe bar”, substituted “rigid” for “steel”; and in definition “Site”, substituted “or demolition” for “work”, inserted the second occurrence of “is” and added the last sentence.

Amended by R.2009 d.250, effective August 17, 2009.

See: 40 N.J.R. 6928(a), 41 N.J.R. 3096(a).

In the introductory paragraph of definition “Excavate”, deleted a comma following “rock”, “removed”, “equipment”, “driving” and “rending”; in paragraph 4 of definition “Excavate”, inserted “or” at the end; in paragraph 5 of definition “Excavate”, substituted a period for “; or” at the end; and deleted paragraph 6 of definition “Excavate”.

SUBCHAPTER 2. ONE-CALL SYSTEM OPERATOR

14:2-2.1 Duties of System operator

(a) The System operator shall operate a one-call center that is open 24 hours per day, seven days per week, and serves the entire State. The telephone number for the One-Call center shall be 1-800-272-1000 or 811.

(b) The System operator shall staff the one-call center with representatives that will do all of the following:

1. Receive and record the notice of intent to excavate provided under N.J.A.C. 14:2-3.1;
2. Assign a confirmation number to each notice of intent to engage in an excavation;
3. Inform the excavator or responsible contractor of the confirmation number;
4. For each notice of intent, maintain a register showing the name, address, and telephone number of the excavator or responsible contractor, the site to which the notice pertains, and the assigned confirmation number;
5. Promptly transmit to the appropriate underground facility operator(s) the information received from an excavator or responsible contractor regarding intended excavation or demolition;
6. Maintain a record of each notice of intent, for seven years from the date of the System operator’s receipt of the notice; and
7. Provide to the excavator or responsible contractor the names of the underground facility operators who will be notified by the One-Call center of the intended excavation.

(c) The System operator shall provide a form to excavators for the purpose of reporting a condition or configuration which has the potential to pose a danger to health and safety, in accordance with N.J.A.C. 14:2-3.4(d). Once this form is completed, the System operator shall send the completed form to the appropriate underground facility operator, in conformance with the System operator’s tariff.

New Rule, R.2007 d.298, effective October 15, 2007.

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

Former N.J.A.C. 14:2-2.1, Words defined, recodified to N.J.A.C. 14:2-1.2.

14:2-2.2 Designation and term of System operator

(a) The Board shall designate a System operator who shall operate the One-Call Damage Prevention System in accordance with a tariff approved by the Board.

(b) 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 N.J.S.A. 48:2-73 et seq., this chapter and its Board-approved tariff.

(c) In the fifth year of a System operator’s term, the Board shall advertise the System operator position in the New Jersey Register and in newspapers of general circulation and comply with all applicable rules of the New Jersey Department of the Treasury.

(d) The Board shall accept applications and shall designate a person as the System operator for a new five year term. In

choosing a System operator, the Board shall select the applicant that will best operate the system to achieve the purposes of the Underground Facility Protection Act, in accordance with N.J.S.A. 52:34-12 and N.J.A.C. 17:12.

(e) The Board shall announce its choice of System operator for the next term at least three months prior to the expiration of the existing 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.

Public Notice: One Call Damage Prevention System Operator Applications.

See: 36 N.J.R. 3598(a).

Recodified from N.J.A.C. 14:2-3.1 and 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 "Designation". Rewrote the section.

Public Notice.

See: 40 N.J.R. 6870(b).

Public Notice: Withdrawal of Public Notice at 40 N.J.R. 6870(b).

See: 41 N.J.R. 684(a).

Public Notice.

See: 41 N.J.R. 1532(a).

SUBCHAPTER 3. EXCAVATORS AND RESPONSIBLE CONTRACTORS

14:2-3.1 Notice of intent to excavate - timing

(a) A person shall not perform excavation or demolition, as defined at N.J.A.C. 14:2-1.2, unless the person performing the excavation or demolition, or a responsible contractor, has provided notice of the excavation or demolition to the One-Call center by dialing 811 or 1-800-272-1000, or by electronic notice as directed by the One-Call System operator in accordance with its Board-approved tariff. Requests provided electronically or through any procedure other than that directed for use by the One-Call System operator shall not constitute notice in compliance with this section.

(b) An excavator or responsible contractor, as defined at N.J.A.C. 14:2-1.2, shall notify the One-Call center of the intent to engage in any excavation or demolition not less than three business days before beginning the excavation or demolition, and not more than 10 business days prior to beginning the excavation or demolition, except if the excavation or demolition is necessary because of an emergency, as defined at N.J.A.C. 14:2-1.2. An excavator that performs emergency excavation or demolition shall comply with the notice requirements at N.J.A.C. 14:2-3.6.

