

2A:170-69.4

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:170-69.4

Laws of 1976 Chapter 122

Bill No. A1805

Sponsor(s) Gewertz

Date Introduced April 1, 1976

Committee: Assembly Energy & Natural Resources

Senate Transportation & Communications

Amended during passage Yes No

Date of passage: Assembly June 21, 1976

Senate Oct. 7, 1976

Date of approval December 6, 1976

Following statements are attached if available:

Sponsor statement Yes Below No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsor's statement:

This bill simplifies certain notice provisions relating to excavating or blasting near gas pipes.

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ASSEMBLY, No. 1805

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1976

By Assemblyman GEWERTZ

Referred to Committee on Energy and Natural Resources

AN ACT to amend "An act relating to excavation or blasting near pipes distributing or transmitting manufactured, mixed or natural gas," approved May 12, 1964 (P. L. 1964, c. 53) and repealing section 3 of P. L. 1974, c. 116.

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

1 1. Section 1 of P. L. 1964, c. 53 (C. 2A:170-69.4) is amended to
2 read as follows:

3 1. (a) No person shall discharge explosives in the ground [within
4 a distance of 200 feet of any pipe distributing or transmitting
5 manufactured, mixed or natural gas, or synthetic natural gas,
6 liquefied natural gas or propane gas,] nor shall any person
7 excavate in a street, highway, public place, or private property,
8 without having first ascertained in the applicable manner pre-
9 scribed herein whether any pipe distributing or transmitting
10 manufactured, mixed or natural gas, or synthetic natural gas,
11 liquefied natural gas or propane gas is located within 200 feet of
12 the place of discharge or *within the area to be excavated* [place of
13 excavation]. The terms "excavate," "excavating" or "excava-
14 tion," as used in this act, shall not include the opening of the
15 surface and the disturbance of the subsoil thereunder of any street,
16 highway, public place or private property for the purpose of in-
17 stalling or replacing poles and their appurtenances used or to be
18 used in connection with the supplying to the public of electricity
19 for light, heat or power or of communication services. This act
20 shall not apply to any work performed by or on behalf of the New
21 Jersey Department of Transportation, New Jersey Highway
22 Authority or New Jersey Turnpike Authority or by any person
23 excavating with nonpowered hand tools on private property to a
24 depth not to exceed 18 inches.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 (b) Except as provided in subsections (c), (d) and (e) hereof,
26 the person responsible for the discharge of explosives or the
27 excavation shall serve a written notice of intention *either person-*
28 *ally or by registered or certified mail, return receipt requested, or*
29 *shall serve a telephone notice of intention on a One Number to*
30 *Call System to which the person engaged in the distribution or*
31 *transmission of the aforesaid gases may subscribe, not more than*
32 *10 and not less than [at least] 3 full working days (excluding*
33 *Saturdays, Sundays and holidays) prior to the discharge of*
34 *explosives or commencement of any excavation on the person en-*
35 *gaged in the distribution or transmission of manufactured, mixed*
36 *or natural gas, or synthetic natural gas, liquefied natural gas or*
37 *propane gas in the area. The said [written] notice of intention*
38 *shall [be served personally or by registered or certified mail, return*
39 *receipt requested, on the person so engaged in the transmission or*
40 *distribution of the aforesaid gases and shall] contain the name of*
41 *the person responsible, the date, place and type of discharge or*
42 *excavation to be conducted. Service of a single notice of intention*
43 *shall constitute compliance with this section when the discharge of*
44 *explosives or the excavations take place on more than 1 day pro-*
45 *vided either or both are part of a single continuing project. In such*
46 *cases, the said single notice of intention shall include a time*
47 *schedule of work to be done on each of the days involved. Within 3*
48 *days after receipt of the notice of intention, the person engaged in*
49 *the distribution or transmission of the aforesaid gases shall advise,*
50 *in writing or otherwise, the person named in the said notice of the*
51 *location of all such pipes within 200 feet of the place of discharge*
52 *or within the area to be excavated [place of excavation].*

53 (c) In the event of an emergency involving danger to life, health
54 or property it shall be lawful to excavate without using explosives
55 if such notice and advice, in writing or otherwise, are given as soon
56 as reasonably possible.

