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Chapter 8 – Notifications and Permits

1. Occupancy of Public and Private Land and Waterways

1.1 Work on County or Municipal Roads

Figure 8.1: Underground Work Flowchart

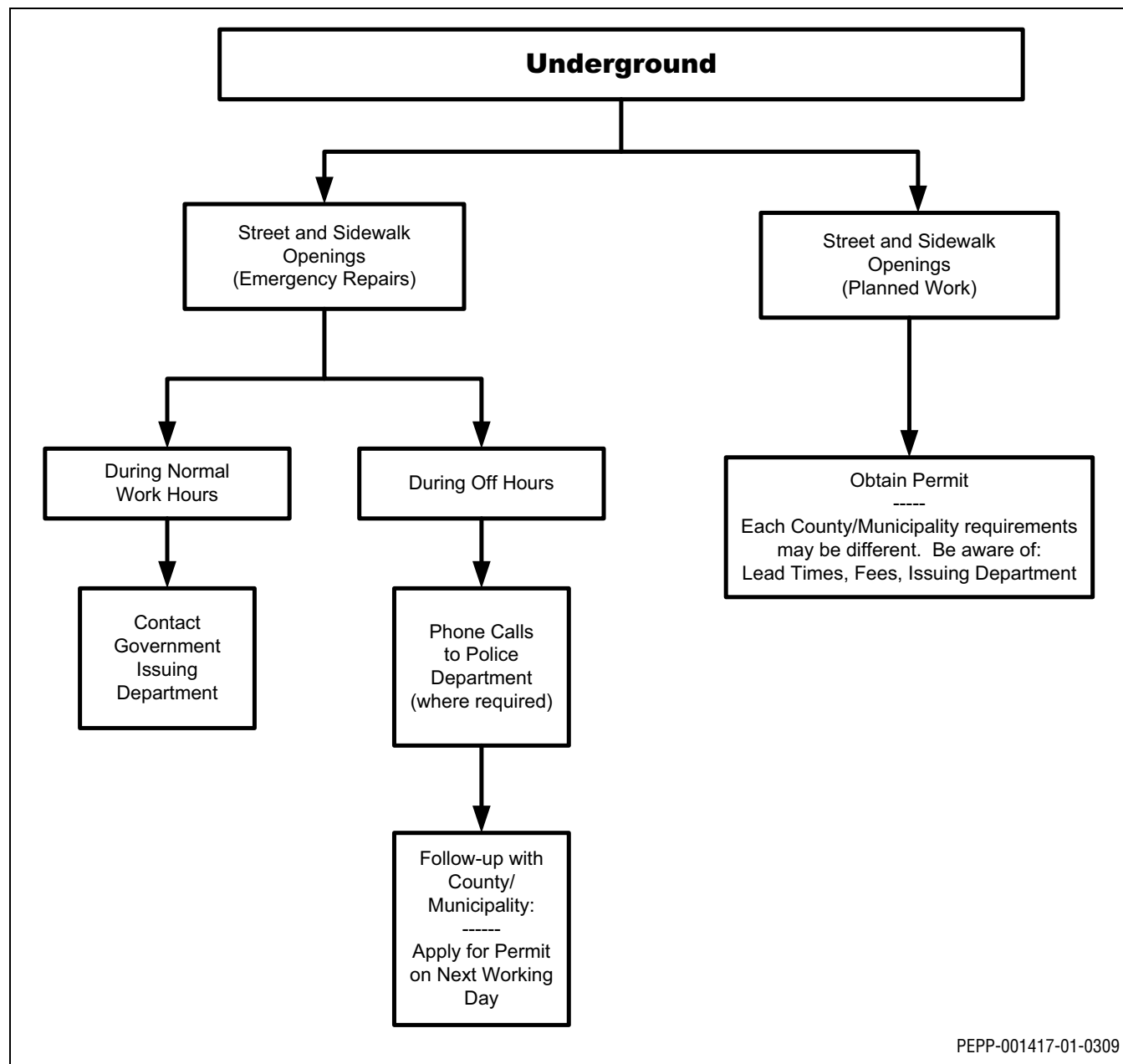


Figure 8.1 Notes:

For any environmental concerns refer to [Section 7](#).

Note

In general, road opening permits are not required when the governing agency is sponsoring and/or funding the project. This should be confirmed at the earliest possible time of the project.

Requirements to Obtain a Road Opening Permit:

1. Complete the Road Opening Permit Application Form.
2. Call the municipal or county office to verify fee, opening requirements, and lead time.
3. Prepare the internal Request for Check (Form 95-3790) for road opening permit application fee; have the engineering supervisor sign; submit to clerical for processing; obtain the check.
4. Prepare a permit drawing indicating the proposed opening(s); include length and width of opening, facilities to be installed, trench detail and any other pertinent information.
5. Send/deliver the application, fee, and drawing to the municipal or county office.

Figure 8.2: Overhead Work Flowchart

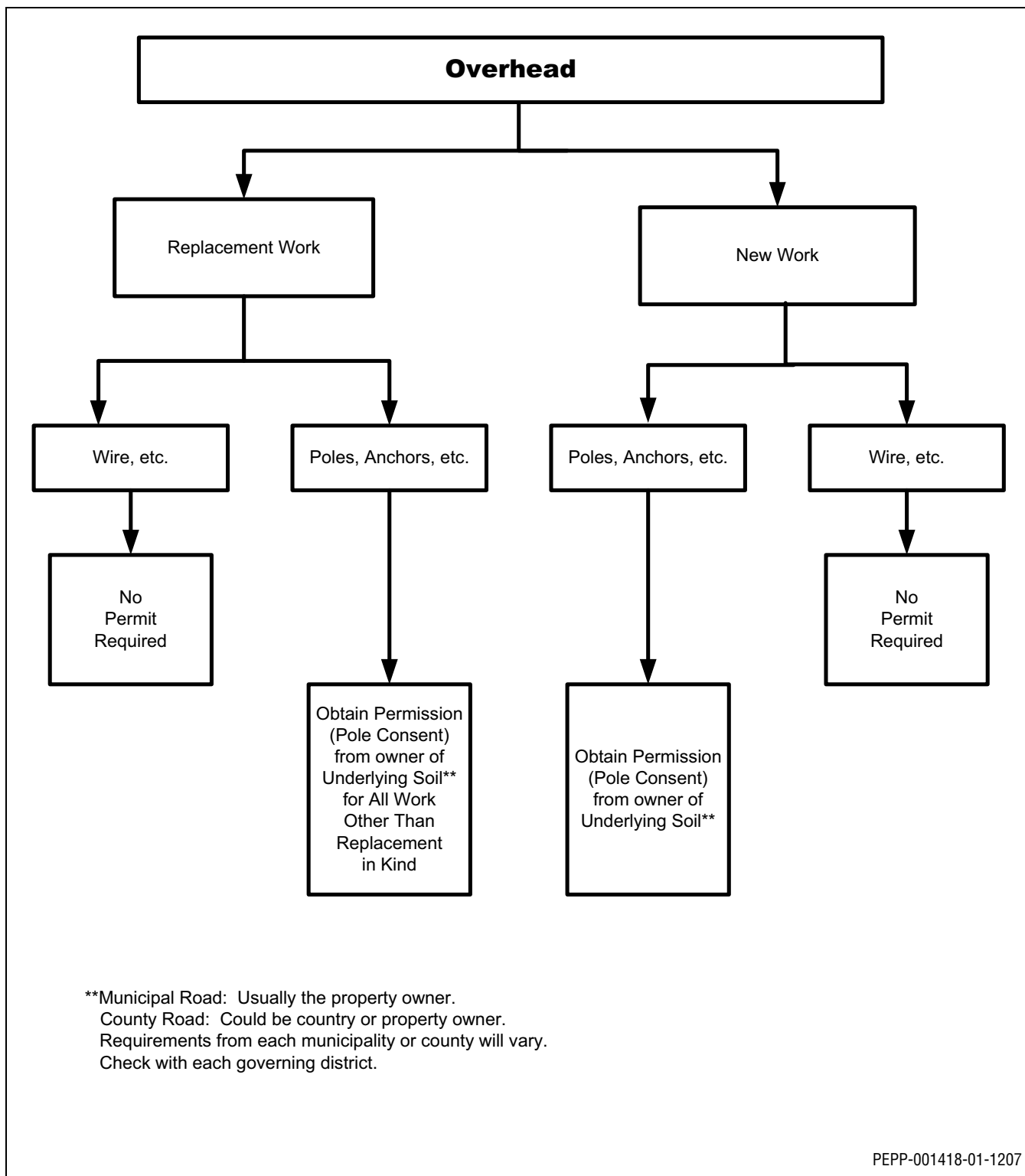


Figure 8.2 Notes:

For any environmental concerns refer to [Section 7](#).

1.2 Obtaining County and Municipal Pole Consents

Prepare consent forms – see [Figure 8.3](#). Drawings (always required with county pole permits – may not be required for municipal pole permits) to include offset dimensions from road center line etc.

Note



Pole permits may not be required if the county or state agency is sponsoring and/or funding the project. This should be confirmed at the earliest possible time of the project.

Figure 8.3: Pole Consent Form

Pole Consent

_____, New Jersey

Date: _____

Consent is hereby given to **PUBLIC SERVICE ELECTRIC AND GAS COMPANY** to erect, operate, maintain, replace, and upgrade _____ () poles

in the _____ of _____ in the County of _____, and State of New Jersey, and to install, operate, maintain, replace and upgrade wires, cables, guys, appliances and appurtenances, including an increase in the size of the poles installed and/or an increase in the number of wires, cables, guys, appliances and appurtenances for the transmission and distribution of electrical energy for electric light, heat and power, and other electrical uses, and to trim and keep trimmed such tree branches as may come in contact with wires thereon; and provided further that the work shall be done with care, and that the property disturbed thereby shall be restored to substantially the same condition as it was prior to such disturbance, by and at the expense of said company.

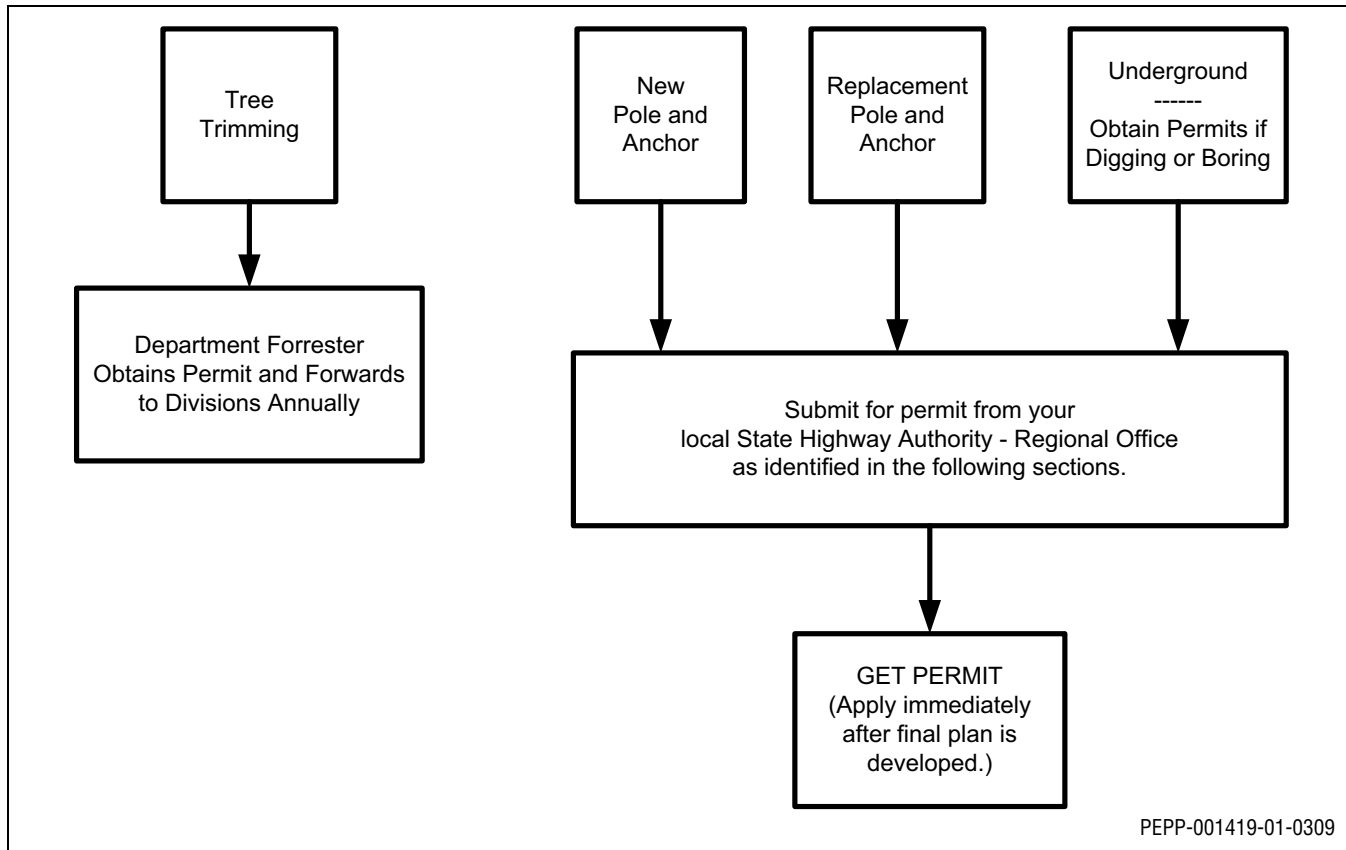
Witness:

Owner

Pole Consent No. _____

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Figure 8.4: Work on State Highways



Before performing any type of work within the right of way of the State Highway System, the Company must make application and secure a valid Highway Permit from the DOT.

State highways are identified in commercially available map books like Franklin or Hagstrom. Roads depicted with a two- or three-digit route number, heavier line weight and color coding are typically State Highways. It is important to note that state highways are not always large 4 to 6 lane roads. Many are two lane roads such as those that run through downtown areas; for example, Broad Street, Trenton (State Highway 206); Nassau Street, Princeton (State Highway 27).

Another source for identifying state highways is the NJ DOT Website for straight line diagrams:

<http://www.state.nj.us/transportation/refdata/sldiag>

All applications for a Highway Permit shall be submitted directly to the DOT by the Division Engineering Manager or designee on forms supplied by the DOT. Forms are available online at:

<http://www.state.nj.us/transportation/eng/forms/>

Or from the Regional Office of the DOT having jurisdiction over the area in which the work is to be performed. Three copies of the completed application shall be accompanied by six copies of a legible drawing of the area illustrating the proposed installation or project which shall show the following information when application is submitted:

- Type of Construction
- Location of Job Site

- Right of Way Lines
- Setback and Location of Proposed Structures
- Curbing and Sidewalks
- Existing Utility Poles
- Directional and Regulatory Signs
- Location of Driveways
- Traffic Control Plans (if required)

Construction work authorized under the terms of the Highway Permits must be completed within 1 year from date of issue.

Application for a Highway Permit shall be made to the applicable Regional Office of the DOT having jurisdiction over the area in which work is to be performed (see list of DOT offices on the following page). All application forms and permits, when received, are to be approved and signed by the Division Engineering Manager or their designated representative.

The fully-signed original copies of all Highway Permits will be filed in the local Division Office and are to be retained in accordance with Section 102 – *Administrative Procedures Manual*.

Annual Tree Trimming Permits covering tree trimming activities within the confines of State Highway rights of way will be secured by the Department Forester.

1.3 NJ Department of Transportation (DOT) Regional Offices

NJDOT Construction and Maintenance Unit offices and their areas of jurisdiction are as follows:

North Region

New Jersey Department of Transportation

200 Stierli Court
Mt. Arlington, NJ 07856-1322

Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union counties and portions of Warren County (including Route 57 and north)

Executive Director's Office

(973) 601-6600
Fax (973) 601-6603

Central Region

New Jersey Department of Transportation

1035 Parkway Avenue
Trenton, NJ 08625

Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset counties and portions of Warren County (Routes 22, 122, 173, 78 and including south of Route 57)

Executive Director's Office

(732) 625-4340
Fax (732) 625-4344

South Region

New Jersey Department of Transportation
One Executive Campus
Route 70 West
Cherry Hill, NJ 08002

Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties

Executive Director's Office

(856) 486-6600
Fax (856) 486-6833

Source: <http://www.state.nj.us/transportation/about/directory/index.shtml>

1.4 Obtaining State Highway Occupancy Permit

This permit is required for any construction and maintenance activity on a designated state highway that will require 4 or more hours to complete. Any violations or failure to obtain the required permit may result in a fine and/or denial to perform work on the state highway.

It generally takes at least 1 month to obtain an occupancy permit from the DOT. Therefore, it is important to make application to occupy a state highway early in the design phase of the project. **Any violations or failure to obtain the required permit may result in a fine and/or denial to perform work on the state highway.**

Larger projects may require a pre-construction meeting with an engineer and/or inspector from the DOT Regional Office having jurisdiction over the work location.

The Highway Occupancy Permit will usually indicate any restrictions including permissible hours of work.

1. Discuss the conceptual plan for duct bank and manhole locations with the state (not necessary for small openings for underground services overhead zone).
2. Prepare a detailed scaled drawing for the test pits.
3. Fill out (print or online) the *Application for Highway Occupancy Form MT-120A* found at:
<http://www.state.nj.us/transportation/eng/forms/>
4. Prepare a proposed method of traffic control (Traffic Control Plan) that conforms to the NJDOT Work Zone Safety Set-Up Guide. This guide is available online at:
<http://www.state.nj.us/transportation/publicat/pdf/WorkZoneSafetySetupGuide.pdf>
5. Prepare the internal Request for Check (Form 95-3790) for occupancy permit application fee; have the engineering supervisor sign; submit to clerical for processing; obtain the check.
6. Send three completed copies of the occupancy permit application, six copies of all drawings, the traffic control plan, and the check for the application fee to the appropriate DOT regional office.
7. An acknowledgment notice for receipt of the permit application will be received from the DOT in approximately 2 weeks. **This is not permission to perform the work.**
8. In approximately 2 months, an occupancy permit form will be received for signature and permit fee. Prepare a Request for Check (Form 95-3790) for the permit fee; have the engineering supervisor sign both the Request for Check and the permit; return it, along with the drawings and traffic control plans, back to the appropriate DOT regional office.