(c) Notice provided in accordance with (a) above, for an excavation or demolition that is commenced within 10 business days after the notice, shall remain valid for 45 business days from the notification, provided that the excavator maintains any markout that is made by an underground

facilities operator. Any excavation or demolition continuing after the 45 business days shall require a new notification that meets the requirements of (a) above.

(d) If the excavation or demolition is not commenced within 10 business days after notice is provided to the One-Call center in accordance with (a) above:

1. The notice shall no longer be valid;

2. The excavator shall not perform any excavation or demolition on the site until the excavator or responsible contractor submits a new notification to the One-Call center; and

3. The new notification shall comply with (a) above in all respects; that is, the excavator shall notify the One-Call center at least three business days before, but no more than 10 business days before, beginning the excavation or demolition.

(e) By providing notice to the One-Call center, an excavator or responsible contractor assumes responsibility and liability for ensuring that the excavation or demolition is performed in accordance with this chapter and other applicable law.

(f) An excavation that is undertaken in order to repair or replace the vent or filler pipe of an underground heating oil tank or a heating system shall not be subject to the three-business-day advance notice requirement at N.J.A.C. 14:2-3.1(a), provided it meets all of the requirements at (f)1 through 3 below. Instead, such an excavation may be started immediately after notice to the One-Call center.

1. The excavation is undertaken in response to a service call by a customer;

2. The excavation or demolition uses only non-mechanized equipment; and

3. The excavation begins after October 1 and ends before April 30 of the following year.

(g) A routine excavation that is undertaken for pest management purposes on residential property shall be subject to the three-business day advance notice requirement under (a) above, the first time the excavation is performed. However, the excavation may be performed a second and subsequent times without notice to the One-Call center, provided that all of the following requirements are met:

1. The excavation is performed every time by the same excavator that provided notice to the One-Call center;

2. The excavation shall be the same type of work, shall be within the extent of work and within the depth field set forth in the original notice to the One-Call center;

3. The excavation meets the definition of "routine"; and

4. The excavation is performed solely for pest management purposes.

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).
Recodified in part from N.J.A.C. 14:2-4.1 and 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 "Notice". Rewrote the section. Former N.J.A.C. 14:2-3.1, Designation, recodified to N.J.A.C. 14:2-2.2.

Amended by R.2009 d.250, effective August 17, 2009.

See: 40 N.J.R. 6928(a), 41 N.J.R. 3096(a).

Added (g).

Administrative correction.

See: 41 N.J.R. 3939(a).

14:2-3.2 Notice of intent to excavate – contents, perimeter marking

(a) An excavator or responsible contractor shall provide notice of a planned excavation or demolition to the One-Call center by telephone (dial 811 or 1-800-272-1000), or by electronic notice as directed by the One-Call System Operator in accordance with its Board-approved tariff. Requests provided electronically or through any procedure other than that directed for use by the One-Call System operator shall not constitute notice in compliance with this section.

(b) An excavator or responsible contractor shall provide all of the following in its notice to the One-Call center:

1. The name and telephone number of the person notifying the One-Call center;
2. All of the following information regarding the excavator, any rented equipment operators that will be used, and the responsible contractor, if any:
 - i. The name and address;
 - ii. Office telephone numbers and e-mail addresses; and
 - iii. The field telephone number and, if available, field e-mail or text message addresses and/or facsimile numbers;
3. The name, address and telephone number, and e-mail address if available, of the person for whom the excavation or demolition is to be performed;
4. The starting time and date of the planned excavation or demolition;
5. A description of the intended excavation or demolition, including the approximate depth of the excavation or demolition; and
6. A description of the site, sufficient to enable the underground facility operator to accurately determine the location and boundaries of the site. The excavator shall utilize as many of the following methods as are necessary to ensure that the underground facility operator can accurately identify the site:
 - i. The street address of the site;
 - ii. The block and lot of the site; and/or

iii. A description of any white perimeter markings the excavator has made in accordance with (c) below.

(c) Where appropriate to clearly identify the site of a planned excavation or demolition, an excavator or responsible contractor may choose to mark the perimeter of the site in white, prior to notifying the One-Call center. White perimeter marking is encouraged in order to minimize unnecessary marking and locating by the underground facility operators, for example to indicate small sites, nonlinear excavations, and spot excavations such as a soil borings, mailboxes, sign posts, or tree plantings.

(d) The excavator or responsible contractor shall determine the size and shape of the site based on the planned excavation or demolition. In order to avoid unnecessary markouts, the site shall be the minimum size necessary to safely accommodate the planned excavation or demolition.

