

2A:170-69.4 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:170-69.4 et seq.

Laws of 1974 Chapter 116

Bill No. A 803

Sponsor(s) Gewertz & others

Date Introduced Jan. 8

Committee: Assembly Transportation & Public Utilities

Senate Institutions, Health & Welfare; Law, Public Safety & Defense

Amended during passage Yes

Amendments during passage denoted by asterisks

Date of passage: Assembly Feb. 11

Senate May 13

Date of approval Oct. 7

Following statements are attached if available:

Sponsor statement  No

Committee Statement: Assembly  No

Senate  No

Fiscal Note  No

Veto message  No

Message on signing  Yes

Following were printed:

Reports  No

Hearings  No

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CHAPTER 116 LAWS OF N. J. 1974

APPROVED 10-2-74

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ASSEMBLY, No. 803

# STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1974

By Assemblymen GEWERTZ, FORAN, YATES, PERSKIE,  
BURSTEIN, GALLO, LEFANTE, WOODSON, STEWART,  
GORMAN and CHINNICI

(Without Reference)

AN ACT to amend *and supplement* "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).

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,*  
5A *liquefied natural gas or propane gas,\** nor shall any person excavate  
6 in a street, highway, **[or]** public place, *or private property,* without  
7 having first ascertained in the applicable manner prescribed herein  
8 whether any pipe distributing or transmitting manufactured, mixed  
9 or natural gas\*, *or synthetic natural gas, liquefied natural gas or*  
10 *propane gas\** is located within 200 feet of the place of discharge  
11 or **\*[within the area to be excavated]\*** *\*place of excavation\**. The  
12 terms "excavate," "excavating" or "excavation," as used in this  
13 act, shall not include the opening of the surface and the disturbance  
14 of the subsoil thereunder of any street, highway, **[or]** public place  
15 *or private property* for the purpose of installing or replacing poles  
16 and their appurtenances used or to be used in connection with the  
17 supplying to the public of electricity for light, heat or power or of  
18 communication services. This act shall not apply to any work per-  
19 formed by or on behalf of the New Jersey **\*[Highway Depart-**  
20 **ment]\*** *\*Department of Transportation\**, New Jersey Highway  
21 Authority or New Jersey Turnpike Authority *\*or by any person*

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

22 *excavating with nonpowered hand tools on private property to a*  
 23 *depth not to exceed 18 inches\*.*

24 (b) Except as provided in subsections (c) \***[and]**\* \*\*, (d) *and*  
 25 (e)\* hereof the person responsible for the discharge of explosives  
 26 or the excavation shall serve a written notice of intention at least  
 27 3 full working days (excluding Saturdays, Sundays and holidays)  
 28 prior to the discharge of explosives or commencement of any ex-  
 29 cavation on the person engaged in the distribution or transmission  
 30 of manufactured, mixed or natural gas in the area. The said written  
 31 notice of intention shall be served personally or by registered or  
 32 certified mail, return receipt requested, on the person so engaged  
 33 in the transmission or distribution of the aforesaid gases and shall  
 34 contain the name of the person responsible, the date, place and  
 35 type of discharge or excavation to be conducted. Service of a single  
 36 notice of intention shall constitute compliance with this section  
 37 when the discharge of explosives or the excavations take place on  
 38 more than one day provided either or both are part of a single  
 39 continuing project. Within 3 days after receipt of the notice of  
 40 intention, the person engaged in the distribution or transmission  
 41 of the aforesaid gases shall advise in writing or otherwise the  
 42 person named in the said notice of the location of all such pipes  
 43 within 200 feet of the place of discharge or \***[within the area to be**  
 44 **excavated]**\* *place of excavation*.\*.

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

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

54 *\*(e) In the event a public utility engaged in supplying electricity*  
 55 *for light, heat or power or in furnishing communication services*  
 56 *proposes to excavate in any private place, the notice provisions of*  
 57 *subsection (b) hereof shall be inapplicable where said public utility*  
 58 *has entered into a written agreement with a person engaged in the*  
 59 *distribution or transmission of manufactured, mixed or natural*  
 60 *gas, or synthetic natural gas, liquefied natural gas or propane gas*  
 61 *with respect to the securing of information as to the location of its*  
 62 *transmission or distribution pipes within such place.*

1 2. Section 2 of P. L. 1964, c. 53 (C. 2A:170-69.5) is amended to  
 2 read as follows:

3 2. *Any such excavation or discharge shall be performed in such*  
4 *manner as to avoid damage to any pipe distributing or transmitting*  
5 *manufactured, mixed or natural gas or synthetic natural gas,*  
6 *liquefied natural gas or propane gas. In the event that damage*  
7 *does occur, the person distributing or transmitting manufactured,*  
8 *mixed or natural gas, or synthetic natural gas, liquefied natural gas*  
9 *or propane gas in the area shall be notified immediately.*

1 3. *No person who proposes to excavate or discharge explosives*  
2 *shall be issued a building permit, street opening permit or other*  
3 *permit for such excavation or discharge of explosives until he pre-*  
4 *sents satisfactory proof to the issuing authority in the form of a*  
5 *written statement that he has complied with the requirements of*  
6 *this act. Upon issuance of such permit or permits the person pro-*  
7 *posing to excavate or discharge explosives shall be provided with*  
8 *a placard not less than 8 1/2 inches by 11 inches by the issuing*  
9 *authority which shall be prominently displayed at the site of the*  
10 *excavation or discharge of explosives, clearly indicating that such*  
11 *permit or permits have been issued and that the holder thereof has*  
12 *complied with this act.*

1 4. *Section 3 of P. L. 1964, c. 53 (C. 2A:170-69.6) is amended to*  
2 *read as follows:*

3 3. *Any person who **[fails to give notice or advice as required by]***  
4 *violates any provision of this act is a disorderly person.\**

1 ***\*[2.]\* \*5.\*** This act shall take effect immediately.*

FROM THE OFFICE OF THE GOVERNOR

OCTOBER 7, 1974

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CARROLL

Governor Brendan Byrne signed into law Monday a bill which prohibits certain excavations and the discharge of explosives without first determining whether gas lines are located within 200 feet.

The bill, A-803, sponsored by Assemblyman Kenneth A. Gewertz, D-Gloucester, requires persons who are excavating to give three days notice to those engaged in the distribution or transmission of the affected gases in the area. The person engaged in distribution or transmission would then have three days to advise the location of all such pipes within 200 feet.

The affected gases are natural gas or synthetic natural gas, liquefied natural gas or propane gas.

The measure requires all excavations to be performed in a manner so as to avoid damage to any gas pipe.

The bill also provides that no one who proposes to excavate or discharge explosives shall be issued a building permit until proof is presented which shows compliance with the law.

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