9. In approximately 1 month, the occupancy permit will be received; the test pit work can proceed at this time.
10. Record the occupancy permit number on all construction drawings and DWMS notifications. Give copies of the permit, construction drawings, and traffic control plans to the Construction Department supervisor or contractor (the company crew or contractor crew at the location must possess these documents while performing the work).
11. After the manhole and duct bank locations have been proved by the test pits, scaled drawings for the conduit and manhole work must be prepared indicating the location and depth of PSE&G's proposed facilities.
12. The completion notice that normally accompanies the occupancy permit must be filled out and mailed back to the DOT regional office after the work has been completed.

1.5 Obtaining State Highway Opening Permit

It generally takes at least 2 months to obtain opening permits from the DOT. Therefore, it is important to make application to occupy a state highway early in the design phase of the project. Except in certain cases where verbal approval has been received from the DOT, the project cannot be released for construction until the permit(s) has been received. **Any violations or failure to obtain the required permit may result in a fine and/or denial to perform work on the state highway.**

Larger projects may require a pre-construction meeting with an engineer and/or inspector from the DOT Regional Office having jurisdiction over the work location.

1. Fill out (print or online) the *Application for Utility Opening Form MT-17A* found at:
<http://www.state.nj.us/transportation/eng/forms/>
2. Prepare the internal Request for Check (Form 95-3790) for opening permit application fee; have the engineering supervisor sign; submit to clerical for processing; obtain the check.
3. Send the check for the permit application fee, three copies of the application form, and six copies of all drawings to the DOT regional office.
4. An acknowledgment of receipt of application will be received in approximately 2 weeks.
5. In approximately 2 months, an opening permit form will be received for signature and permit fee. Prepare a Request for Check (Form 95-3790) for the permit fee; have the engineering supervisor sign both the Request for Check and the permit; return it, along with the drawings and traffic control plans, back to the appropriate DOT regional office.*
6. In approximately 1 month, the permit will be received and the work can begin.
7. Record the opening permit number on all construction drawings and DWMS notifications. Give copies of the permit, construction drawings, and traffic control plans to the PSE&G contractor (the contractor crew at the location must possess these documents while performing the work).
8. The completion notice received with the permit must be sent back to the DOT regional office after completion of all work and final restoration.

*Certain projects may require payment of a DOT Inspection Fee.

1.6 Obtaining State Highway Pole Permit

It generally takes at least 2 months to obtain pole permits from the DOT. Therefore, it is important to make application early in the design phase of the project. Except in certain cases where verbal approval has been received from the DOT, the project cannot be released for construction until the permit has been received.

Any violations or failure to obtain the required permit may result in a fine and/or denial to perform work on the state highway.

Larger projects may require a pre-construction meeting with an engineer and/or inspector from the DOT Regional Office having jurisdiction over the work location.

1. Discuss the conceptual plan for duct bank and manhole locations with the state (not necessary for small openings for underground services overhead zone).
2. Prepare scaled drawing indicating pole size, location (offset from right-of-way line, feet from guardrail end, jug handle entrance, etc), conductor voltage, permit numbers and dates for all existing poles.
3. Fill out (print or online) the *Application for Erection of Pole Form MT-33A* found at:
<http://www.state.nj.us/transportation/eng/forms/>
4. Prepare a proposed method of traffic control (Traffic Control Plan) that conforms to the NJDOT Work Zone Safety Set-Up Guide. This guide is available online at:
<http://www.state.nj.us/transportation/publicat/pdf/WorkZoneSafetySetupGuide.pdf>
5. Prepare the internal Request for Check (Form 95-3790) for pole permit application fee; have the engineering supervisor sign; submit to clerical for processing; obtain the check.
6. Send three completed copies of the pole permit application, six copies of all drawings, the traffic control plan, and the check for the application fee to the appropriate DOT regional office.
7. An acknowledgment notice for receipt of the pole permit application will be received from the DOT in approximately 2 weeks. **This is not permission to perform the work.**
8. In approximately 2 months, a pole permit form will be received for signature and permit fee. Prepare a Request for Check (Form 95-3790) for the permit fee; have the engineering supervisor sign both the Request for Check and the permit; return it, along with the drawings and traffic control plans, back to the appropriate DOT regional office.
9. Record the pole permit number on all construction drawings and DWMS notifications. Give copies of the permit, construction drawings, and traffic control plans to the Construction Department supervisor (the crew at the location must possess these documents while performing the work).
10. The completion notice received with the pole permit must be sent back to the DOT regional office after completion of all work and final restoration.

1.7 Work with Highway Authorities

Company facilities are generally not permitted within the rights of way of Interstate Highways, Freeways, Parkways, or other limited access highways as well as the Garden State Parkway and the New Jersey Turnpike except when required to furnish metered service or street lighting. Permits are required for all crossings of these rights of way and will be secured by the Project Manager.

Drawings shall be prepared and forwarded to the Project Manager together with a letter which shall include the general purpose of the work, schedule of construction as well as other pertinent information which may be useful in negotiating the permit.

1.8 Work with Other Authorities

There may be unique authorities within our franchise service territory which may require special permits for construction of our facilities. Such authorities can include, but are not limited, to:

- Port Authority of NY and NJ
- Hackensack Meadowlands Development Commission
- Pinelands Commission
- Delaware River Port Authority
- D&R Canal

2. Work on Private Property (Easements)

An easement is required when one or more of the following conditions exist:

1. There is a Buried Underground Development (**BUD**) regardless of whether it is commercial, residential, or industrial.
2. Service is being installed on properties that have the potential for being subdivided. Properties have the potential to be subdivided if there is a service distance of 200 ft or more on the property being served from the public right-of-way or roadway, or if there is substantial area surrounding the property for subdivision.
3. A service crosses one property to serve another property.
4. Any facility of PSE&G is located on private property and is not part of a service (i.e. poles, anchors, guy wires, and overhead or underground lines).

An easement is **not** required when one of the following conditions exists:

1. The facility is a service line that serves the same property it is located on and there is no possibility of a subdivision (i.e. the service line is less than 200 ft on the property being served from the public right-of-way or roadway).
2. All facilities installed are located in the public right-of-way or roadway.

2.1 Procedures for Obtaining an Easement

The following details the procedures for obtaining an easement.

1. Determine if an easement is necessary pursuant to the requirements listed in the section above.
2. If easement is necessary, then prepare an Information Request Letter in the correct format and deliver it to the property owner so that PSE&G may obtain the proper information for the easement.
3. After receiving the information letter back from the property owner, choose which type of easement you will need based on whether the owner of the property is an individual (or husband or wife), a partnership or a corporation (see list easement formats at the end of this section). Fill in the blanks in the easement and have the following people sign the easement:
 - a. If husband and wife own property, then both the husband and the wife must sign the easement.
 - b. If a corporation owns the property, then an officer of the corporation must execute the easement.
 - c. If the property is owned by any partnership, then the managing partner must sign the easement.

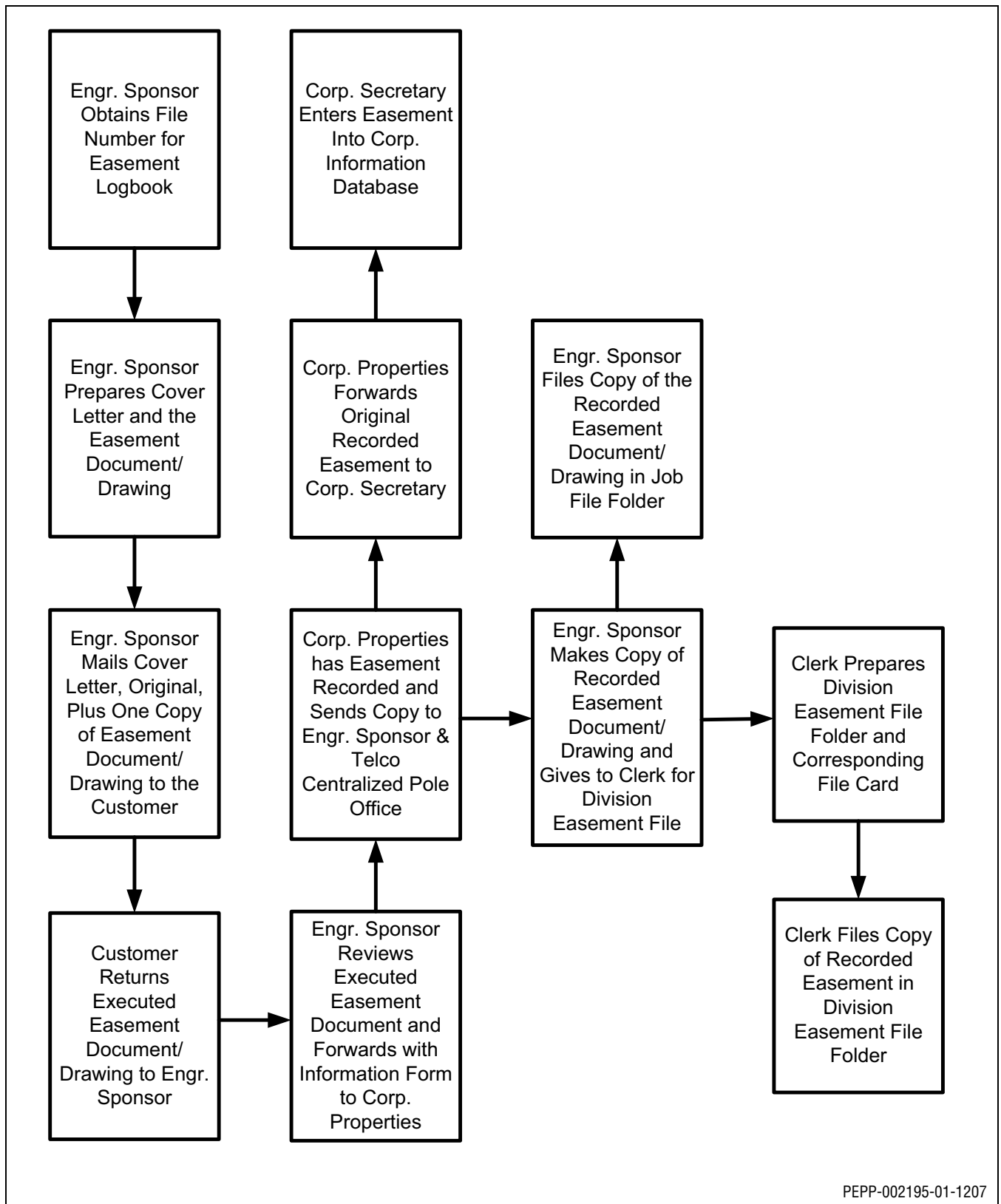
4. Prepare a drawing of the easement that will be attached to the document as an Exhibit. The drawing must include block and lot numbers of the subject property and adjoining properties. A north-pointing arrow must also be included. The drawing can be no more 8-1/2 in. x 14 in. and must have the drawing number on it for inclusion in the easement document. If the easement is in new construction, then it may be a good idea to have the customer's surveyor prepare the drawing.
5. Send the easement (with the drawing) to the property owner and have them execute the easement. Also make sure they have their signatures witnessed by a third party and notarized by a Notary Public of the State of New Jersey or an Attorney at Law of the State of New Jersey.
6. Under receipt of the fully executed and notarized easement, the facilities may be installed.
7. The Engineering Sponsor who prepared the document should sign the "prepared by" section at the top of each easement document.
8. The original easement should be sent to the Manager – Corporate Properties for recording and record storage.
9. A copy of the easement must be kept in the division easement file folder.

2.2 Easement Formats

The following documents are located on the local sharedrive in MS Word format:

- Information Request Letter
- Individual Grant of Easement for Overhead and/or Underground Facilities
- Individual Grant of Easement for Underground Facilities Only
- Individual Grant of Easement for PSE&G and Verizon
- Individual Grant of Easement with Use of Private Manholes
- Individual Grant of Easement for Relocation of Facilities
- Individual Grant of Easement for BUD
- Corporation Grant of Easement for Overhead and/or Underground Facilities
- Corporation Grant of Easement for Underground Facilities Only
- Corporation Grant of Easement for PSE&G and Verizon
- Corporation Grant of Easement for Use of Private Manholes
- Corporation Grant of Easement for Relocation of Facilities
- Corporation Grant of Easement for BUD
- Partnership Grant of Easement for Overhead and/or Underground Facilities
- Partnership Grant of Easement for Underground Facilities Only
- Partnership Grant of Easement for PSE&G and Verizon
- Partnership Grant of Easement for Use of Private Manholes
- Partnership Grant of Easement for Relocation of Facilities
- Partnership Grant of Easement for BUD
- Corporate Properties Memo

Figure 8.5: Process Flow for Obtaining and Executing an Easement



PEPP-002195-01-1207

Figure 8.6: Sample Easements

Prepared by:

THIS INDENTURE, made this 25th day of NOVEMBER, nineteen hundred and eighty five (19 85), between HARVEY COEDEN one of the general partners of Tudor Gardens having an office at 2035 Hamburg Tpke., Wayne, N.J. 07470 hereinafter called "Grantor", and

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation having its office at 80 Park Plaza, Newark, New Jersey, and NEW JERSEY BELL TELEPHONE COMPANY, a corporation having its office at 540 Broad Street, Newark, New Jersey, hereinafter called "Grantees". (If name of New Jersey Bell Telephone Company is deleted, the language of this indenture shall be deemed amended accordingly to apply to Grantor and Public Service Electric and Gas Company.)

WITNESSETH:

Grantor for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America to it in hand paid by Grantees, the receipt whereof is hereby acknowledged, and in consideration of the premises, covenants and conditions hereinafter contained and the mutual benefits to be derived herefrom, has given, granted, and conveyed and by these presents does give, grant, and convey unto Grantees, the right, privilege, authority and an easement in perpetuity to install, construct, reconstruct, operate, maintain, inspect, repair, remove and replace utility facilities, hereinafter called "facilities" in, on, and over the property of Grantor, situate in the Township of Wayne Passaic County, New Jersey, approximately as shown on drawing number DM-22-00831 hereto attached, and hereby made a part hereof, for the purpose of supplying electric and telephone service thereto and for the conduct of their respective businesses, together with the right of access to said property for the aforesaid purposes.

Grantor grants to Grantees the right to trim and keep trimmed all trees which shall in any way interfere with the installation, operation, or maintenance of said facilities.

Grantees agree that said facilities shall be kept in proper condition and that when it opens or disturbs the surface of said property it will, at its own expense, restore the surface of said property to substantially the same condition in which it was immediately prior thereto.

Grantor shall comply with the requirements of the National Electrical Code and the National Electrical Safety Code as applicable to clearances to any buildings or structures and agrees that no buildings or structures shall be erected over or under said facilities.

If Grantor shall, at any time after the initial installation of said facilities, request Grantees to relocate said facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantees to have the same rights and privileges in the new location or locations as in the former location or locations.

Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be requisite, and that Grantees shall have the quiet possession thereof free from all encumbrances.

By the acceptance of this instrument Grantees agree to abide by the terms and conditions herein on their part to be performed and shall be deemed signatories hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their heirs, executors, administrators, successors, and assigns.

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PEPP-007156a-01-1207

Figure 8.7: Sample Easements (cont.)

Grantees agrees to abide by the terms and conditions herein on their part to be performed and shall be deemed signatories hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the Grantor has duly signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered
in the presence of _____ (L.S.)
_____ (L.S.)

(Seal) WINCHESTER CONSTRUCTION CO. INC.
By James B. Luke
(James B. Luke)
President

Attest:
Ralph A. Loveys
(Ralph A. Loveys)
Secretary

STATE OF _____ } SS.
COUNTY OF _____

BE IT REMEMBERED, that on this _____ day of _____, nineteen hundred and _____, before me, the subscriber, _____ personally appeared _____ who, I am satisfied, the grantor mentioned in the within Indenture, and _____ acknowledged that _____ signed, sealed, and delivered the same as _____ voluntary act and deed, for the uses and purposes therein expressed. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49, Sec. 1 (C), is less than \$100.00.

STATE OF New Jersey } SS.
COUNTY OF Passaic

BE IT REMEMBERED, that on this 16th day of October, nineteen hundred and eighty four, before me, the subscriber, a Notary Public of New Jersey personally appeared James B. Luke who, I am satisfied, is President of Winchester Construction Co. Inc. the Corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and he acknowledged that said instrument was made by said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, C.49, Sec. 1 (C), is less than \$100.00.

James B. Luke
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 15, 1989

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Figure 8.8: Sample Easements (cont.)