(e) If an excavator chooses to mark the site perimeters under (c) above, the excavator shall:

1. Use white paint or other appropriate white marking materials such as white flags or stakes;
2. Mark the site boundaries in a manner that is reasonably calculated to enable an underground facility operator to determine the site boundaries with sufficient accuracy so that the operator can comply with the markout provisions at N.J.A.C. 14:2-5;
3. Ensure that the white perimeter markings do not interfere with traffic or pedestrian control; and
4. If multiple excavation or demolition sites are marked in one area, each site shall be numbered, and the excavator shall provide the numbers to the One-Call center.

Recodified in part from N.J.A.C. 14:2-4.1 and 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 "Notice". Rewrote the section.

14:2-3.3 Excavators - onsite requirements

(a) An excavator or responsible contractor shall:

1. Not operate any mechanized equipment within two feet horizontally of the outside wall of any underground facility marked in accordance with 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 with reasonable care so as to avoid damage to, and minimize interference with, underground facilities;
3. Use reasonable care during excavation or demolition to avoid damage to or interference with underground facilities, including protecting each underground facility from

freezing, traffic, and/or other loads or hazard in accordance with (b) below; 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.

(b) At all times throughout the course of an excavation or demolition, an excavator shall also provide adequate physical support of all underground facilities on the site, as follows:

1. An excavator shall comply with all reasonable support specifications that the underground facility operator provides pursuant to N.J.A.C. 14:2-4.2(d);

2. If the underground facility operator does not provide support specifications under (b)1 above, the excavator shall provide support in accordance with generally accepted engineering practice. The support shall be at least equivalent to the support to the underground facility prior to the excavation;

3. The excavator shall maintain the physical support during excavation, backfilling and, if necessary, after backfilling is completed; and

4. The underground facility operator may, by mutual agreement with the excavator, choose to itself provide the physical support.

(c) If a representative of an underground facility operator determines that an excavator is not adequately protecting or supporting the facility, resulting in an unsafe condition or situation relating to the excavation or demolition, the representative may require the excavator to suspend the excavation or demolition until the problem is corrected. The representative may impose this requirement verbally only if the representative believes that an emergency exists, and shall provide a written confirmation of the verbal directive to suspend work as soon as feasible thereafter. In all other situations, the representative shall provide the directive to suspend the excavation or demolition in writing.

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.

Recodified from N.J.A.C. 14:2-4.2 and 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 "Duties of excavators". In introductory sentence of (a), inserted "or responsible contractor"; in (a)1, deleted "the provisions of" preceding and inserted a comma following "this chapter"; in (a)2, inserted "with reasonable care so as", inserted a comma following "damage to" and deleted "to" preceding "minimize"; in (a)3, inserted "including protecting each underground facility from freezing, traffic, and/or other loads or hazard in accordance with (b) below"; in (a)4, deleted a comma following "staking"; and added (b) and (c).

14:2-3.4 Responsible contractors

(a) If rented equipment, as defined at N.J.A.C. 14:2-1.2, will be used for an excavation or demolition, either the rented equipment operator or a responsible contractor shall notify the One-Call center in accordance with N.J.A.C. 14:2-3.1 and 3.2. The person who notifies the One-Call center shall be responsible and liable for ensuring that all excavation or demolition performed with rented equipment complies with this chapter.

(b) Each responsible contractor shall keep all logbooks and records required by this chapter for at least seven years, and shall make them available to the Board or Board staff upon request.

(c) A responsible contractor that notifies the One-Call center under N.J.A.C. 14:2-3.1 and 3.2 shall do all of the following:

1. Provide information as required by the One-Call center regarding all rented equipment that will be used in the excavation or demolition;

2. Wait the three business days required under N.J.A.C. 14:2-3.1 prior to performing any excavation or demolition on the site; and

3. Notify the One-Call center of each rented equipment operator that performs excavation or demolition on a site, specifying when the rented equipment operator begins working on the site; and

4. Notify the One-Call center when each rented equipment operator stops working on the site.

(d) At any time during the period that a One-Call notice is valid under N.J.A.C. 14:2-3.1(c), the responsible contractor may add or remove one or more rented equipment operators to the site, provided that the responsible contractor notifies the One-Call center before each rented equipment operator performs any excavation or demolition. No additional waiting period is required for the addition of a rented equipment operator under this subsection.

(e) A rented equipment operator shall contact the One-Call center directly to verify that the responsible contractor has notified the One-Call center of the rented equipment operator's participation in the excavation or demolition on the site.

(f) A responsible contractor shall not permit a rented equipment operator to perform excavation or demolition on a site unless the responsible contractor has notified the One-Call center that the responsible contractor will be working on that particular site.

(g) If a responsible contractor utilizes a rented equipment operator to perform excavation or demolition, the responsible contractor shall do all of the following:

1. Continuously visually monitor all hand digging and locating required under this chapter; and

2. Inspect the excavation or demolition performed by the rented equipment operator at least once each day during which the rented operator is on the site.

