

**State Damage Prevention Law Summary**  
**State: New Jersey**  
(Link to State law provided in Law & Regulation section below)  
Summary Date: 8/7/2017

<b>Excavator Requirements</b>	
<b>Excavation: Definition</b>	New Jersey General and Permanent Statutes (N.J.S.), Title 48: Public Utilities, § 48:2-75. 3. ... "Excavate" or "excavating" 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, but does not include routine residential property or right-of-way maintenance or landscaping activities performed with non-mechanized equipment, excavation within the flexible or rigid pavement box within the right-of-way, or the tilling of soil for agricultural purposes to a depth of 18 inches or less;
<b>Excavator: Definition</b>	N.J.S. § 48:2-75. 3. ... "Excavator" means any person performing excavation or demolition and may include a contractor having oversight for an excavation or demolition to be performed by rented, operated equipment under the contractor's on-site direction provided the contractor contacts the One-Call Damage Prevention System in the contractor's name, thereby assuming responsibility and liability, to give notice of the intent to engage in excavation or demolition work in that manner; New Jersey Administrative Code (N.J.A.C.) § 14:2-1.2 "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. ... "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.
<b>Excavator Notice to One Call Required (Yes / No)</b>	Yes
<b>Excavator Notice Minimum # Working Days Before Digging</b>	3
<b>Excavator Notice (Specific Language)</b>	N.J.S. § 48:2-82. 10. a. An excavator shall notify the One-Call Damage Prevention System established pursuant to section 4 of this act of his intent to engage in excavation or demolition not less than three business days and not more than 10 business days prior to the beginning of the excavation or demolition. N.J.A.C. § 14:2-3.1 (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.
<b>Ticket Life (# of days)</b>	45 (N.J.A.C. § 14:2-3.1 (c))
<b>White-Line Required (Yes / No)</b>	No. (Reference N.J.A.C. § 14:2-3.2 (c))
<b>Tolerance Zone</b>	24" (See N.J.S. § 48:2-80 (2) and § 48:2-82 (d) (1))
<b>Special Digging Requirements Within Tolerance Zone (Specific Language)</b>	N.J.A.C. § 14:2-3.3 (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; ...
<b>Hand Dig / Vacuum or Soft Excavation Within Tolerance Zone (Yes / No)</b>	Yes (N.J.A.C. § 14:2-3.3 (a) 1.)

<b>Preserve / Maintain Marks Required (Yes / No)</b>	Yes (N.J.A.C. § 14:2-3.3 (a) 4.)
<b>Call Again If No Response from Operator Or Signs Of Unmarked Facilities (Yes / No)</b>	No
<b>Notify One-Call if Marks Moved or No Longer Visible (Yes / No)</b>	No
<b>Special Language Regarding Trenchless Technology (Yes / No)</b>	No
<b>Separate Locate Request Required for Each Excavator (Yes / No)</b>	Yes (N.J.S. § 48:2-82 (a))
<b>Notify Operator of Damage (Yes / No)</b>	Yes (N.J.A.C. § 14:2-3.6)
<b>Notify One Call Center of Damage (Yes / No)</b>	Yes (N.J.A.C. § 14:2-3.6)
<b>Call 911 if Hazardous Materials Released (Yes / No)</b>	Yes (N.J.A.C. § 14:2-3.6)
<b>Notice Exemptions (Yes / No)</b>	Yes
<b>Notice Exemptions (Specific Language)</b>	N.J.A.C. § 14:2-1.2 ... "Excavate" or "excavation" or "demolition" ... 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.
<b>Operator Response</b>	
<b>Minimum # Days for Operator to Respond After Receiving Notice (Generally)</b>	3
<b>Operator Requirements to Respond to Locate Notification (Specific Language)</b>	N.J.A.C. § 14:2-1.1 (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 N.J.A.C. § 14:2-1.2 "Underground facility" ... does not include storm drains or gravity sewers. N.J.A.C. § 14:2-4.1 (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: ... N.J.A.C. § 14:2-4.2 (a) An underground facility operator shall ensure that it is fully equipped and available to receive from the One-Call center the information required under N.J.A.C. 14:2-3.2 regarding a planned excavation or demolition. (b) Within three business days after receiving information from the One-Call center regarding a planned excavation or demolition, an underground facility operator shall do either of the following: 1. If the underground facility operator owns, operates or controls any underground facilities on the site, the underground facility operator shall mark out the site as required under N.J.A.C. 14:2-5, except if a facility is exempt from markout requirements under N.J.A.C. 14:2-4.1(b) or (c). If an underground facility operator does not own or operate a facility, but controls it, the operator is responsible for compliance with this paragraph; or 2. If the underground facility operator does not own, operate or control any underground facilities on the site, the underground facility operator shall make a reasonable effort to notify the excavator of that fact. [Reference New Jersey Statutes § 48:2-80. a.]
<b>Minimum Standards for Locator Qualifications (Yes / No)</b>	No
<b>Minimum Standards for Locator Qualifications (Specific Language)</b>	Not addressed