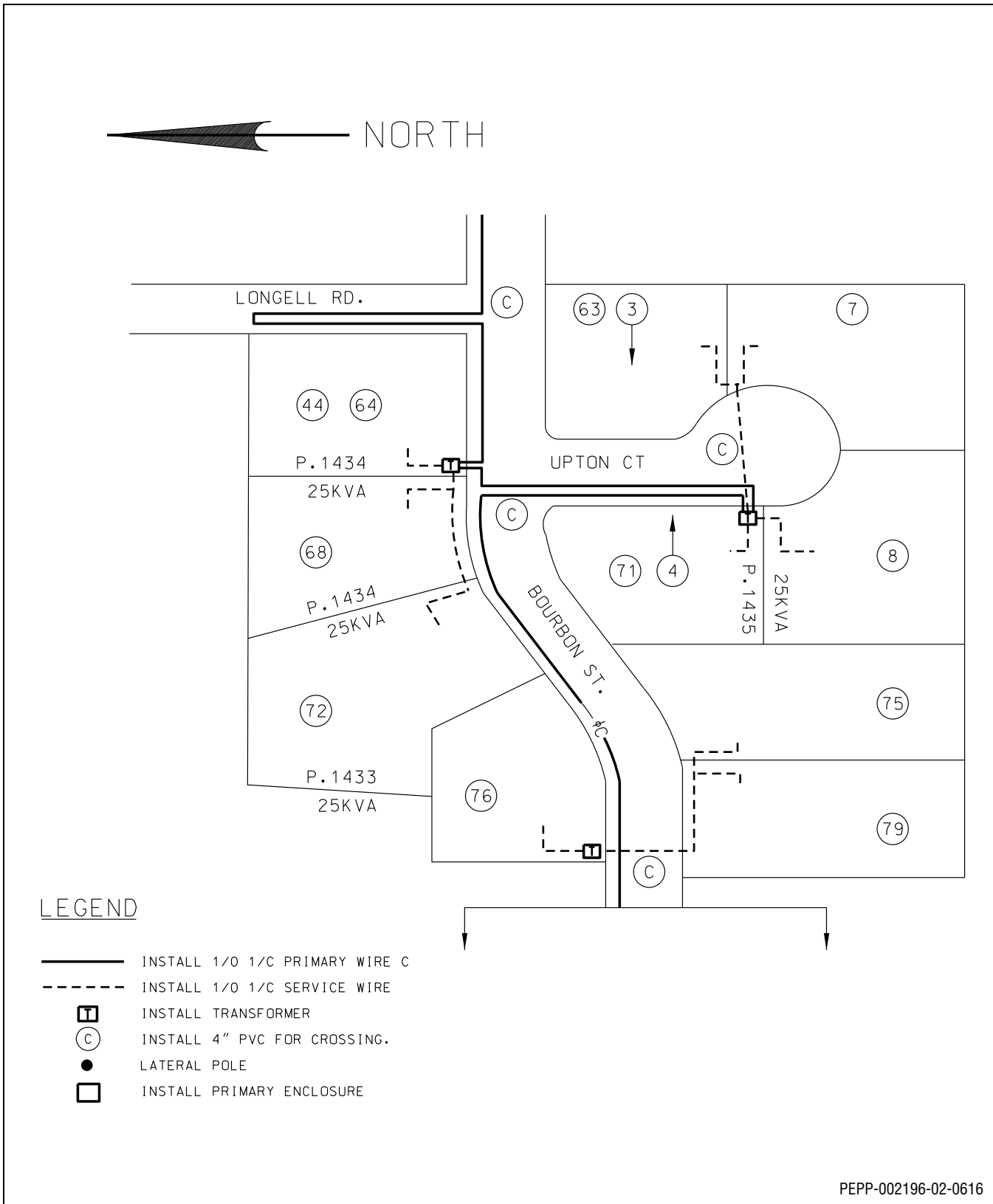


Figure 8.9: Sample Easements (cont.)

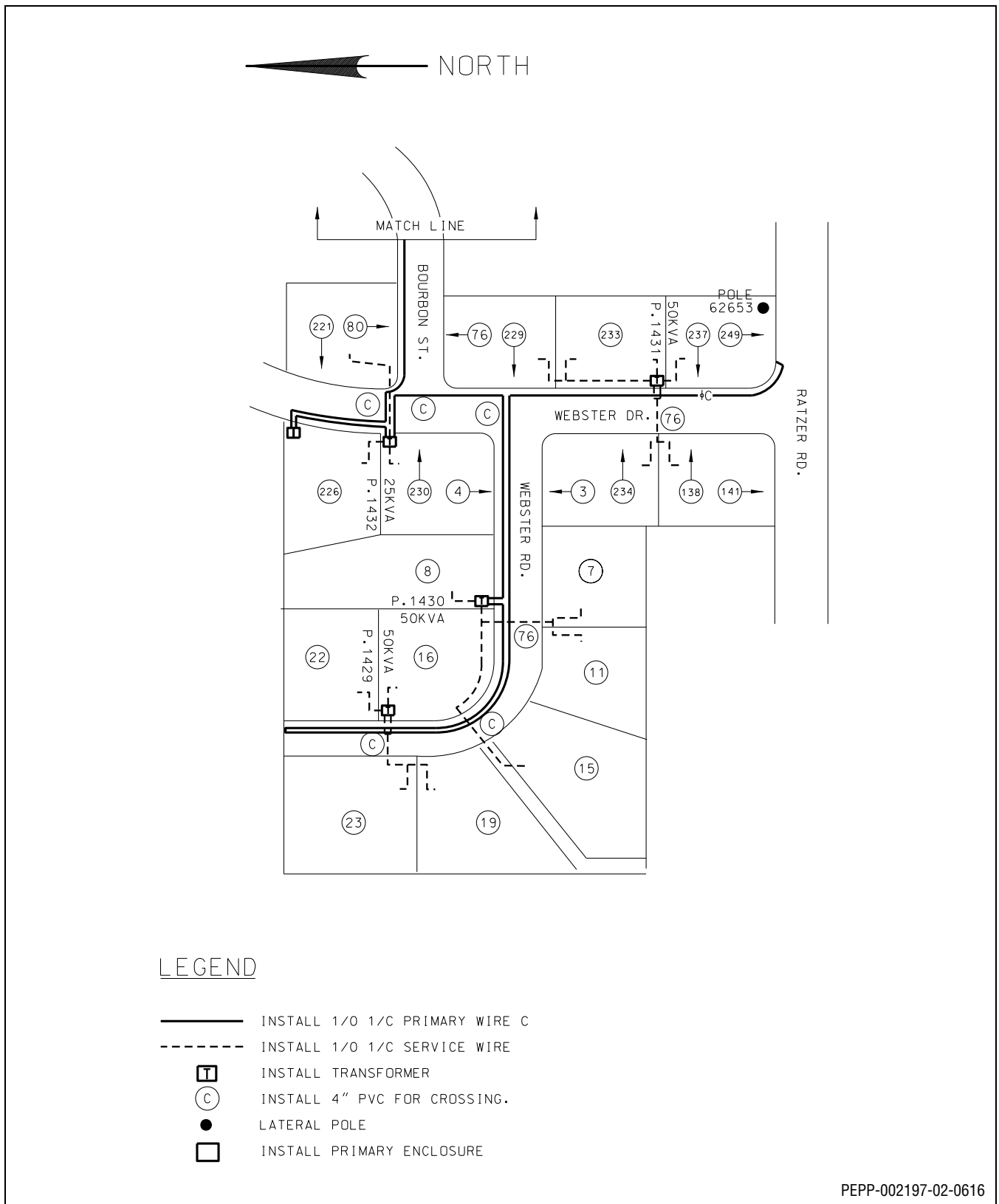


Figure 8.10: Sample Information Request Letter to Customer (Page 1 of 2)

(Date)

File: (File No.)

Name

Address

City, State Zip

Dear: (Name)

We have been requested to supply utility service to the above-reference property. We will need some information from you in order to prepare the documents that must be signed prior to installing the utility service.

Please type or print the information on the attached form and return the extra copy of this letter with the form attached to me in the self-addressed envelope provided for your convenience. When returning this information, please attach a copy of the Deed under which you purchased the property. In addition, if this is a new development or subdivision, we will need a copy of the subdivision map showing the new block and lot numbers as well as the street address for each lot.

Should you have any questions, please feel free to contact me.

Sincerely,

(Your name

Your Title

Your Department)

Please direct telephone inquiries to:

(Your Name

Your Telephone Number)

PEPP-002198-02-0616

Figure 8.11: Sample Information Request Letter to Customer (Page 2 of 2)

Information Needed for Electric Distribution Easement

Subject Property Information:

1. Owner is to provide a copy of the deed.
2. Municipality: _____
3. Block (s): _____
4. Property Address: _____

Individual Information (If Individual Owns Property):

1. Owner of the Land: _____
2. Owner's Address: _____
3. Contact Name: _____ Phone No.: _____
4. Who will Witness the Easement Document? _____

Partnership Information (If Partnership Owns Property):

1. Partnership Name: _____
2. State where Partnership was Created: _____
3. Partnership Address: _____
4. Contact Name: _____ Phone No.: _____
5. Name & Title of Person Signing Easement: _____
6. Name & Title of Person Witnessing Easement: _____

LLC and Corporation Information

(If Corporation or Limited Liability Company Owns Property):

1. Corporation/LLC Name: _____
2. State Where Corporation/LLC was Created: _____
3. Corporation Address: _____
4. Contact Name: _____
5. Name & Title of Person Signing Easement: _____
6. Name & Title of Person Attesting Easement: _____

PEPP-002199-01-0616

Figure 8.12: Sample Transmittal to PSE&G Corporate Property Office

To: Manager – Corporate Properties

From: Engineering Manager – _____ Division

Subject: EASEMENT FROM PSE&G _____ to

Date: _____

Enclosed is an original fully executed and acknowledged Grant of Easement that should be sent for recording and thereafter filed with the Corporate Secretary. For future reference, the following information should be included in the letter to the Secretary.

Grantor: _____

Date of Easement: _____

Property Address/Street: _____

Town: _____ County: _____

Lot/Block: _____

BUD Development Name/Number (if applicable):

Dwelling Number: _____ Distribution File Number: _____

PSE&G Engineering Sponsor: _____

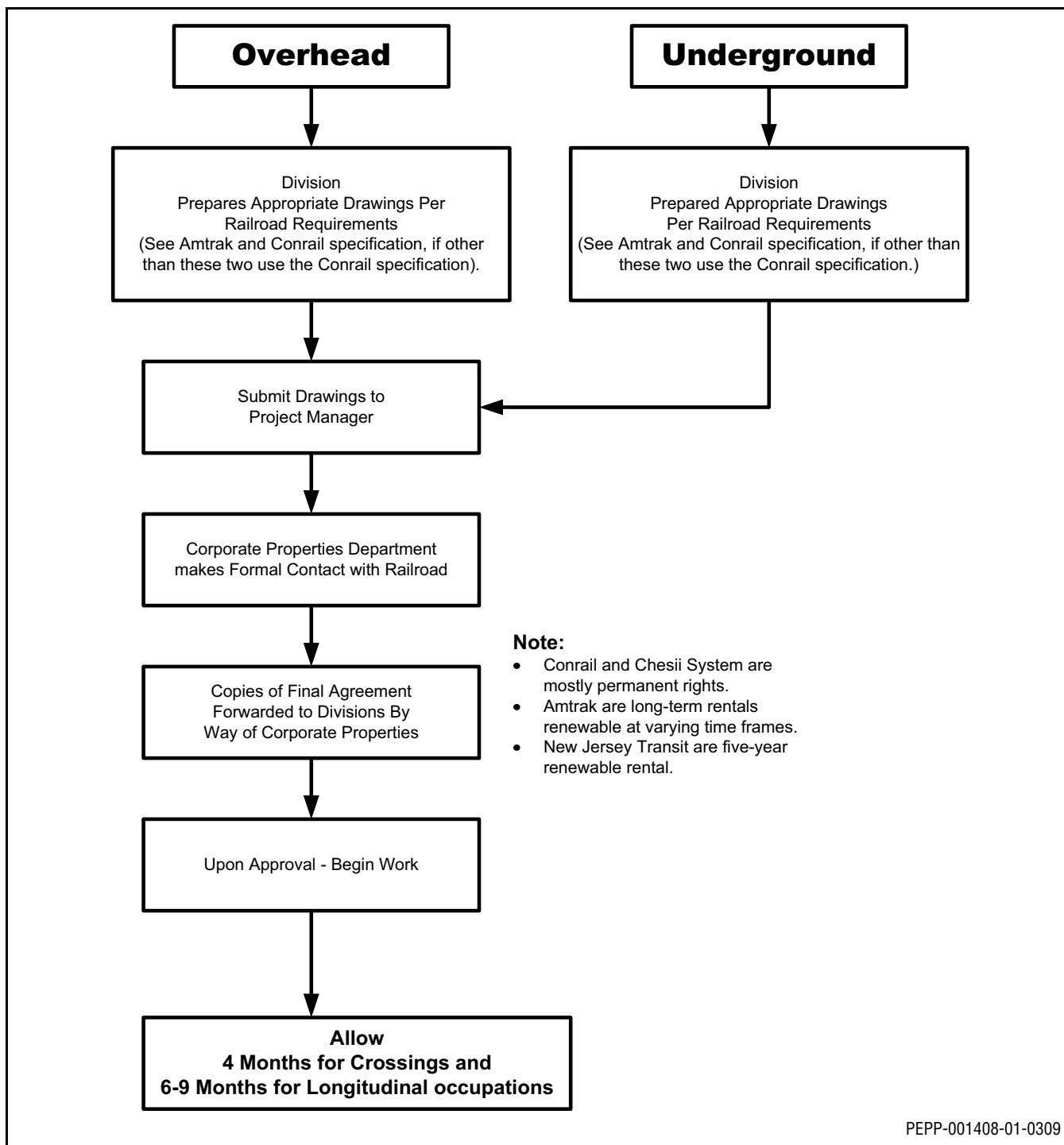
If you should have any questions, please do not hesitate to contact:

PEPP-005117-02-0616

2.3 Work Involving Railroads

When planning work involving railroad right of ways it is important to make sure all requirements as set forth by the various railroads are followed. [Figure 8.13](#) outlines the basic steps to be followed for any work of this type. The railroad's detailed specifications and requirements are attached as part of this section.

Figure 8.13: Work Involving Railroads Flowchart



2.3.1 Operating Railroads in New Jersey

The following are railroads that operate in New Jersey:

- New Jersey Transit Corporation
- Consolidated Rail Corporation
- National Railroad Passenger Corporation, AMTRAK
- Delaware River Port Authority, Port Authority Transit Corp. – PATCO
- Port Authority of NY and NJ, PATH
- Morristown and Erie Railway, Inc.
- NY Susquehanna and Western Railway Corp.

2.3.2 Railroad Emergency Contacts

The following are emergency telephone numbers for railroads operating in New Jersey:

- New Jersey Transit Corporation
Chief Dispatcher: (201) 714-2781
NJ Transit Emergencies: 1-800-242-0236
- Consolidated Rail Corporation
Conrail Emergencies: 1-800-272-0911
- National Railroad Passenger Corporation
Amtrak Power Director: (212) 630-7681
Amtrak Trouble Desk: (212) 630-7651
Amtrak Emergencies: 1-800-331-0008
- Delaware River Port Authority
Port Authority Transit Corp. – PATCO
Dispatcher: (609) 963-7983
- Port Authority of NY and NJ
Port Authority Trans Hudson Corporation – PATH
Train Master: (201) 216-6552, 6553, 6554
- Morristown and Erie Railway, Inc.
President and General Manager: (973) 267-4300
Morristown and Erie Railway emergency: 1-800-274-5761

2.3.3 Railroad Contacts for Flagmen

The following are railroad contacts for flagmen for railroads operating in New Jersey:

- New Jersey Transit Corporation
Director of Special Projects
(201) 714-2663
- Consolidated Rail Corporation
General Manager – Construction
(215) 596-3644

Note: You must have the Agreement # before calling

Note: You must have the Agreement # before calling

- National Railroad Passenger Corporation
Director Engineering and Construction
(215) 349-1505
- Delaware River Port Authority
Port Authority Transit Corp. – PATCO
Dispatcher: (609) 963-7983
- Port Authority of NY and NJ
Port Authority Trans Hudson Corporation – PATH
Train Master: (201) 216-6552, 6553, 6554
- Morristown and Erie Railway, Inc.
President and General Manager: (201) 267-4300

2.4 Railroad Agreements, Requirements and Specifications

2.4.1 General Information

An application for occupancy right-of-way must be submitted to the appropriate railroad operator for any facilities installed over, under, across, or upon railroad property. The railroad operator must be also notified when new facilities have been, or will be, added to existing agreements.

The PSE&G Manager – Corporate Properties must be notified immediately to identify the railroad operator and obtain contact information and requirements.

The Engineering Sponsor will prepare detailed scaled drawings per the railroad operator’s requirements, and submit the drawings to Corporate Properties.

Corporate Properties will make formal contact with the railroad operator in order to obtain the agreement and arrange payment of any applicable fees.

A formal final agreement to perform work will be obtained between 4 and 9 months from the time of application.

2.4.2 Requirements for Drawings – Overhead Facilities

The following are the requirements for drawings pertaining to overhead facilities.

1. Plan view of the railroad crossing/right-of-way occupation relative to all railroad facilities
2. Elevation view showing clearances between the top of the rail and the bottom of the wire sag
3. Pole top configuration
4. Nominal voltage of electric lines
5. Number of, size, and material of electric wires
6. Height, class, and depth of poles
7. Number of, location, size of, material of anchors and all guying for poles

Note Double cross-arms are required on poles adjacent to the railroad track.



2.4.3 Requirements for Drawings – Underground Facilities

The following are the requirements for drawings pertaining to underground facilities.

1. Plan view of the railroad crossing/right-of-way occupation relative to all railroad facilities
2. All railroad property lines
3. Other underground facilities as determined by the applicant
4. Profile showing depth of casing pipe from ground level, tracks, and other facilities
5. Location and description of appurtenances, manholes, and other accesses
6. Size and material of casing pipe
7. Size and material of carrier conduit
8. Method of construction and installation

Primary Contact: Manager – Corporate Properties, (973) 430-5284.