(h) The responsible contractor shall maintain all of the following records at the site, available for inspection by the Board or Board staff, throughout the duration of the excavation or demolition:

1. A log, updated daily, of the time and location of all hand-digging and locating performed by the rented equipment operator; and

2. A list, updated daily, of all rented equipment operators performing excavation or demolition on the site and the date and time the One-Call Center was notified of the rented equipment operator's work on the site.

New Rule, R.2007 d.298, effective October 15, 2007.

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

14:2-3.5 Excavation or demolition in response to an emergency

(a) If an excavator undertakes an excavation or demolition in response to an emergency that does not permit compliance

by the excavator with the notification requirements of N.J.A.C. 14:2-3.1, the excavator shall comply with this section.

(b) An excavator that is subject to this section shall notify the One-Call center of an emergency excavation or demolition as soon as reasonably possible without causing a delay in addressing the emergency, and shall include in the notice a description of the nature of the emergency.

(c) In a case where the excavator must perform excavation or demolition in order to address the emergency, the notice to the One-Call center shall also include a brief explanation of the circumstances that prevented the excavator from providing notice in accordance with N.J.A.C. 14:2-3.1.

(d) An excavator that performs excavation or demolition in response to an emergency shall take all reasonable precautions to protect any underground facilities that may be located at the site of the excavation or demolition.

(e) If an excavation is undertaken in order to repair or replace the vent or filler pipe of an underground heating oil tank or a heating system, the excavation may be started immediately after notice has been given to the One-Call center, provided the excavation meets all of the requirements at (e)1 through 3 below:

1. The excavation is undertaken in response to a service call by a customer;
2. The excavation or demolition uses only non-mechanized equipment; and
3. The excavation begins after October 1 and ends before April 30 of the following year.

(f) An excavation performed in accordance with (e) above shall meet all other requirements of this section and this chapter.

New Rule, R.2007 d.298, effective October 15, 2007.
See: 39 N.J.R. 1232(a), 39 N.J.R. 4422(b).

14:2-3.6 Excavators - incident and damage reporting

(a) If an excavator causes or discovers any damage, as defined at N.J.A.C. 14:2-1.2, to a line or pipe carrying natural gas, liquid petroleum or any other hazardous liquid, the excavator shall immediately call 911, and shall immediately thereafter report the damage to the appropriate representative of the underground facility operator. If the excavator cannot reach the underground facility operator, the excavator shall report the damage to the One-Call center at 811 or 1-800-272-1000.

(b) If an excavator causes or discovers any damage to an underground facility that carries anything other than natural gas, liquid petroleum or another hazardous liquid, the excavator shall immediately report the damage to the appropriate representative of the underground facility operator.

Immediately thereafter, the excavator shall report the damage to the One-Call center at 1-800-272-1000 or 811.

(c) All requirements in this section apply regardless of whether the damage results in an emergency, accident, or a dangerous condition.

(d) If, during excavation or demolition, an excavator causes or discovers any of the following, the excavator may complete and submit to the One-Call center a dangerous condition reporting form:

1. An underground facility that is, in the excavator's judgment, buried at a depth that is insufficient for safety; or
2. Any other condition or configuration relating to an underground facility, which, in the excavator's judgment, has the potential to pose a danger to health and safety, and which is not covered under (a) or (b) above.

(e) The form described under (d) above shall be provided by the System operator in accordance with N.J.A.C. 14:2-2.1(c).

New Rule, R.2007 d.298, effective October 15, 2007.
See: 39 N.J.R. 1232(a), 39 N.J.R. 4422(b).

SUBCHAPTER 4. UNDERGROUND FACILITY OPERATORS

14:2-4.1 Applicability

(a) This subchapter applies to underground facility operators, as defined at N.J.A.C. 14:2-1.2, except as specified in this section.

(b) An operator of an underground non-metallic water pipe or non-metallic water distribution facility that was installed prior to November 18, 1994 is exempt from the requirement at N.J.A.C. 14:2-4.2(a)2 to mark out the facility, but shall, within three business days of the notice to the One-Call center, cooperate with excavators in reasonable efforts to determine the location of the facility.

(c) An underground facility operator that is a State department or agency is exempt from the requirement at N.J.A.C. 14:2-4.2(a)2 to mark out its facilities in accordance with N.J.A.C. 14:2-4.2(a)2 if all of the following criteria are met:

1. The excavation or demolition is conducted on property or a right-of-way owned or controlled by the State department or agency;
2. The only underground facilities of the State department or agency at the site are traffic signals and lights, or street and highway lights; and their associated electrical feeds, control lines and traffic sensing loops;