57 (d) In the event of an emergency involving an immediate and
58 substantial danger of death or serious personal injury it shall be
59 lawful to discharge explosives in the ground if such notice and
60 advice, in writing or otherwise, are given at any time before any
61 such discharge is undertaken.

62 (e) In the event *that a public utility, as defined in R. S. 48:2-13,*
63 *[engaged in supplying electricity for light, heat or power or in*
64 *furnishing communication services] proposes to excavate in any*
65 *public or private place, the notice provisions of subsection (b)*
66 *hereof shall be inapplicable where said public utility has entered*

67 into a written agreement with a person engaged in the distribution
68 or transmission of manufactured, mixed or natural gas, or synthetic
69 natural gas, liquefied natural gas or propane gas with respect to
70 the securing of information as to the location of its transmission or
71 distribution pipes within such place.

1 2. Section 3 of P. L. 1974, c. 116 (C. 2A:170-69.4a) is repealed.

1 3. This act shall take effect immediately.

STATEMENT

This bill simplifies certain notice provisions relating to excavating or blasting near gas pipes.

ASSEMBLY TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1805

STATE OF NEW JERSEY

DATED: MAY 12, 1976

P. L. 1964, c. 53 (C. 2A:170-69.4) provides that in certain cases where a person is excavating or blasting near gas pipes he is required to serve a written notice of intention at least 3 full working days (excluding Saturdays, Sundays and holidays) prior to the discharge of explosives or commencement of any excavation on the person engaged in the distribution or transmission of manufactured, mixed or natural gas in the area and is to be served personally or by registered or certified mail, return receipt requested.

This bill amends P. L. 1964, c. 53 by simplifying the notice provisions. It provides that the aforementioned notice of intention shall be served either by written notice or by a telephone notice on a One Number to Call System, not more than 10 and not less than 3 full working days (excluding Saturdays, Sundays and holidays). The bill further provides that the aforesaid notice of intention shall be served to a person engaged in the distribution and transmission of synthetic natural gas, liquefied natural gas or propane gas and that such notice shall include a time schedule of work to be done on each of the days involved.

Section 3 of P. L. 1975, c. 116 (C. 2A:170-69.4a) provides that no person who proposes to excavate or discharge explosives shall be issued a building permit, street opening permit or other permit for such excavation or discharge of explosives until he presents satisfactory proof to the issuing authority in the form of a written statement. Inasmuch as this bill offers the choice of serving either a telephone notice of intention or a written notice of intention, Assembly Bill No. 1805 repeals section 3 of P. L. 1974, c. 116.

The Public Utilities Commission supports this bill contending that it would simplify the notification procedure without creating additional dangers relating to excavating or blasting near gas pipes.

SENATE TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1805

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1976

The purpose of this bill is to simplify certain notice provisions relating to excavating or blasting near gas pipes. It amends section 1 of P. L. 1964, c. 53 (C. 2A:170-69.4) to provide that in certain cases the person responsible for the discharge of explosives or the excavation shall serve a written notice of intention either personally or by registered or certified mail, return receipt requested, or shall serve a telephone notice of intention on a One Number to Call System, not more than 10 and not less than 3 full working days prior to the discharge of explosives or commencement of any excavation. This notice shall be served on the person engaged in the distribution or transmission of manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas in the area and shall include a time schedule of work to be done on each of the days involved. This legislation also repeals section 3 of P. L. 1975, c. 116 (C. 2A:170-69.4a) which deals with the issuing of permits for the purpose of excavation or discharging explosives.

A representative from the Department of Public Utilities expressed support for the bill, stating that it would simplify the notification procedure and would not create additional dangers relating to excavating or blasting near gas pipes. Representatives from Public Service Electric and Gas Company and Jersey Central Power and Light Company also favored the bill, stating that it simplified notice provision procedures and that it had the support of utility companies and contractors.