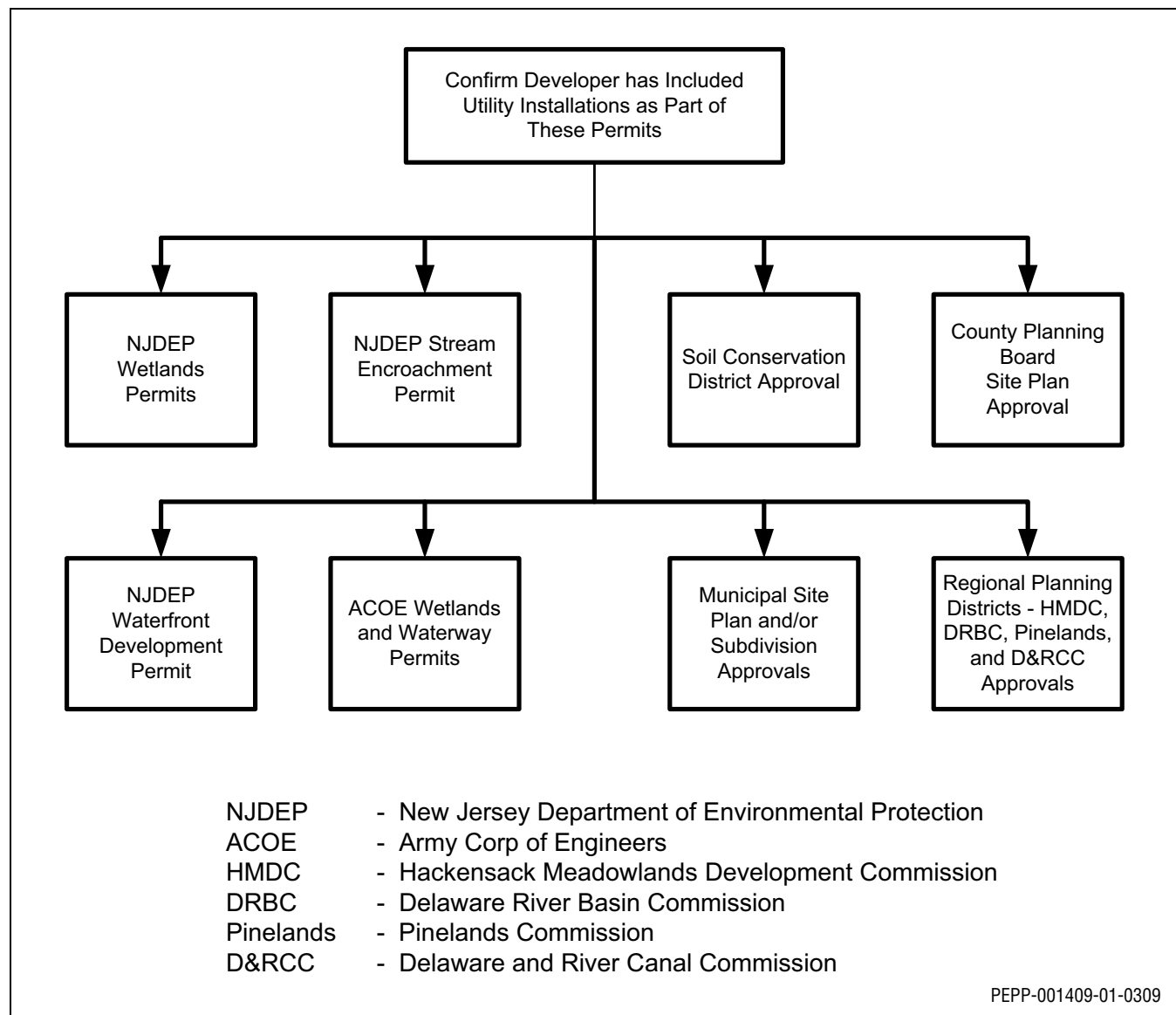
3. Work with Developers

Normally it is the responsibility of the developer to obtain all necessary approvals. Unfortunately, there are times when the developer does not consider the utility installation when applying for state, regional and federal approvals; specifically wetlands and stream encroachment approvals.

When the developer requests electric service, the division representative should inquire if the developer included the utility installation as part of any applicable approvals required for the development. For example, if a utility line is to be constructed across a stream or within wetlands the New Jersey Department of Environmental Protection (**NJDEP**) or Army Corp of Engineers (**ACOE**) approvals must include those activities with the permit conditions. Either PSE&G or the developer must obtain these approvals prior to our installation.

It is recommended that the developer's permit approvals be checked first in order to provide a realistic date of installation and service. [Figure 8.14](#) provides a list of potential permits that may be required by federal, state, and regional regulatory agencies.

Figure 8.14: Work with Developers Flowchart



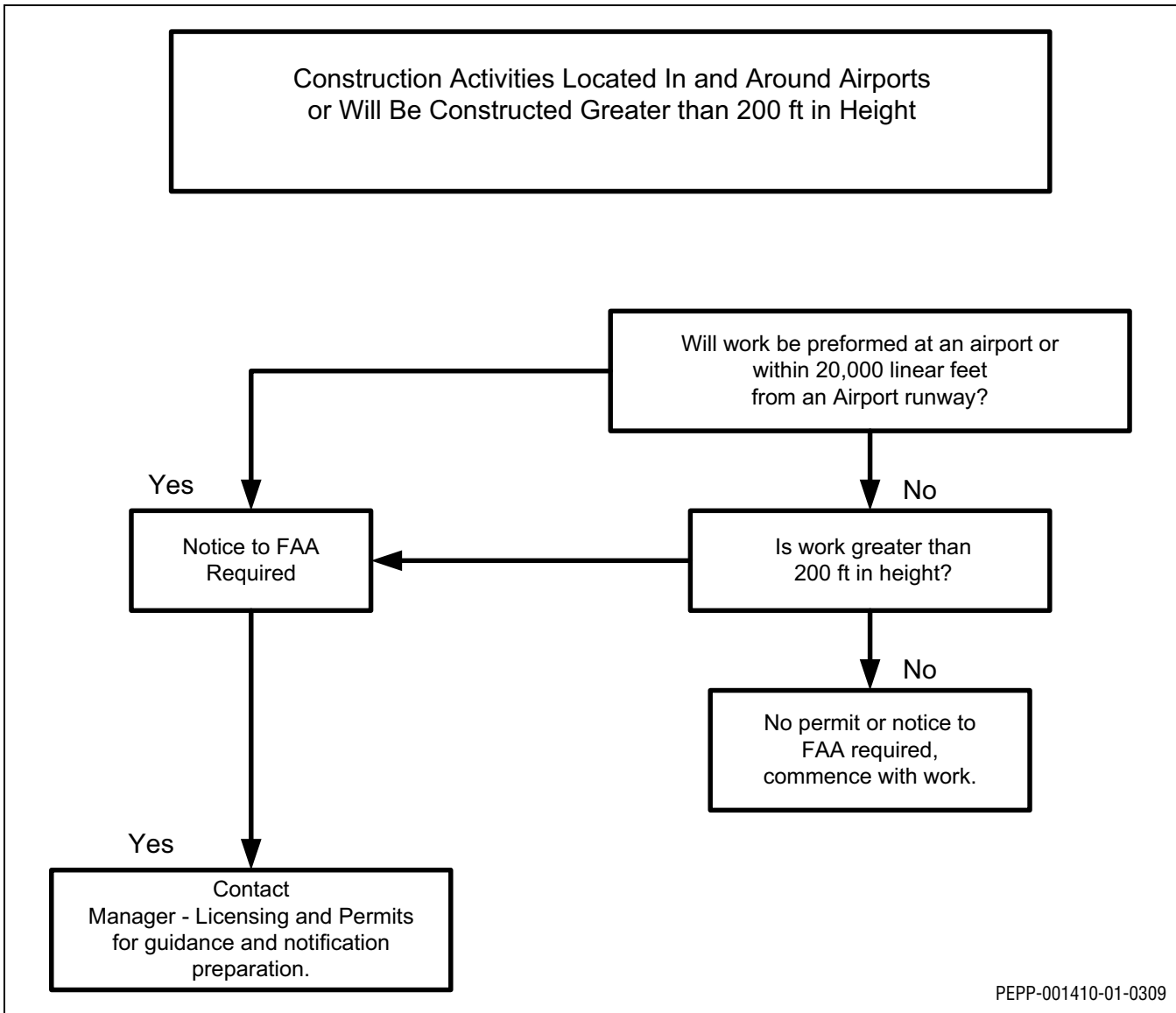
4. Hazards to Aviation

4.1 Federal Aviation Administration

The Federal Aviation Administration (**FAA**) requires notification of construction or alteration activities that will be greater than 200 ft in height, will be located within 20,000 ft from an airport runway, and/or will be performed at an airport. The FAA does not issue permits rather conducts an aeronautical study of the construction activity and will then issue a Determination Notice of No Hazard to Air Navigation. This notice will provide construction guidelines that must be met so that the work/infrastructure is not a hazard to air navigation.

Figure 8.15 shows the decision path to follow for construction activities described above.

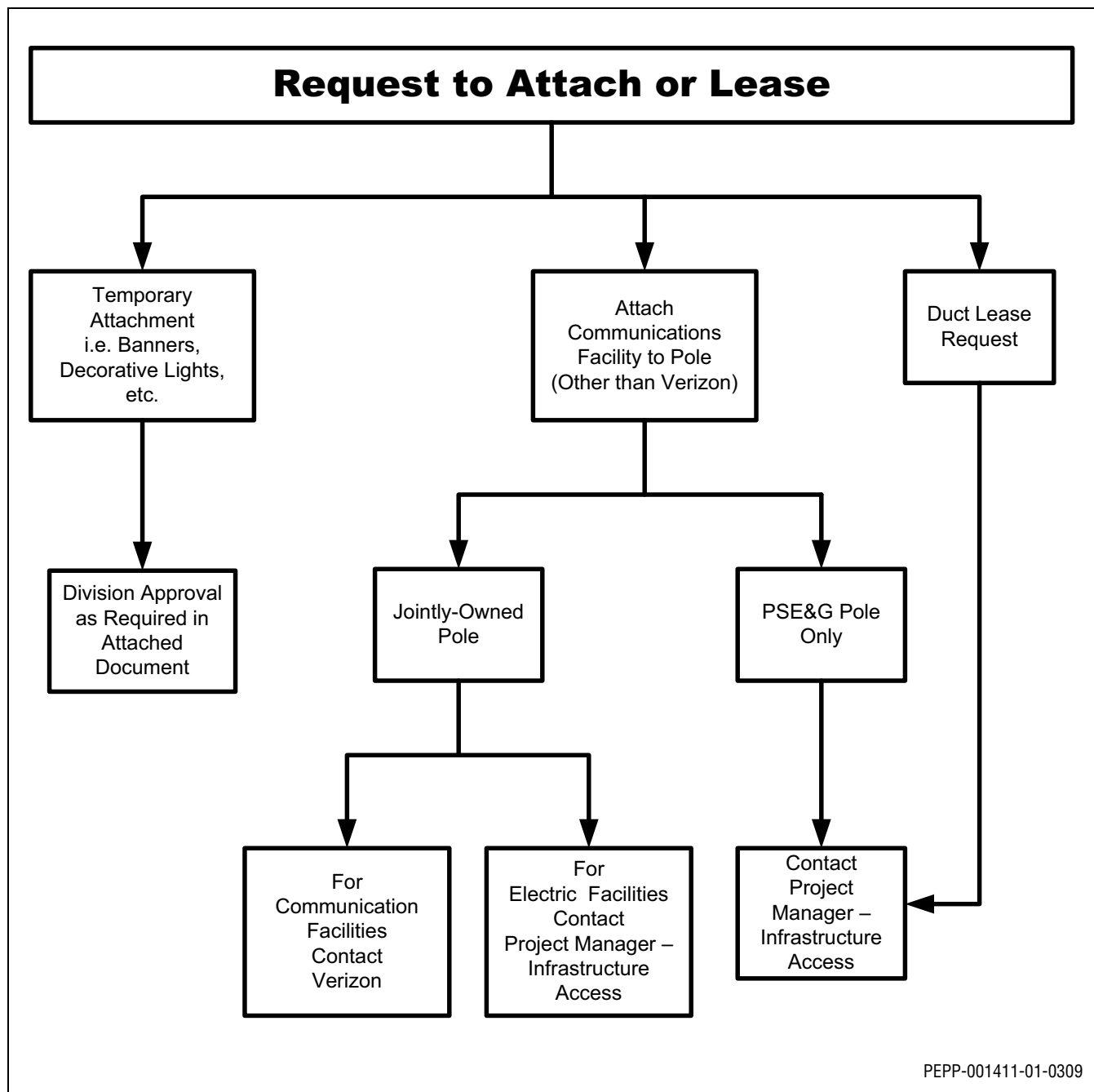
Figure 8.15: Construction Activities In and Around Airport Flowchart



5. Pole Attachments and Duct Leasing

If a request for attachment to poles or leasing of ducts is made by private companies, municipalities, community organizations, philanthropic organizations, etc., PSE&G response will be based on [Figure 8.16](#).

Figure 8.16: Request to Attach or Lease Flowchart



“Holiday decorations, welcome banners, or signs advertising other municipality supported or approved events” are allowed on utility poles if PSE&G grants permission. These attachments should be temporary in nature, contain no commercial advertisements, and not cross any state highways. In order to install any banner across a state highway, the customer/municipality must first secure a permit from the appropriate NJDOT Regional Permits Office. Any requests to install pole attachments that do not conform to these requirements should be referred to the NJDOT Office of Outdoor Advertising Services for review.

5.1 General Requirements for Attachment of Holiday Decorations, Banners, and Signs to Poles

The customer/municipality must do the following:

1. Obtain all required governmental permits.
2. Provide proof of minimum insurance as specified in PSE&G's "Insurance Requirements for Attachment of Holiday Decorations, Banners, and Signs to Poles".
3. Obtain PSE&G approval of locations, attachments, and method of attachment prior to installation.
4. Obtain New Jersey Bell approval (written permission) for any jointly owned poles.

5.2 Insurance Requirements for Attachment of Holiday Decorations, Banners, and Signs to Poles

The following specific insurance requirements for pole attachments are derived from PSE&G's General Provisions for Insurance provided in the *Corporate Procedures Manual*.

1. Before any attachments are made, licensee should provide proof of the following minimum insurance in forms and with insurance companies acceptable to PSE&G.
 - a. Workers' compensation insurance in accordance with statutory requirements and Employers' Liability Insurance with a minimum limit of \$500,000 each occurrence.
 - b. Comprehensive General Liability Insurance (occurrence form) including premises, contractual liability, products liability, completed operations, independent contractors, broad form property damage, damage caused by structural injury, and damage to underground utilities with the following minimum limits of liability:
 - Bodily injury \$1,000,000. each occurrence
 - Property Damage \$1,000,000. each occurrence
 - c. Comprehensive Automobile Liability Insurance (only required if vehicles are to be used to install attachments) including coverage for all owned, non-owned and hired automobiles used by the licensee in the performance of the work with the following minimum limits of liability:
 - Bodily injury \$1,000,000. each occurrence
 - Property Damage \$1,000,000. each occurrence
2. All liability coverages shall name PSE&G as an additional ensured to support the contractual obligations assumed by the licensee in acceptance of this contract and provide that this coverage is primary and without right of contribution from insurance carried by PSE&G.
3. Prior to the commencement of this agreement, licensee will deliver to PSE&G Certificates of Insurance evidencing this coverage is in effect and providing at least 30 days notice to PSE&G of any cancellation, termination, or material alteration of said insurance.
4. Licensee shall notify the Company's representatives and the Claims department immediately by telephone (973) 430-7000 and in writing within 24 hours after an occurrence thereof, of all accidents arising out of work done under this contract. Such notice shall not relieve either party of any of its obligations under this agreement, nor be construed to be other than a mere notification.
5. The insurance requirements as set forth above are to fully protect PSE&G from any and all claims by third parties, including employees of the licensee or its agents, subcontractors, and invitees. Said insurance, however, is in no manner to relieve or release the licensee, its agents, sub-contractors and invitees from, or to limit their liability as to any and all obligations herein assumed.

6. Utility Relocations

6.1 Legal Authority to use Public Streets for Electric Utility Facilities

The franchise authority of PSE&G to provide electric service to the citizens of New Jersey is granted directly by the state and not through the grant of franchise rights by individual municipalities. The principal statute authorizing electric service by utility companies is the Electric Light, Heat and Power Company Act of 1896. This Act, codified in Chapter 7 of Title 48 of the *New Jersey Statutes Annotated*, granted to electric companies formed under it the right to use the public highways and streets of the state for their electric operations. It is this charter from the state, together with other applicable statutory provisions of Title 48 (Public Utilities) of the New Jersey Statutes, which constitute the electric franchise of PSE&G. This electric franchise continues indefinitely and unlike, for example, a cable TV franchise, is not subject to periodic renewal. However, the right of a public utility to utilize the public streets to provide electric utility service to members of the public is subject to reasonable regulation to assure proper roadway restoration and to protect the safety and convenience of the traveling public.

NJSA 48:7-1 and 2, governing the rights of PSE&G to install and maintain electric utility facilities in public streets are shown in full in Exhibit 10-10. Further, public streets are broadly defined at NJSA 48:3-17.2(d) as follows:

(d) "Street" means any highway, road, street, alley, lane or place dedicated to public use whether or not accepted and whether or not subsequently vacated and includes the sidewalk area and other areas between the sidelines thereof.

As set forth in NJSA 48:7-1 and 2, the use of public streets by PSE&G for electric facilities is subject to the following requirements:

1. PSE&G must secure the consent in writing of the "owner of the soil", usually but not necessarily the abutting property owner, before installing a pole. To the extent that an executed pole consent does not provide for a later expansion of facilities or replacement by a larger pole, a new consent should be secured when such expansion or increase is undertaken.
2. PSE&G is subject to lawful street opening regulations intended to assure proper restoration of the roadways and to protect the safety and convenience of the traveling public. The payment of fees for such permits can be properly required as long as such fees defray the cost of the regulatory services rendered and are not for the purpose of raising revenue.
3. In incorporated cities and towns, but not boroughs, townships and municipalities with other forms of government, a "designation" of the streets where overhead electric facilities are to be installed must be made by the city or town. Once a designation is made, it cannot be rescinded by a subsequent governing body. This requirement had particular significance when electricity was a new technology being introduced into established municipalities. It is largely of historical interest today since New Jersey is heavily developed and no new cities or towns are being created.