<b>Law Specifies Marking Standards Other Than Color (Yes / No)</b>	Yes
<b>Law Specifies Marking Standards Other Than Color (Specific Language)</b>	N.J.A.C. § 14:2-5.2 (a) ... perform all markouts using paint. In addition, if the markout must be made on a non-firm surface ... operator shall utilize paint, and in addition shall utilize stakes and/or flags. If used, the location of any stakes or flags shall conform to the diagrams in chapter Appendix A, incorporated herein by reference. (b) ... ensure that all paint used for markouts has sufficient lasting properties ... (c) ... operator may elect to substitute eight-inch whiskers, as defined at N.J.A.C. 14:2-1.2, for one or more paint marks. ... The required letter designation code and other numbers and letters may be placed on a flag. ... (e) ... perform all markouts in a manner that will clearly indicate the location and direction of each underground facility. (f) ... place all marks ... at intervals of 25 feet or less.... closer together than 25 feet, if necessary ... (g) All paint marks used in markouts shall be one to two inches wide and eight to 10 inches long, unless otherwise specified in this chapter. All letters and numbers used in painted markouts shall be six to eight inches high, unless otherwise expressly specified in this chapter. (h) ... arrange all marks, except for the arrowhead marks in an offset markout, in a line following or paralleling the course of the underground facility. The arrowhead marks used in an offset markout shall be perpendicular to the course of the underground facility. (i) All markouts shall conform to the diagrams set forth in chapter Appendix A. (j) Markouts shall indicate the type of underground facility, using the following colors and letter designation codes in Table A below: ... (l) ... ensure that all flags used in markouts shall be: ... (m) ... ensure that all stakes used in markouts shall be: ... (n) Stake markouts and plastic flag markouts shall conform to the diagrams in chapter Appendix A, Figures 1 and 6. (o) Markouts of utility junctions, crossings, changes of direction, dead ends, and other configurations shown in chapter Appendix A, Figure 6, shall comply with the diagrams in Figure 6.
<b>Law Includes Specific Language For Operators To Locate Sewer Laterals (Yes / No)</b>	No (However, reference N.J.A.C. § 14:2-4.2 (c))
<b>Law Includes Specific Language For Operators To Locate Abandoned Facilities (Yes / No)</b>	No
<b>Operator Must Locate Abandoned Facilities (Specific Language)</b>	Not addressed
<b>Positive Response Required - Operator Contact Excavator (Yes / No)</b>	No
<b>Positive Response Required - Operator Contact Excavator (Specific Language)</b>	Not addressed
<b>Positive Response Required - Operator Contact One Call Center (Yes / No)</b>	No
<b>Positive Response Required - Operator Contact One Call Center (Specific Language)</b>	Not addressed
<b>Positive Response - One-Call Automated (Yes / No)</b>	No
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Yes / No)</b>	Yes
<b>Operator Must Provide One-Call Center with Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed. (However, N.J.S. § 48:2-85.)

