

## CHAPTER 7

AN ACT concerning underground facilities and amending P.L.1994, c.118.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 5 of P.L.1994, c.118 (C.48:2-77) is amended to read as follows:

C.48:2-77 Operation of One-Call Damage Prevention System.

5. a. Five years after the effective date of this act, the board shall designate, through an appropriate administrative mechanism, a person to operate the One-Call Damage Prevention System. The board may, as necessary, adopt rules establishing the process by which it shall select a person to operate the system.

b. The board shall designate the Garden State Underground Plant Location Service (GSUPLS), a nonprofit corporation of this State, to operate the One-Call Damage Prevention System, on an interim basis, for five years after the effective date of this act. During this interim period, GSUPLS will operate the system in conformance with the provisions of this act and the board shall have policy oversight over operation of the system.

2. Section 8 of P.L.1994, c.118 (C.48:2-80) is amended to read as follows:

C.48:2-80 Underground facility operator, responsibilities; underground facility markings.

8. a. Except as provided in sections 6 and 9 of this act, the operator of an underground facility shall:

(1) Participate in and comply with the requirements of the One-Call Damage Prevention System established pursuant to section 4 of this act; and

(2) Mark, stake, locate or otherwise provide the position and number of its underground facilities which may be affected by a planned excavation or demolition within three business days after receipt of the information concerning a notice of intent to excavate transmitted pursuant to subsection a. of section 10 of this act. An underground facility shall be marked in accordance with standards approved by the board, which shall be based upon approved industry standards, and shall be marked at the site within 18 inches horizontally from the outside wall of the facility, in a manner that will enable the excavator to employ prudent techniques, which may include hand-dug test holes, to determine the precise position of the operator's underground facility. An underground facility shall be marked from information available in the operator's records or by use of standard locating techniques other than excavation. In temporarily marking the approximate position of an underground facility, an operator shall utilize the following color coding:

| Utility and Type Product                           | Identifying color             |
|--|-------------------------------|
| Electric Power Distribution<br>and Transmission    | Safety Red                    |
| Municipal Electric Systems                         | Safety Red                    |
| Gas Distribution and Transmission                  | High Visibility Safety Yellow |
| Oil Distribution and Transmission                  | High Visibility Safety Yellow |
| Dangerous Materials, Product<br>Lines, Steam Lines | High Visibility Safety Yellow |
| Telephone and Telecommunications                   | Safety Alert Orange           |
| Police and Fire Communications                     | Safety Alert Orange           |
| Cable Television                                   | Safety Alert Orange           |
| Water Systems                                      | Safety Precaution Blue        |
| Slurry Systems                                     | Safety Precaution Blue        |
| Sewer Lines  | Safety Green                  |

b. If an operator does not own, operate or control any underground facilities at the site concerning which he received information of a notice of intent to excavate transmitted pursuant to subsection c. of section 4 of this act, the operator shall make a reasonable effort to so advise the person giving the notice of intent to excavate, providing the notice is given within the time frame set forth in subsection a. of section 10 of this act.

c. An operator shall maintain a record of all damage to its underground facilities, including all damage reported by an excavator pursuant to subsection e. of section 10 of this act. An

operator shall provide an updated copy of this record to the board on a quarterly basis.

3. Section 15 of P.L.1994, c.118 (C.48:2-87) is amended to read as follows:

C.48:2-87 Illegal excavation; disorderly persons offense, third degree crime.

15. Any person who knowingly engages in an excavation without:

a. First using the One-Call Damage Prevention System to determine the location of underground facilities in the area being excavated; or

b. Heeding appropriate location information or markings established by any operator; or

c. Otherwise complying with the provisions of this act; is guilty of a disorderly persons offense. If, because of the violation, damage occurs to an underground facility resulting in death, serious bodily harm, or actual damage to property or loss of service revenue exceeding \$50,000, or damage occurs to an underground hazardous liquid pipeline facility resulting in the release of more than 50 barrels of product, the person shall, upon conviction, be guilty of a crime of the third degree.

Nothing in this section shall limit the jurisdiction of the board with respect to natural gas pipeline safety or limit the jurisdiction of the board or a court of competent jurisdiction with respect to the civil administrative penalty and enforcement provisions of this act.

4. This act shall take effect immediately.

Approved January 24, 1997.