A municipal or county government cannot regulate the means or method of supplying electric service and cannot dictate construction practices. The New Jersey Board of Public Utilities (BPU), formerly known at various times as the Board of Regulatory Commissioners or the Public Utility Commission, was formed in 1911 under Title 48 of the New Jersey Statutes in order to exercise broad supervisory control over all aspects of public utility operation. The regulations of the BPU require that utility plant conform to "standard practice" and be constructed in accordance with the National Electrical Code and National Electrical Safety Code in effect at the time of construction.

6.2 Financial Responsibility for Utility Relocations to Accommodate Improvements to Public Streets

The question often arises as to PSE&G’s obligation to pay for utility facility relocations, either overhead or underground, made necessary by public or private improvements affecting the public highways and streets in New Jersey. Such matters can arise as the result of municipal, county or state roadway improvement projects or through private developers improving a roadway in connection with project construction activities.

The common-law rule that developed over a long period of time is that utility rights to occupy the public places of the state are subordinate to the rights of the traveling public. Under this rule, the public utility cannot unduly inhibit travel on the public roadways during or after the construction of utility facilities. Further, the utility, under the common-law rule, generally must relocate its facilities to accommodate a public improvement project. As such, many street widening projects or other roadway improvement projects performed under the general powers of governmental entities result in PSE&G having to pay the cost of removing and/or relocating its facilities.

Despite the common-law rule, there has been a number of statutes enacted which change the rule and impose the obligation to pay for utility relocations upon the governmental entity undertaking the project. In addition, utility relocations made necessary to accommodate private improvements which do not directly benefit the public at large are generally the financial responsibility of the developer building the project. **Because reimbursement for relocations is often legally available in connection with projects, it is particularly important for Company personnel initially involved with such projects to promptly and accurately determine the jurisdiction and legal authority for the roadway improvement project, including determining the statute, if any, under which the work is being performed.**

6.3 Statutes Providing for Reimbursement for the Relocation of Utility Facilities

[Table 8-1](#), [Table 8-2](#) and [Table 8-3](#) outline New Jersey statutes which specifically provide for the payment of utility relocation costs by the public entity undertaking a public improvement project giving rise to the need for such relocation.

Table 8-1: Redevelopment Statutes

| Statute | Description |
|---|--|
| NJSA 40:37A-44., et seq. | The County Improvement Authorities Law NJSA 40:37A-56.4 and 75. |
| *NJSA 40:55-21.1., et seq. | The Blighted Area Act of 1949; see NJSA 40:55-21.11. |
| *NJSA 40:55C-1., et seq. | The Redevelopment Agencies Law of 1949; see 40:55C-23 and 24. |
| **NJSA55C-40., et seq. | The Urban Renewal and Association Law of 1961; see NJSA 40:55C-71 and 73. |
| **NJSA 40:55C-77., et seq. | The Urban Renewal Non-Profit Corporation Law of 1965; see NJSA 40:55C-103 and 105. |
| NJSA 40A:12A-1., et seq. | The Local Redevelopment and Housing Law of 1992; see NJSA 40A:12A-10. |
| NJSA 40A:20-1., et seq. | The Long Term Tax Exemption Law; projects under this statute relate to work under NJSA 40A:12A-1., et seq. |
| Note: * Repealed by NJSA 40A:12A-1.et seq., effective January 18, 1992, but still applicable to projects which predate repeal. **Repealed by NJSA 40A:20-1. et seq., effective April 17, 1992, but still applicable to projects which predate repeal. | |

Table 8-1: Redevelopment Statutes (Cont'd)

| Statute | Description |
|---|---|
| *NJSA 55:14A-1., et seq. | The Local Housing Authorities Law of 1938; see NJSA 55:14A-39 and 41. |
| **NJSA 55:14D-1., et seq. | The Redevelopment Companies Law of 1944; see NJSA 55:14D-20. |
| **NJSA 55:14E-1., et seq. | The Urban Redevelopment Law of 1946; see NJSA 55:14E-18. |
| NJSA 55:14H-1., et seq. | The State Housing Law of 1949; see NJSA 55:14H-16 and 17. |
| Note: * Repealed by NJSA 40A:12A-1.et seq., effective January 18, 1992, but still applicable to projects which predate repeal. **Repealed by NJSA 40A:20-1. et seq., effective April 17, 1992, but still applicable to projects which predate repeal. | |

Table 8-2: Statutes Governing Other Public Authorities

| Statute | Description |
|-------------------------|---|
| NJSA 27:7-44.9 | A 1983 amendment to the state highway statutes that requires the Commissioner of Transportation to pay for relocations in connection with certain state highway projects (see discussion at end of statute list.) |
| NJSA 27:7A-1., et seq. | The New Jersey Freeway and Parkway Act of 1945; NJSA 27:7A-7. |
| NJSA 27:12B-1., et seq. | The New Jersey Highway Authority Act of 1952; see NJSA 27:12B-6. |
| NJSA 27:12C-1., et seq. | The New Jersey Expressway Authority Act of 1962; see NJSA 27:12C-16. |
| NJSA 27:23-1., et seq. | The New Jersey Turnpike Authority Act of 1948; see NJSA 27:23-6. |
| NJSA 27:25A-1., et seq. | The South Jersey Transportation Authority Act of 1991 see NJSA 27:25A-26. |

Table 8-3: Statutes Governing Other Public Authorities

| Statute | Description |
|-------------------------|---|
| NJSA 4:26-1., et seq. | The South Jersey Food Distribution Authority Law of 1985; see NJSA 4:26-7. |
| NJSA 5:10-1., et seq. | The New Jersey Sports and Exposition Authority Law of 1971; see NJSA 5:10-8. |
| NJSA 12:11A-1., et seq. | The South Jersey Port Corporation Act of 1968; see NJSA 12:11A-7. |
| NJSA 13:17-1., et seq. | The Hackensack Meadowlands Reclamation and Development Act of 1968; see NJSA 13:17-35. |
| NJSA 13:17A-1., et seq. | The Hackensack Meadowlands Food Distribution Center Commission Law of 1983; see NJSA 13:17A-26. |
| NJSA 32:3-1., et seq. | The Delaware River Port Authority Compact; see NJSA 32:3-13.42 and 13:51. |
| NJSA 32:11D-1., et seq. | The Delaware River Basin Compact; see NJSA 32:3-100 and 101. (Rights to reimbursement unclear; evaluation must be done on specific facts of each case.) |
| NJSA 34:1B-1., et seq. | The New Jersey Economic Development Authority Act of 1974; see NJSA 34:1B-8. |
| NJSA 40:11A-1., et seq. | The Parking Authority Law of 1948; see NJSA 40:11A-7.1. |

Table 8-3: Statutes Governing Other Public Authorities (Cont'd)

| Statute | Description |
|----------------------------|---|
| NJSA 40:12-16 | A 1989 law that requires a county that acquires lands for conservation as open space to pay for utility relocations made necessary by such acquisition. |
| NJSA 40:14A-1., et seq. | The Sewerage Authorities Law of 1946; see NJSA 40:14A-20. |
| NJSA 40:14B-1., et seq. | The Municipal and County Utilities Authorities Law of 1957; see NJSA 40:14B-40. |
| NJSA 40:35B-1., et seq. | The County Transportation Authorities Act of 1980; see NJSA 40:35B-40. |
| NJSA 40:37B-1., et seq. | The First Class County Recreation Authority Law of 1967; see NJSA 40:37B-32. |
| NJSA 40:54D-1., et seq. | The Tourism Improvement and Development District Act of 1992; see NJSA 40:54D-32. |
| NJSA 40:68A-29., et seq. | The Municipal Port Authorities Law of 1960; see NJSA 40:68A-54. |
| NJSA 40A:26A-1., et seq. | The Municipal and County Sewerage Act of 1991; see NJSA 40A:26A-8. |
| NJSA 40A:31-1., et seq. | The County and Municipal Water Supply Act of 1989; see NJSA 40A:31-8. |
| NJSA 48:12-63 | A 1962 amendment to the public utility statutes dealing with railroads that provides for utility relocation reimbursement in certain cases where federal funds help pay for the railroad project. |
| NJSA 52:9Q-9., et seq. | The Capital City Redevelopment Corporation Act of 1987; see NJSA 52:9Q-22. |
| NJSA 52:18A-78.1., et seq. | The New Jersey Building Authority Act of 1981; see NJSA 52:18A-78.12. |
| NJSA 58:1B-1., et seq. | The New Jersey Water Supply Authority Act of 1981; see NJSA 58:1B-8. |
| NJSA 58:16A-1., et seq. | The State Flood Control Facilities Act of 1948; see NJSA 58:16A-8. |
| NJSA 58:22-1., et seq. | The New Jersey Water Supply Law of 1958; see NJSA 58:22-14. |

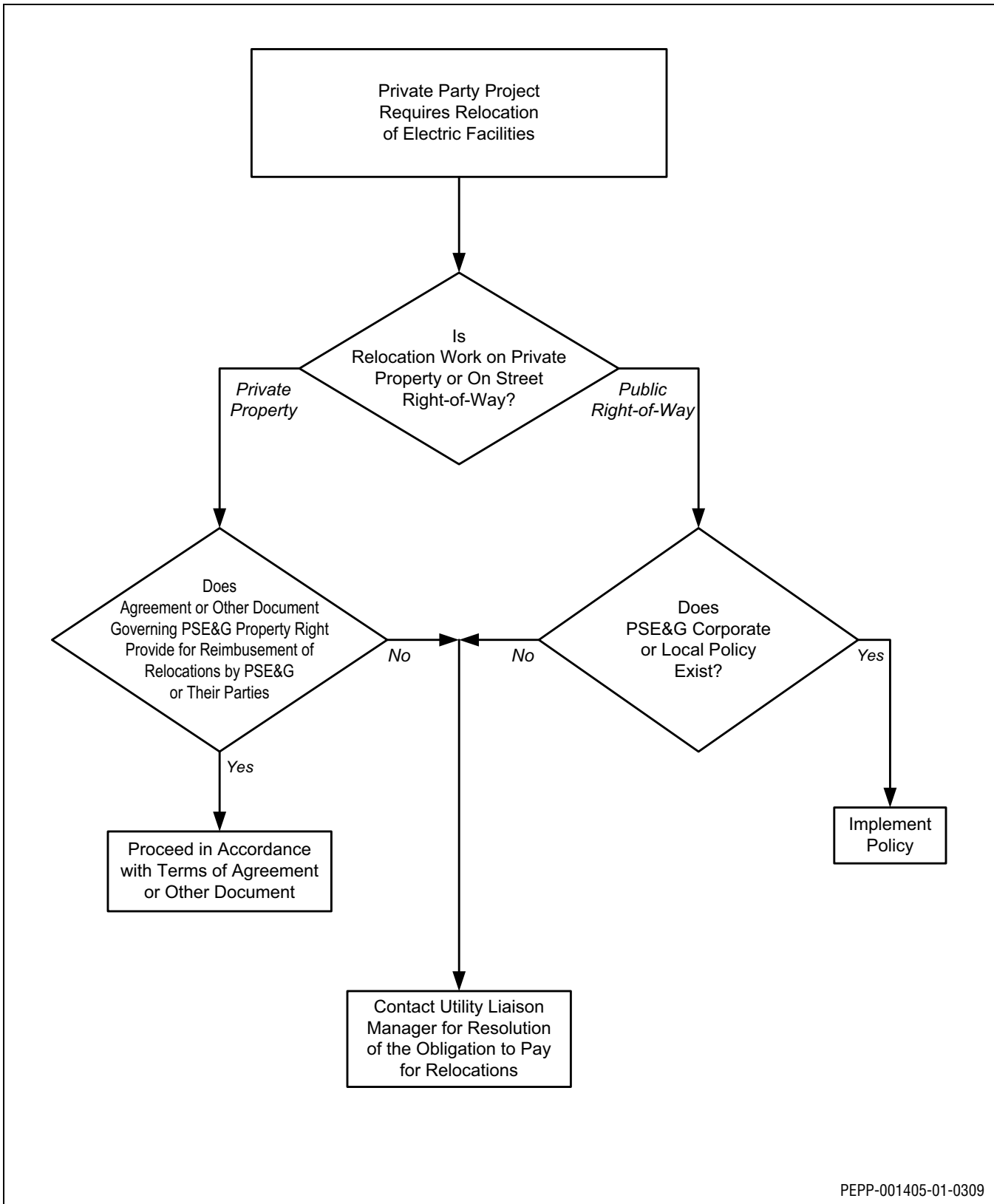
Exhibit 10-11 sets forth NJSA 40A:12A-10, the section of the Redevelopment and Housing Law of 1992 that is typical of statutory provisions that provide for reimbursement to utility companies for utility relocations made necessary by public improvement projects.

With respect to NJSA 27:7-44.9, the 1983 enactment, which provides for utility relocation reimbursement on certain state highway projects, a New Jersey Supreme Court decision offers instructive interpretation. Specifically, on July 8, 1993, the New Jersey Supreme Court rendered a unanimous decision in the case of *Pine Belt Chevrolet, Inc., et al. vs. Jersey Central Power and Light Company, et al.* 132 N.J. 564 (1993). This decision reversed a July 1991 decision of the Appellate Division of the Superior Court which found that NJSA 27:7-44.9 required the New Jersey Department of Transportation (DOT) to pay for utility relocations made necessary by highway construction ordered by the DOT as a condition of a developer receiving a highway access permit or any other DOT-issued permit. In its July 8 decision, the Supreme Court held that the DOT only assumed responsibility for reimbursement under the statute when the DOT administers and contracts for a highway project. As a result, the common law is confirmed to the effect that a developer must pay for utility relocations made necessary by roadway improvements that directly benefit the developer's project, and the utility company must pay for such relocations to the extent that the project primarily benefits the general public. Examples set forth in regulations appearing at N.J.A.C. 16:47-4.34 (a) and (b), are cited approvingly by the Supreme Court. Accordingly, that section of the Administrative Code, a copy of which is

attached as Exhibit 10-12, may offer some guidance for when relocation expenses can be properly sought from a developer. As a result of the guidelines offered by the *Pine Belt* decision, each applicable project must be analyzed to determine what components primarily benefit the general traveling public and what components are primarily for the benefit of the developer's project.

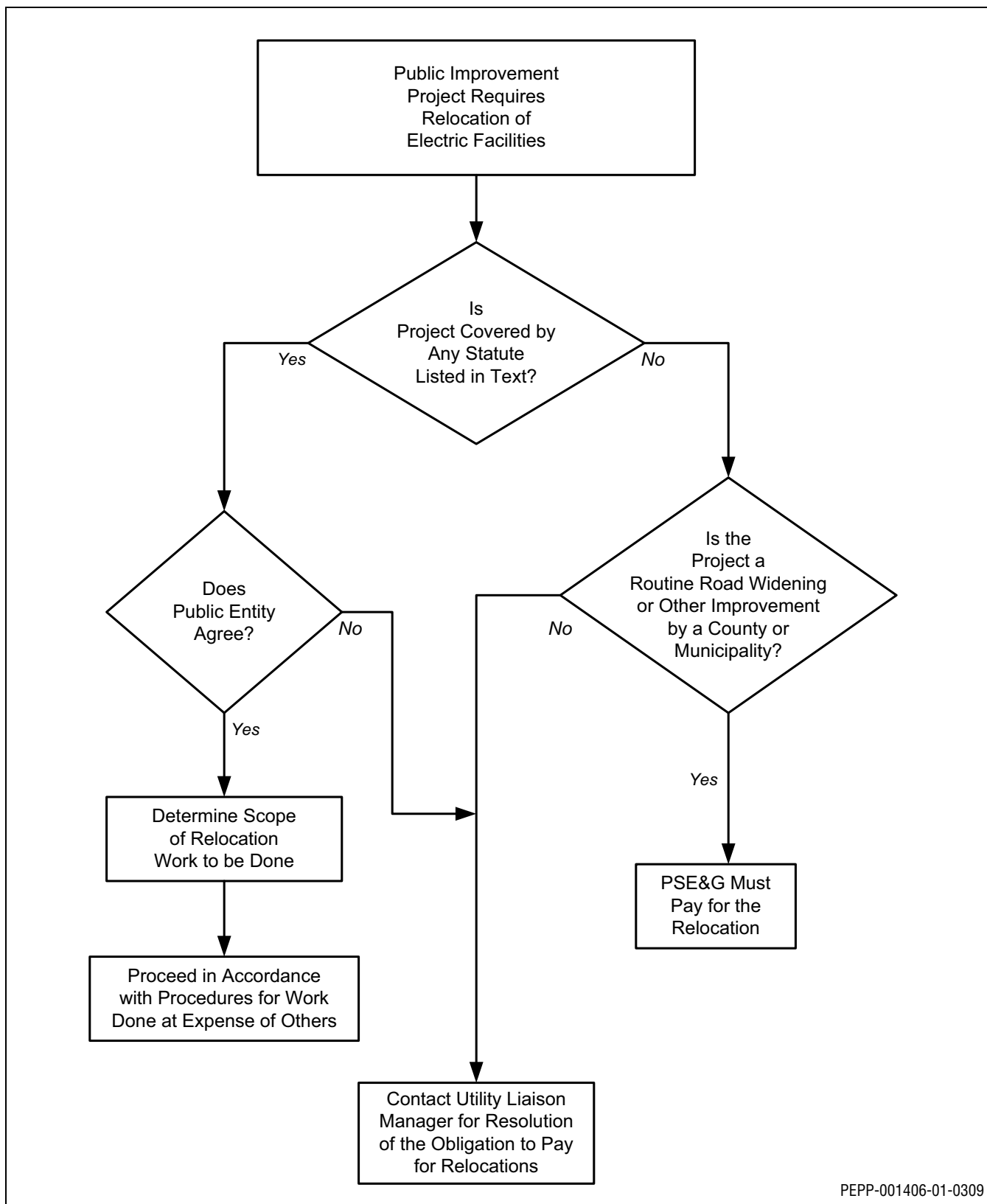
For many utility relocation projects, it is important to determine some basic facts before proceeding. [Figure 8.17](#) and [Figure 8.18](#) outline the process to be followed in order to make a correct determination of PSE&G's responsibility.