<b>Operator Must Update Information On Locations of Buried Facilities (Yes / No)</b>	No
<b>Operator Must Update Information On Locations of Buried Facilities (Specific Language)</b>	Not addressed
<b>New Facilities Must Be Locatable Electronically (Yes / No)</b>	No
<b>New Facilities Must Be Locatable Electronically (Specific Language)</b>	Not addressed
<b>Design Request (Yes / No)</b>	No
<b>One Call, Enforcement, and Reporting</b>	
<b>Mandatory One Call Membership (Yes / No)</b>	Yes (N.J.S. § 48:2-80 8. a. (1))
<b>One Call Membership Exemptions (Yes / No)</b>	Yes
<b>One Call Membership Exemptions (Specific Language)</b>	N.J.S. 48:2-80 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... N.J.A.C. § 14:2-1.2 "Underground facility operator" or "operator" 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.
<b>One-Call Law Addresses Board Make-Up (Yes / No)</b>	No
<b>One-Call Law Addresses Board Make-Up (Specific Language)</b>	Not addressed
<b>Separate Body Designated to Advise Enforcement Authority (Yes / No)</b>	No
<b>Separate Body Designated to Advise Enforcement Authority (Specific Language)</b>	Not addressed
<b>Penalties / Fines Excavators (Yes / No)</b>	Yes
<b>Penalties / Fines Excavators (Specific Language)</b>	N.J.A.C. § 14:2-6.2 (a) Except as provided under (b) below, an underground facility operator, an excavator, or the One-Call System operator, that violates any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, shall be liable to a penalty of not less than \$ 1,000 and not more than \$ 2,500 per day for each day the violation continues, except that the maximum civil penalty shall not exceed \$ 25,000 for any related series of violations. (b) Notwithstanding any provision of this chapter or of N.J.S.A. 48:2-88 to the contrary, a person who is determined by the Board, after notice and opportunity to be heard, to have violated any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, with respect to a natural gas underground pipeline or distribution facility or a hazardous liquid underground pipeline or distribution facility, shall be liable to a civil penalty in the amount set forth in the Board's natural gas pipeline safety rules at N.J.A.C. 14:7-2.6. § 14:7-2.7 (a) The Board may assess a civil administrative penalty of not more than \$ 100,000 for each violation, for each day the violation persists, up to a maximum of \$ 1,000,000 for any related series of violations, against each person who violates the provisions of any law, rule, regulation or order relating to natural gas pipeline safety, including violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., pertaining to natural gas pipeline safety, gas pipeline distribution facilities, hazardous liquid underground pipelines or hazardous liquid distribution facilities.
<b>Penalties / Fines Operators (Yes / No)</b>	Yes