Figure 8.17: Private Party Project Flowchart



PEPP-001405-01-0309

Figure 8.18: Public Improvement Project Flowchart



PEPP-001406-01-0309

Figure 8.19: Excerpt from Basis Public Utility Franchise Authority Document

**BASIC PUBLIC UTILITY FRANCHISE AUTHORITY
NEW JERSEY STATUTES ANNOTATED, TITLE 48, PUBLIC UTILITIES
CHAPTER 7, ELECTRIC LIGHT, HEAT AND POWER, COMPANIES**

48:7-1. Erection of poles; consent of property owner; designation of street

Any company organized or to be organized pursuant to the laws of this State for the purpose of constructing, maintaining and operating works for the supply-and distribution of electricity, for electric light, heat or power may use the public highways, streets and alleys in this State for the purpose of erecting poles to sustain the necessary wires and fixtures, upon first obtaining the consent in writing of the owners of the soil. The poles shall be so located as in no way to interfere with the safety or convenience of persons traveling on the highways.

No poles shall be erected in any street of an incorporated city or town without first obtaining from the incorporated city or town a designation of the street in which the same shall be placed and the manner of placing the same. Such use of the public streets shall be subject to such regulations as may be first imposed by the corporate authorities of the city or town.

Amended by L.1962, c. 198, § 95.

Source: L.1896, c. 189, sec. 1.

48:7-2 Pipes and conduits; restrictions on laying; municipal consent

Any such company may lay pipes or conduits and wires therein beneath such public highways, streets and alleys as it may deem necessary. Such pipes or conduits shall be laid at least 2 feet below the surface and shall not unnecessarily interfere with public travel, or damage public or private property. They shall be laid at the greatest practicable distance from the outside of any water or gas pipe, but in no event less than 1 foot therefrom, except where it shall be necessary to cross or intersect any such gas or water pipe.

No public streets shall be opened in any municipality for the purpose of laying any such pipes, conduits or wires without the permission of the municipality-

Amended by L.1973, c. 349, § 1, eff. Dec. 27, 1973.

Source: L.1896, c. 189, sec. 2,3.

PEPP-007679-01-1111

Figure 8.20: Excerpt from Sample Statutory Language Covering Utility Relocations Document

**SAMPLE STATUTORY LANGUAGE COVERING UTILITY RELOCATIONS
NEW JERSEY STATUTES ANNOTATED, TITLE 40A, MUNICIPALITIES AND COUNTIES
CHAPTER 12A, REDEVELOPMENT AND HOUSING LAW**

40A:12A-10. Relocation or removal of public utility facilities

Whenever a redevelopment entity which has acquired by purchase or condemnation real property for any project or for the widening of existing roads, streets, parkways, avenues or highways or for construction of new roads, streets, parkways, avenues or highways to any project or partly for such purposes and partly for other municipal or county purposes, shall determine that it is necessary that any tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility as defined in R.S.27:7-1 in, on, along, over or under the project or real property, should be relocated in, or removed from, that project or real property, the public utility owning or operating the public utility facilities shall relocate or remove the same in accordance with the order of the redevelopment entity; provided, however, that the cost and expenses of relocation or removal, including the cost of installing the public utility facilities in a new location, or new locations, and the cost of any lands, or any rights or interest in lands, or any other rights acquired to accomplish the relocation or removal, less the cost of lands or any rights or interest in lands or any other rights of the public utility paid to the public utility in connection with the relocation or removal, shall be ascertain and paid by the redevelopment entity making such order. In case of any such relocation or removal of public utility facilities, the public utility, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the public utility facilities in their former location or locations.

L.1992, c. 79, § 10.

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Figure 8.21: Excerpt from New Jersey Administrative Code Document

**NEW JERSEY ADMINISTRATIVE CODE
TITLE 16, TRANSPORTATION**

16:47-4.34 Fair-share financial contributions

(a) The Department may require fair-share financial contributions towards the cost of constructing capacity improvements to the State highway system necessitated by traffic attributable to the development of the lot at those study locations determined in accordance with N.J.A.C. 16:47-4.36 where the LOS violates the standards set forth in N.J.A.C. 16:47-4.24 through 4.29. These improvements may include roadway and structure widenings, frontage roads, intersection improvements, structures, reverse frontage roads, and alternative access. Alternately, the Department may permit the applicant to construct the improvement at the applicant's expense and under Department supervision.

(b) Those improvements which benefit only the applicant shall be entirely the applicant's responsibility and are not considered in the fair-share determination. Examples of this are acceleration and deceleration lanes for points, left turn slots which only provide access to a site, and traffic signals located at the applicant's driveways.

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7. Environmental

7.1 Management of Excavated Soils at Non-Company Locations

Figure 8.22: Management of Excavated Soils at Non-company Locations Flowchart

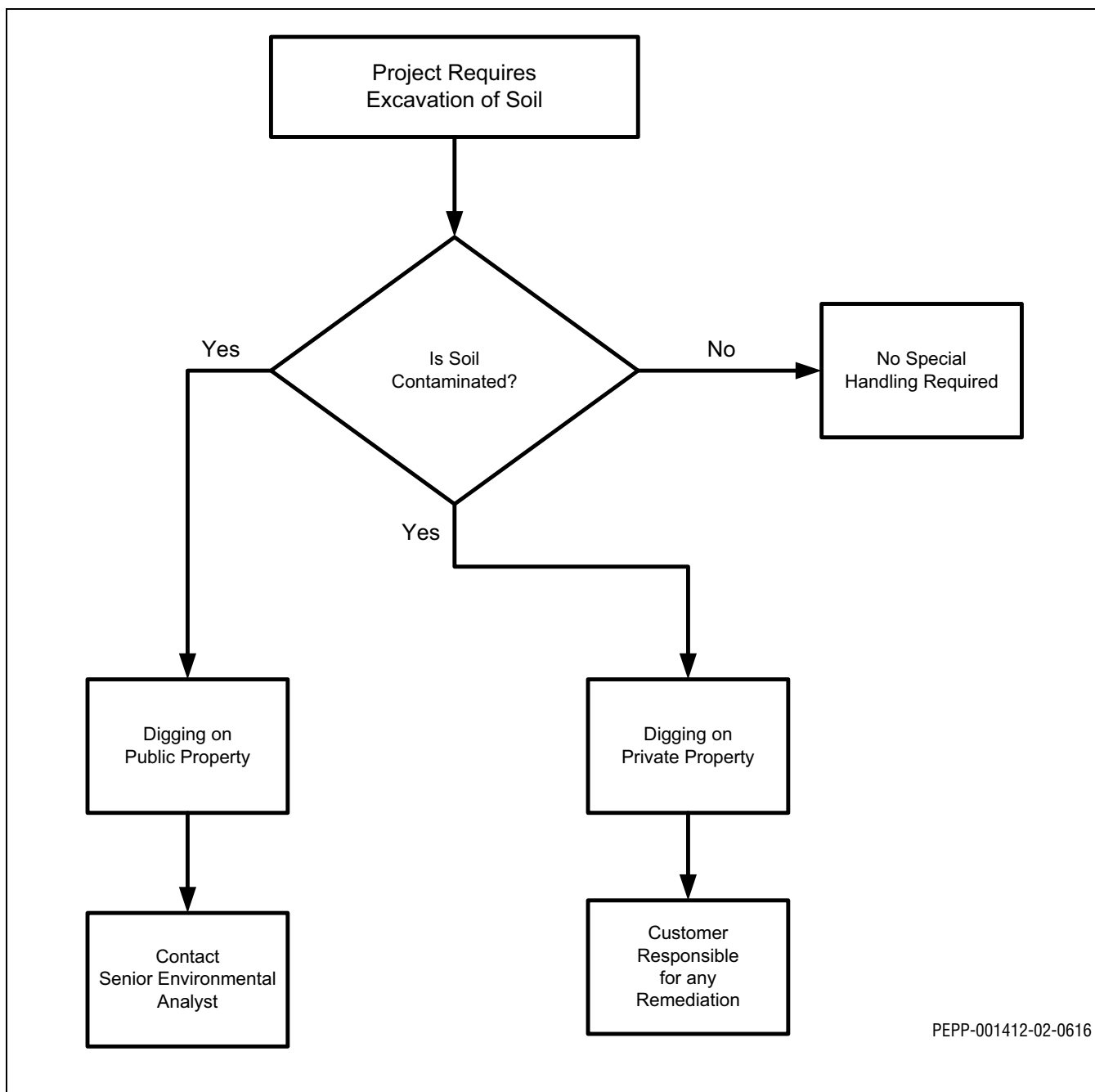


Figure 8.22 Notes:

The above procedure does not apply to spills.

Refer to *Pollution Prevention Manual*.

PSE&G is dedicated to providing safe, reliable and competitively-priced electric and gas energy to its customers, and in a responsible manner consistent with environmental laws and regulations and worker and community health and safety.

In keeping with this mandate, it is PSE&G's policy to first minimize the amount of displaced, excess soil generated by excavation activities at non-Company locations. It is also PSE&G's policy to recycle and/or reuse to the maximum extent possible any excess soil that is displaced by these excavation activities.

Accordingly, PSE&G employees and its contractors will make all reasonable efforts to follow the established policy for management of excavated soil at non-PSE&G locations. This policy includes at a minimum the following practices:

1. During an excavation, should evidence of major contamination be encountered, such as free product, buried drums, or overpowering fumes that may pose a potential hazard to worker or community health and safety, all excavation activity shall cease at that location, and the NJDEP Environmental Hotline (1-877-WARNDEP (1-877-927-6337)) shall be notified. Further work at this location shall occur in consultation with response personnel.
2. Under all other conditions and upon completion of the utility work, all excavated soil shall be placed back into the original excavation to the maximum extent possible. However, if there is any displaced soil or other excavated material that is unable to be backfilled, it shall be recycled and/or reused.
 - a. Soil that exhibits no evidence of contamination, i.e., no odor or visible discoloration, may be either given to a contractor as clean fill for construction, or sent to an authorized reuse or recycling facility.
 - b. However, displaced, excess soil that has come from a known or suspected area of contamination shall be sent to a recycling facility authorized to handle such contaminated soil.

Note



For purpose of this policy, non-Company location refers to excavations involving street openings, trenching operations in public rights-of-way, etc.

7.2 Work Involving Environmental Affairs – Licensing and Permits Division

This section provides direction for identifying and complying with various regulatory requirements that may be encountered in minor construction or repair of electric distribution equipment. For construction projects involving substations, tower lines exceeding 69 kV, and duct lines, Environmental Affairs should be contacted to evaluate the project for necessary permits early in the planning phase. This section of the manual illustrates typical environmental situations PSE&G encounters which prompt the need for regulatory approvals. In addition, it identifies the appropriate PSE&G department and personnel who shall be responsible for various permit applications and approvals.

Prior to construction, all work locations must be evaluated for environmental sensitivity. Depending on the type of conditions and location (regional planning districts), multiple regulatory approvals may be required prior to work commencement. The following sections will discuss various regulatory paths that will determine the applicable permits and regulatory agencies responsible for the approvals.

The Licensing and Permits Division of Environmental Affairs can provide a detailed explanation of the regulatory approvals. Always contact the Environmental Affairs Department – Licensing and Permit Division for updated regulations, application requirements, and guidance.

The regulatory community is constantly changing. Legislation and increased enforcement of environmental regulations make it necessary for PSE&G to ensure regulatory compliance. It is necessary for the company to be represented by associates who have a clear understanding and working knowledge of environmental regulations. The Electric Distribution Division Headquarters shall look to Environmental Affairs for guidance and direction concerning regulatory compliance when construction or repair activities are considered in questionable areas that may be environmentally sensitive.

7.3 Licensing Submittal and Approval Cycle

[Figure 8.23](#) is to be used as a reference in determining estimated time durations which can be used in the planning phase of projects. Note that the Licensing and Permits Department should always be consulted prior to proceeding.

Figure 8.23: Details of Civil Drawings Chart

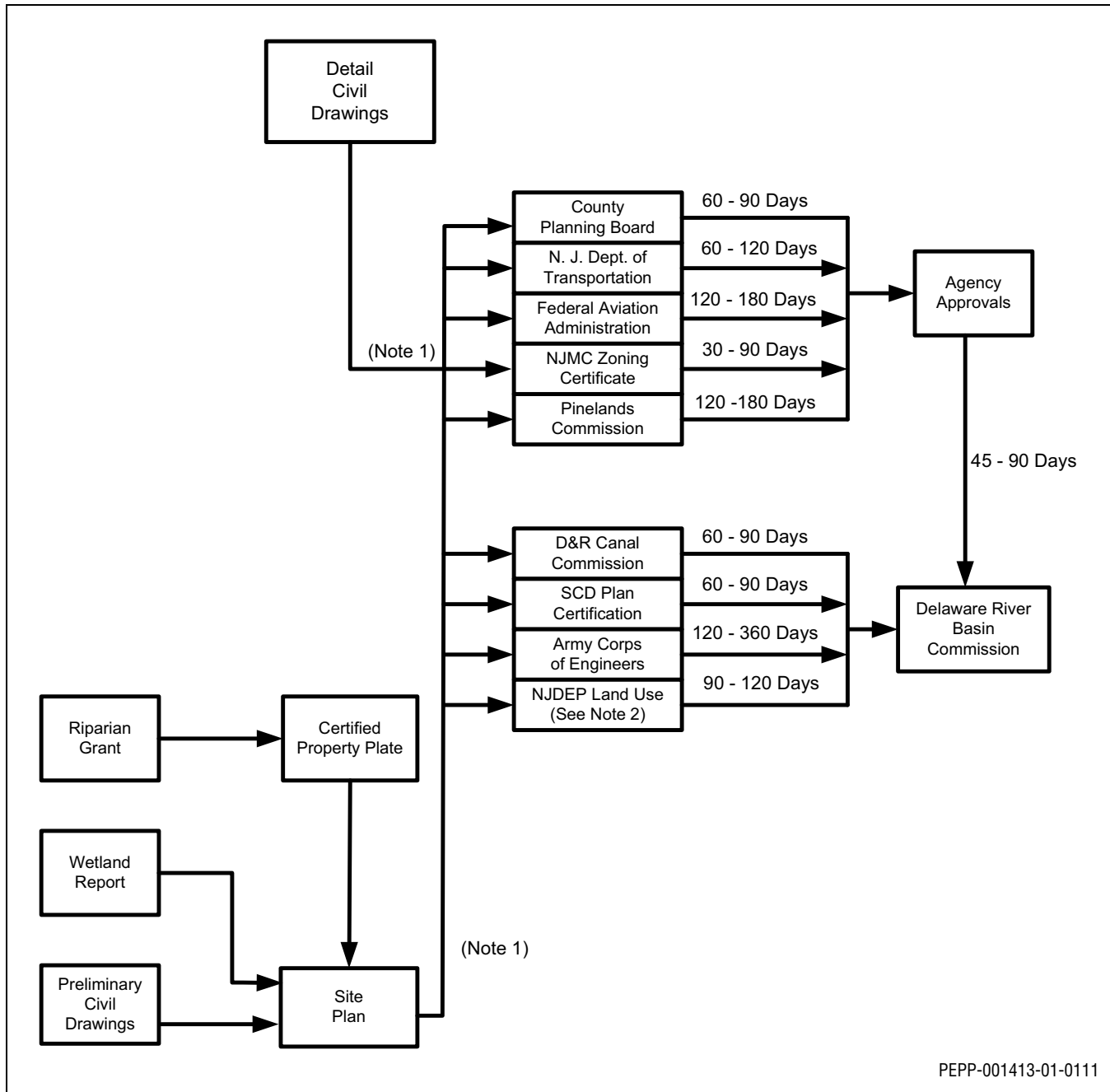


Figure 8.23 Notes:

1. Upon receipt of all required information, application preparation time is 20 - 30 days.
2. Land Use Permits from the NJDEP include, where applicable, Flood Hazard Area (FHA) Permit, Waterfront Development Permit, Freshwater Wetlands Permits, and/or Water Quality Certification.

8. Construction Activities Located in and Near Streams

There are six terms referred to in this section and are defined as follows:

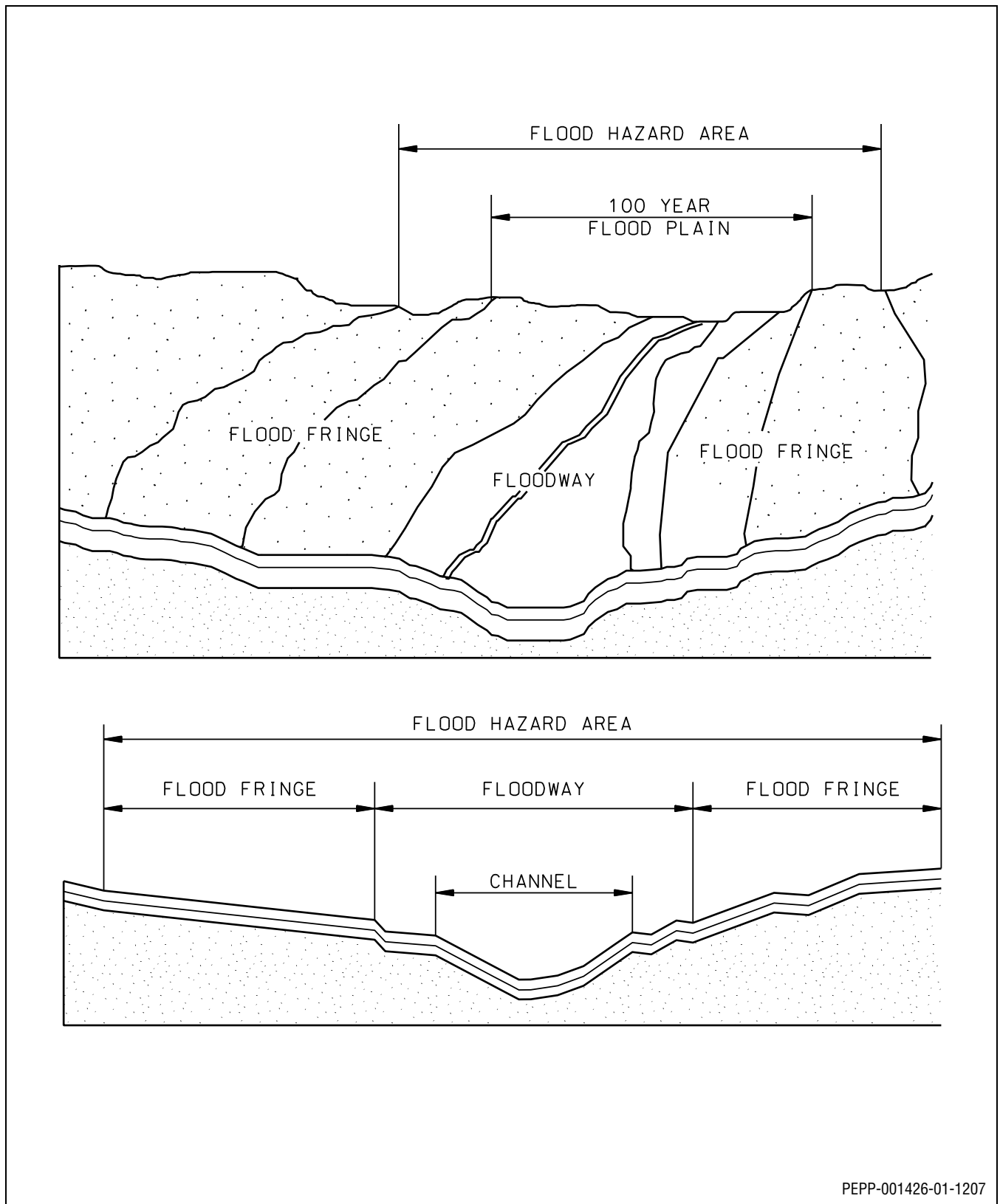
1. **Flood Plain** – The relatively flat area adjoining the channel of a natural stream which has been or may be hereafter covered by flood waters. To determine the 100 year flood plain/elevation requires review of the Federal Emergency Management Associations Federal Insurance Rate Maps.
2. **Floodway** – The channel of a natural stream and portions of the flood hazard area adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any natural stream.
3. **Wetland** – Those areas that are inundated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
4. **Regulated Water** – All waters in New Jersey are regulated except:
 - a. Man made canals;
 - b. Coastal wetland regulated under the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.); and
 - c. Any segment of water that has a drainage area of less than 50 acres, provided one or more of the following applies:
 - i. The water has no discernible channel;
 - ii. The water is confined within a lawfully existing, man made conveyance structure or drainage feature, such as a pipe, culvert, ditch, channel or basin;
 - iii. The water is not connected to a regulated water by a channel or pipe, such as an isolated pond or depression that has no outlet.
5. **Riparian Zone** – The riparian zone includes the land and vegetation adjacent to each regulated water measured landward from the top of bank. If a discernible bank is not present along a regulated water, the portion of the riparian zone outside the regulated water is measured landward as follows:
 - a. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
 - b. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
 - c. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water; and
 - d. Along an amorphously-shaped feature, such as a wetland complex, through which a regulated water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.
6. **Navigable Water** – Waters that are subject to the ebb and flow tide and/or are presently used or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

[Figure 8.24](#) illustrates the profile of the stream, its flood plain, and floodway. If construction or repair work is to be performed within stream flood plain refer to [Figure 8.25](#). If there is any question as to jurisdiction of streams, Manager, Licensing and Permits Division of Environmental Affairs should be contacted.

Very few activities are not regulated under the FHA program. When work activities will cross over or under a stream, or are located within the 100 year flood plain, a FHA Permit is required. Additional approvals may also apply and are required due to the environmental sensitivity of the work location. If the work location is

situated in or near a stream, wetlands may be present and wetland permits will be required in addition to a FHA permit. The NJDEP will issue wetlands and FHA permits. If the stream is determined to be a navigable waterway and is within 1000 ft of tide waters, the U.S. ACOE and NJDEP have joint jurisdiction over the placement of fill and/or obstruction to the streambed. The ACOE will issue Section 404 Permits for the placement of fill and Section 10 Permits for activities that will be constructed under the stream or cause obstruction to the streambed.

Figure 8.24: Flood Hazard



PEPP-001426-01-1207

Figure 8.25: Environmental Affairs Flow Chart 1

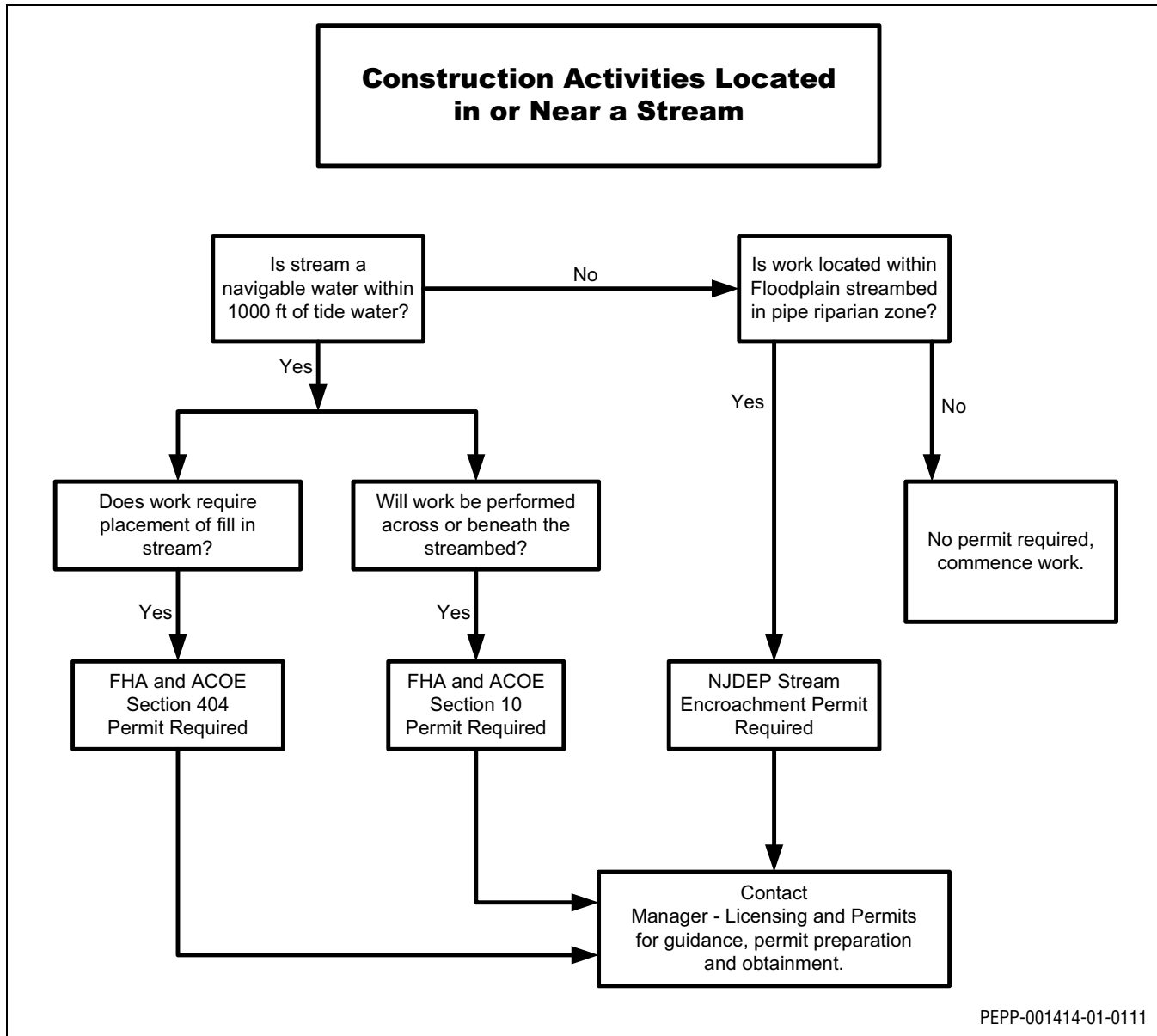


Figure 8.25 Note:

Additional approvals such as Wetland Permits and Waterfront Development Permits may also apply. Refer to Flow Charts 2 (Figure 8.27) and 3 (Figure 8.28) for further analysis.

8.1 Construction Activities Located In and Around Wetlands

The ACOE and NJDEP have regulatory authority and issue permits for activities which impact or physically disturb wetlands. The regulatory authority is determined by the type of wetland and the extent of your activity on temporary or permanent disturbance of that wetland. The NJDEP has also chosen to extend its authority to areas adjacent to wetlands and have permitting authority over those areas.

Wetlands are referred to by a number of terms based on their location and characteristics. The terms addressed in this document are coastal wetlands, freshwater wetlands, and transition areas.

1. **Coastal Wetland** – any bank, marsh, swamp, meadow, flat or other low land subject to tidal action along the New Jersey coastline and inland waterways extending southerly from the Manasquan Inlet to Cape May Harbor or at any inlet, estuary or those areas now or formerly connected to tidal waters whose surface is at or below an elevation of 1 ft above local extreme high water, and upon which may grow or is capable of growing some, but not necessarily all, plant species listed on the New Jersey wetlands plant list for coastal areas. Coastal wetlands exclude any land or real property subject to the jurisdiction of the Hackensack Meadowlands.
2. **Freshwater Wetland** – an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; provided however that the New Jersey Department of Environmental Protection and Energy (**NJDEPE**), in designating a wetland, shall use the three-parameter approach (hydrology, soil, and vegetation) enumerated in the *1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, and any subsequent amendments thereto incorporated herein by reference.
3. **Transition Areas** – an ecological buffer zone between uplands and freshwater wetlands which is an integral portion of the freshwater wetlands ecosystem, providing temporary refuge for freshwater wetlands fauna during high water episodes, critical habitat for animals dependent upon but not resident in freshwater wetlands, and slight variations of freshwater wetland boundaries over time due to hydrologic or climatologic effects. A transition area is also a sediment and storm water control zone to reduce the impacts of development upon freshwater wetlands and freshwater wetlands species.

The delineation of wetlands is a difficult science that requires specialized professionals to determine the presence and extent of the regulated area. They do not always appear like wetlands and no two are alike. Traditionally, wetlands were easy to identify. If there was ponding of water for a significantly long period of time or the ground was always muddy, one could say it may be a wetland. Today, the regulatory community has defined specific criteria for determining wetland areas. The U.S. ACOE utilize the 1987 manual and the NJDEP utilize the *1989 Federal Manual For Identifying and Delineating Wetlands*. [Figure 8.26](#) is a schematic diagram of different wetland habitats.

If any construction activity is to occur near or within a wetland, a state or federal approval is required; refer to [Figure 8.27](#). If the project area is located within the Hackensack Meadowlands, the U.S. ACOE has jurisdiction and will issue a permit to proceed with the construction or repair work. All other areas are subject to the NJDEPE.

A transition area is required adjacent to freshwater wetlands within NJDEP jurisdiction. The width of a transition area “buffer” is determined by the wetland resource value classification. The NJDEP determines the resource value classification by assessing the wetlands proximity to threatened and endangered plant and animal species, trout maintenance and production streams, and EPA Priority Wetlands. Wetlands of exceptional resource value require a buffer of 150 ft. Wetlands of intermediate resource value require a buffer of 50 ft. Ordinary resource value wetlands do not require transition areas. All wetlands in highlands have a 300 ft riparian zone.

Figure 8.26: Wetland Habitats

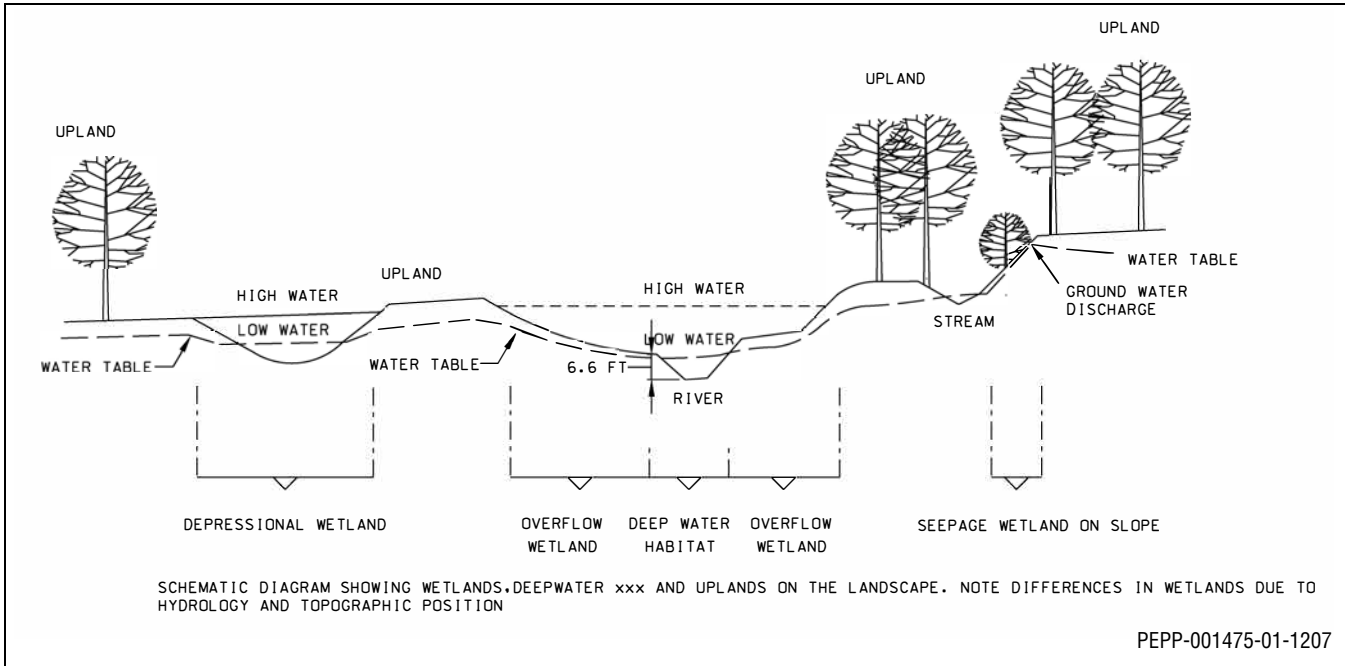


Figure 8.27: Environmental Affairs Flow Chart 2 – Construction Activities Located in and Around Wetlands

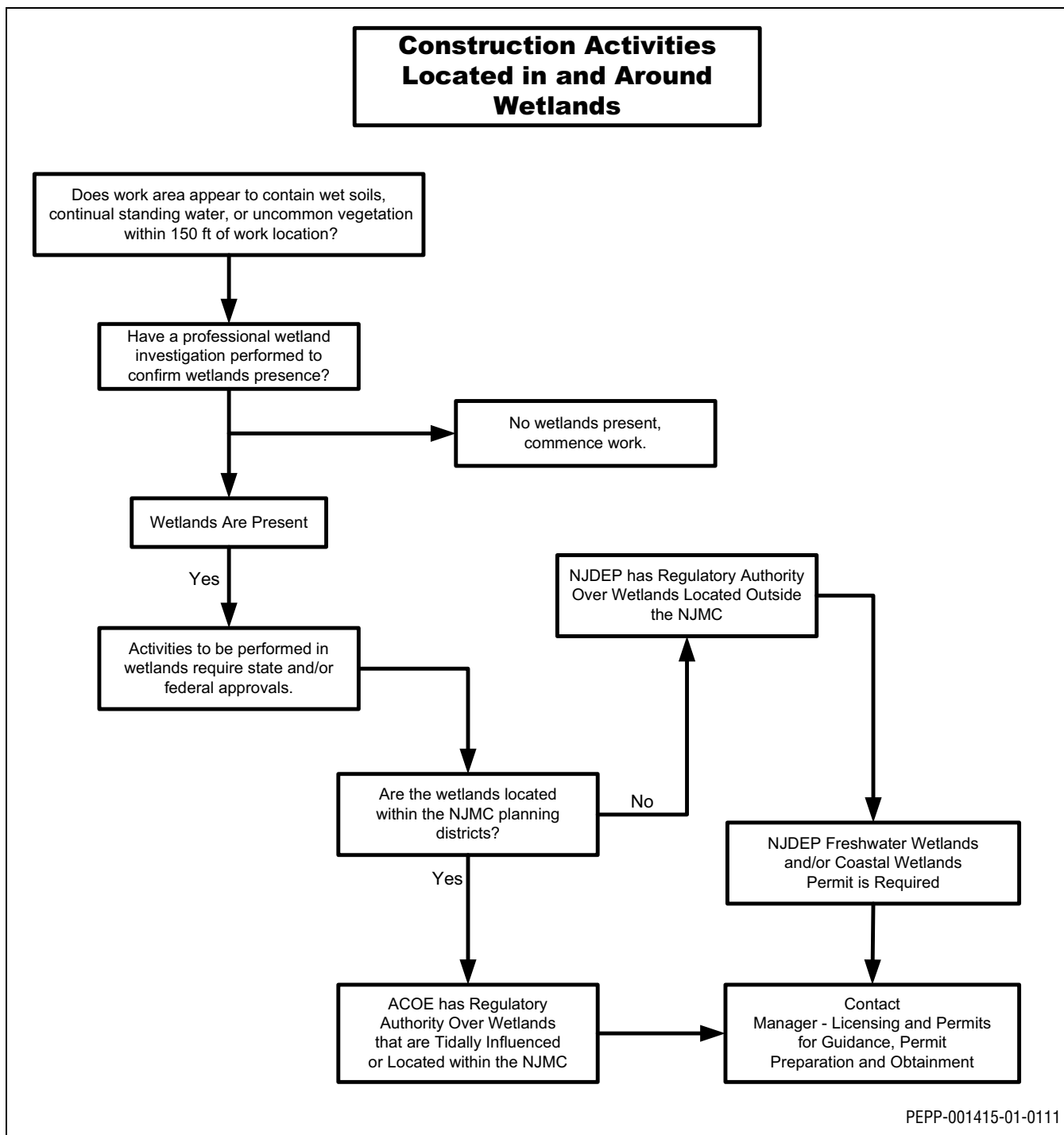


Figure 8.27 Note:

Additional approvals such as FHA Permit and Waterfront Development may also apply. Refer to Flow Charts 1 (Figure 8.25) and 3 (Figure 8.28) for further analysis.