<b>Penalties / Fines Operators (Specific Language)</b>	<p>N.J.A.C. § 14:2-6.2 (a) Except as provided under (b) below, an underground facility operator, an excavator, or the One-Call System operator, that violates any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, shall be liable to a penalty of not less than \$ 1,000 and not more than \$ 2,500 per day for each day the violation continues, except that the maximum civil penalty shall not exceed \$ 25,000 for any related series of violations. (b) Notwithstanding any provision of this chapter or of N.J.S.A. 48:2-88 to the contrary, a person who is determined by the Board, after notice and opportunity to be heard, to have violated any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, with respect to a natural gas underground pipeline or distribution facility or a hazardous liquid underground pipeline or distribution facility, shall be liable to a civil penalty in the amount set forth in the Board's natural gas pipeline safety rules at N.J.A.C. 14:7-2.6.</p> <p>§ 14:7-2.7 (a) The Board may assess a civil administrative penalty of not more than \$ 100,000 for each violation, for each day the violation persists, up to a maximum of \$ 1,000,000 for any related series of violations, against each person who violates the provisions of any law, rule, regulation or order relating to natural gas pipeline safety, including violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., pertaining to natural gas pipeline safety, gas pipeline distribution facilities, hazardous liquid underground pipelines or hazardous liquid distribution facilities.</p>
<b>Penalties / Fines Other (Yes / No)</b>	<p>Yes</p>
<b>Penalties / Fines Other (Specific Language)</b>	<p>N.J.S. § 48:2-87 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.</p> <p>N.J.A.C. § 14:2-6.2 (a) Except as provided under (b) below, an underground facility operator, an excavator, or the One-Call System operator, that violates any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, shall be liable to a penalty of not less than \$ 1,000 and not more than \$ 2,500 per day for each day the violation continues, except that the maximum civil penalty shall not exceed \$ 25,000 for any related series of violations. (b) Notwithstanding any provision of this chapter or of N.J.S.A. 48:2-88 to the contrary, a person who is determined by the Board, after notice and opportunity to be heard, to have violated any provision of this chapter, the Underground Facility Protection Act, or an order adopted pursuant thereto, with respect to a natural gas underground pipeline or distribution facility or a hazardous liquid underground pipeline or distribution facility, shall be liable to a civil penalty in the amount set forth in the Board's natural gas pipeline safety rules at N.J.A.C. 14:7-2.6.</p> <p>§ 14:7-2.7 (a) The Board may assess a civil administrative penalty of not more than \$ 100,000 for each violation, for each day the violation persists, up to a maximum of \$ 1,000,000 for any related series of violations, against each person who violates the provisions of any law, rule, regulation or order relating to natural gas pipeline safety, including violations of the Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq., pertaining to natural gas pipeline safety, gas pipeline distribution facilities, hazardous liquid underground pipelines or hazardous liquid distribution facilities.</p>
<b>Enforcement Authority Identified</b>	<p>New Jersey Board of Public Utilities (N.J.A.C. § 14:2-6.1)</p>
<b>Damage Investigation Required by Enforcement Authority (Yes / No)</b>	<p>No</p>
<b>Mandatory Reporting of Excavation Damage by All Utility Owners to State Entity or Department (Yes / No)</b>	<p>Yes (N.J.S. § 48:2-80 (c))</p>
<b>Mandatory Reporting by Excavators to State Entity or Department (Yes / No)</b>	<p>Yes (N.J.A.C. § 14:2-3.6 (b))</p>
<b>Mandatory Reporting to State Entity or Department - Gas Only (Yes / No)</b>	<p>No</p>
<b>Law and Regulation</b>	
<b>Statute / Law (Name &amp; Link)</b>	<p><a href="#">New Jersey General and Permanent Statutes (N.J.S.), Title 48: Public Utilities, §§ 48:2-73 to 48:2-91, Underground Facility Protection Act (<a href="http://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=Publish:10.1048/Enu">http://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=Publish:10.1048/Enu</a>)</a> Also see <a href="#">One-Call Center Website for Information on State Law.</a></p>

Date of Last Revision to Statute / Law	July 27, 2007
Administrative Rules / Regulations (Yes / No)	Yes
Administrative Rules / Regulations (Name & Link)	<a href="http://www.lexisnexis.com/hottopics/njcode/">New Jersey Administrative Code (N.J.A.C.), Title 14, Chapter 2, Subchapters 1 - 6, Underground Facilities: One-Call Damage Prevention System (http://www.lexisnexis.com/hottopics/njcode/)</a>
State One Call Center(s) (Name & Link)	<a href="http://www.nj1-call.org/">New Jersey One Call(http://www.nj1-call.org/)</a>
<b>Miscellaneous Notes</b>	
Notes	New Jersey Administrative Code, Title 14, Chapter 2, Underground Facilities: One-Call Damage Prevention System, expires on February 11, 2022. (See Chapter Notes for N.J.A.C 14:2 (2017).
State Damage Prevention / One-Call Law Recently Revised With Future Implementation Dates	0