Figure 8.28: Environmental Affairs Flow Chart 3 – Construction Activities Located Near a River or Bay Flowchart

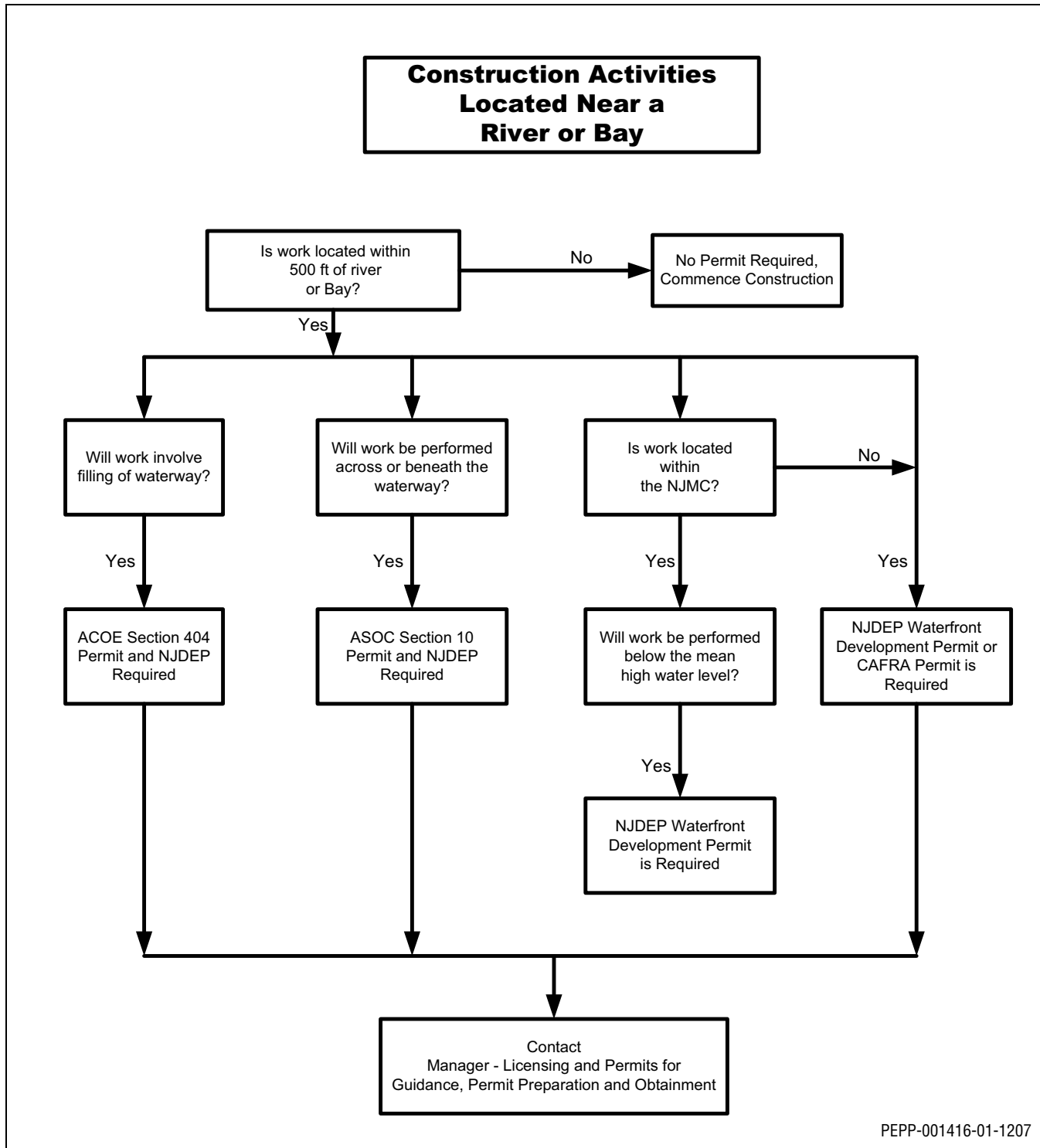


Figure 8.28 Note:

Additional approvals such as FHA Permit and Waterfront Development may also apply. Refer to Flow Charts 1 (Figure 8.25) and 2 (Figure 8.27) for further analysis.

8.2 Construction Activities Located Near a River or Bay

These waterways are the easiest to identify. However, the regulatory jurisdiction is determined by the type of activity and its location to regional planning areas. [Figure 8.28](#) shows the regulatory jurisdiction based on specific types of activities and if work will be performed within the New Jersey Meadowlands Commission (NJMC).

Work activities that are located in or near a river may require multiple approvals from the NJDEP and possibly the ACOE. If the work location is within 500 ft of tidal river's edge, a NJDEP Waterfront Development Permit is required. A FHA Permit is also required if the work activity is performed below the 100 year flood plain elevation or within the riparian zone. The ACOE permits discussed in previous section will also apply to rivers when filling, dredging or construction below the riverbed is performed.

8.3 Regional Planning Districts

New Jersey has two significant regional planning areas: the Pinelands and the Hackensack Meadowlands. These areas contain significant ecological and environmental value and require specific regulatory controls for development and construction activities. There are additional planning areas within New Jersey. These areas were created to manage specific areas in New Jersey with specific development controls to ensure protection of natural resources. These planning areas are the Delaware River Basin Commission and Delaware and Raritan Canal Commission. PSE&G regional electric division territories do encroach into these regional planning districts and areas. Contact the Manager, Licensing and Permits for specific regulatory requirements for each district and planning area that may apply to the electric division territory.

8.3.1 Pinelands

The New Jersey Legislature passed the Pinelands Protection Act in 1972 in order to control development within the Pinelands and to preserve its unique character and natural resources. No development may occur within the Pinelands unless the construction or work complies with the Pinelands Management Plan.

The Pinelands Commission is the regulatory authority within the Pinelands. The commission reviews applications for development and will approve, deny, or grant a waiver of the Management Plan. Waivers are granted only when it has been demonstrated that there exists an extraordinary hardship or compelling public need, that the development is consistent with the purpose of both the Pinelands Protection and Section 502 of the National Parks and Recreation Act, and that the activity will not substantially impair the resources of the area.

8.3.2 New Jersey Meadowlands

In 1968 the New Jersey Legislature passed the Hackensack Meadowlands Reclamation and Development Act in order to develop the Meadowlands in an orderly and comprehensive manner while preserving its delicate ecological balance.

The **NJMC** was empowered to adopt and implement the Meadowlands Master Plan and its regulations. All development and construction activities are required to be reviewed by the NJMC and receive a Zoning Certificate.

8.3.3 Delaware Raritan Canal Commission

The Delaware and Raritan State Park Law established the Delaware and Raritan Canal Park and created the Delaware and Raritan Canal Commission (**D&RCC**). The D&RCC's function was to develop a master plan for the park and to establish a review zone in which both state and private activities in or near the canal would be reviewed. The Delaware and Raritan Canal was divided into two review zones: Zone A – 1,000 ft on either side of the canal and Zone B – a 400 sq mile area which encompasses the watersheds which drain into the canal.

PSEG construction activities that disturb greater than 10,000 sq ft in Zone A or the creation of 1 acre or more of impervious surface within Zone B require approval from the D&RC.

8.3.4 Delaware River Basin Commission

The Delaware River Basin Commission (**DRBC**) is an interstate agency responsible for the conservation and best utilization of water resources of the Delaware River watershed. The DRBC reviews construction activities that will substantially affect water resources (i.e. water conservation, flood plain development along non-tidal streams, use and management in the basin). Most electric distribution and transmission projects do not impact water resources and do not require DRBC approval. However, projects that discharge to surface water or ground water, dredging, or create adverse impacts to water resources will require approval.

The DRBC has jurisdiction within 200 municipalities in New Jersey. If construction activities are located within the following counties, contact the Manager – Licensing and Permits for permit applicability:

- Atlantic County
- Burlington County
- Camden County
- Cape May County
- Cumberland County
- Gloucester County
- Hunterdon County
- Mercer County
- Monmouth County
- Morris County
- Ocean County
- Salem County
- Sussex County
- Warren County

8.4 Disturbance of Soil

The New Jersey Legislature enacted the Soil Erosion and Sediment Control Act to condition development project approvals upon receiving a Certified Soil Erosion and Sediment Control Plan from the local Soil Conservation District or municipalities that have adopted the state approved soil erosion and sediment control ordinance. A certified plan is required for soil disturbance activities greater than 5,000 sq ft of surface area of land.

8.5 Licensing and Approval Cycle

Contact the Licensing and Permits Department for the latest time frames.

8.6 Permit Obtainment Procedure – Request Form

When a work activity is to be located within an environmentally sensitive area, the Electric Distribution Division Headquarters shall contact the Manager, Licensing and Permits for a confirmation that regulatory approvals are required for the proposed work activity. A request to the Manager, Licensing and Permit shall be made for the preparation and obtainment of environmental regulatory approvals. Any request to the Licensing and Permits Department shall be provided at the inception of the project in order to provide enough lead time to obtain the necessary approvals. NJDEP permits and ACOE approval can take from 6 months to a year to authorize the regulated activity. After drawings and an accurate job description are available.

The following request form and supplemental information shall be provided in said request.

Figure 8.29: Request for Services Form

Request for Services – Licensing and Permits

Electric Division Headquarters: _____

Project Supervisor/Manager: _____

Phone: _____

Project Name: _____

Proposed Work Location: _____

(Enclose Road Map) Municipality _____

County: _____

Description of Work Activity: _____

Proposed Project Start-Up Date - Construction Commencement: _____

Date Required: _____

Accounting: _____

Authorization: _____

Account: _____

Location: _____

Cost Center: _____

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Figure 8.30: Engineering Environmental Review and Protection Process (page 1 of 3)

Engineering Environmental Review and Protection Process

| | | | |
|---|-----------|------------------------------|-------------------------------------|
| Project Name _____ | | Municipality _____ | |
| Div. Envir. Coordinator Log-In #: _____ | | Work Order Number _____ | |
| Eng'g. Tech | Phone # | Date | |
| Email: | @pseg.com | Engineering Spvr | Date |
| Type of Work Planned: Pole <input type="checkbox"/> | | BUD <input type="checkbox"/> | MH/Conduit <input type="checkbox"/> |

The following review is to be completed prior to releasing any work to construction. Please refer to Process Diagram (Page 2) and Checklist Instructions (Pages 2 – 3), in order to establish all necessary environmental protection.

| Checklist of Office Review and Field Inspection PRIOR To Field Construction Work | Yes | No |
|---|-----|----|
| Part 1: PSE&G GIS Review (For Instructions – See Page 2) | | |
| A. Is the proposed work /project in or within 300 ft of a <u>Wetland</u> ? | | |
| B. Is the proposed work/project in or within 50 ft of a <u>Flood Plain or Riparian Zone</u> ? | | |
| C. Is the proposed work/project within 300 ft of a <u>Stream or Water Body</u> ? | | |
| D. Is there a <u>Known Contaminated Site</u> near the proposed work/project? | | |
| Part 2: NJ DEP I-Map System Review (For Instructions – See Page 2) | | |
| A. Is the proposed work /project in or within 300 ft of a <u>Wetland</u> ? | | |
| B. Is the proposed work/project within 300 ft of a <u>Stream or Water Body</u> ? | | |
| C. Is there a <u>Known Contaminated Site</u> near the Proposed Work/Project? | | |
| Part 3: Field Inspection Performed to Validate Above Information (For Instructions – See Page 3) | | |
| A. Is there a <u>Wetland, Stream, Culvert or Water Body</u> within 300 ft of the Work/Project? | | |
| B. Is there any <u>Vegetation</u> that needs to be cleared or cut that is in a Regulated Area? | | |
| C. Is there a large amount of <u>soil</u> (> 5000 ft²) to be <u>disturbed</u> ? | * | |

Note: Request For L&P Environmental Review and Guidance

If the answer to any questions in parts 1, 2, or 3 above is “Yes”, contact your Engineering Supervisor and your Division Env’l. Coordinator - to arrange for Licensing & Permitting review, and to receive guidance on how to correctly proceed.

| | | |
|--|--|--|
| Part 4: Request For and Record of L&P Environmental Review and Guidance | | |
| Request for L&P Env’l. Review made to _____ | Date _____ | |
| Results of L&P Env’l. Review (See attached form filled by L&P specialist) | | |
| No Issues Identified <input type="checkbox"/> | Issues Identified <input type="checkbox"/> | Guidance Provided To Division <input type="checkbox"/> |
| L&P Associate’s Signature _____ | Date _____ | |

Note: Receipt of L&P Guidance and Discussion with Supervisor Prior To Release of Field Work
 Guidance from L&P Associate to be discussed with Engineering Supervisor PRIOR to release of any field work where any “Yes” responses are recorded in above Checklist, or “Issues Identified” is indicated above through L&P Environmental Review.

Detailed Engineering Environmental Process and Procedures

Figure 8.31: Engineering Environmental Review and Protection Process (page 2 of 3)

1 - Perform PSE&G GIS Review and Complete Checklist Part 1:

A - Choose Electric Delivery GIS map - Standard View

B - Select and open each of the following five Environmental and Flood Hazard Layers, and examine the GIS Map for each layer as you consider the four questions of Checklist Part 1:

- 1- Environmental Layer - Wetlands (as of 1986)
- 2 - Environmental Layer - Known Contaminated Sites (as of 2005)
- 3 - Flood Hazard Layer – Surface Water Quality Standards
- 4 - Flood Hazard Layer – Floodplain
- 5 – Flood Hazard Layer – Flood Hazard

C – Respond to the four “Yes / No” questions of Checklist Part 1 based on your review of the five Environmental and Flood Hazard Layers above.

2 - Perform NJ DEP I-Map System Review and Complete Checklist Part 2:

A - Log in to <http://www.state.nj.us/dep/gis/depsplash.htm>

B - Click on “**Launch i-MapNJ DEP**” along the left side to launch a new window with the mapping program.

C - Click on “**? Find Location of Interest**” along the right side to perform search by job address.

D – Select each of the five following Visible Environmental Layers [check the “square box”], along with County and Road layers along the left side:

- 1 - Wetlands
- 2 - Streams
- 3 - Water Bodies
- 4 - Landscape Project 2.1 Emergent Wetlands
- 5 - Landscape Project 2.1 Forested Wetlands

After selecting needed layers – Refresh Map.

E – Respond to the four “Yes / No” questions of Checklist Part 2 based on your review of the five Visible Environmental Layers above.

***** If you are having problems navigating this site, consult your L&P Contractor Associate*****

Figure 8.32: Engineering Environmental Review and Protection Process (page 3 of 3)

3 - Perform Field Inspection and Complete Checklist Part 3:

A - For any job site or intended work which may have any potential for wetlands encroachments or impacts upon other environmentally sensitive or environmentally protected areas, a detailed field inspection is to be performed, including but not limited to the following observations and actions:

- 1 – Any Wetlands, Stream, or Water near the Proposed Work/Project
- 2 – Any vegetation that needs to be cleared
- 3 – Any large amounts of soil (>5000 ft²) that may be disturbed?
- 4 - Take photographs of entire area

4 – If NO Environmental Issues Are Identified:

Discuss results of Engineering Environmental Review with Engineering Supervisor, place Page 1 Checklist in job folder, complete any remaining required Engineering work, and when ready, job can proceed to construction.

5 – If ANY Potential Environmental Issues Are Identified:

Discuss results of Engineering Environmental Review with Engineering Supervisor, in particular any identified potential environmental issues, and seek guidance from Licensing & Permitting Department coordinated through the Division Environmental Coordinator.

A - Assemble the following information for L&P Environmental Review:

- 1 - Screenshot of the PSE&G GIS Map
- 2 - Area photographs taking during the field visit
- 3 - Job/Project location and description of intended work
- 4 – Copy of Page 1 Checklist for completion of Part 4 by L&P Associate performing L&P Review

B – Send email (or hard copy) with all assembled information to your Division Environmental Coordinator, copying the Environmental Engineering Specialist and your immediate Engineering Supervisor, in order for the Division Environmental Group to facilitate/initiate the Environmental Review by Licensing & Permitting.

C – DO NOT issue any work to construction prior to receiving guidance and clearance to proceed from L&P Department and/or Division Environmental Group, and prior to discussing all aspects of the work and the required protection with your Engineering Supervisor.

Figure 8.33: Flood Hazard Field Guide (page 1 of 2)

Flood Hazard FIELD GUIDE



N.J.A.C. 7:13 regulates activities in floodplains and up to 300' from regulated streams (11/05/09)

PSEG Environment, Health and Safety Department

How to determine Regulated Areas and Regulated Activities

FLOODPLAIN
Land flooded during the 100 year storm event (Includes the floodway)

RIPARIAN ZONE
Land adjacent to regulated waterways

STEP ONE

Are you in a FLOOD HAZARD AREA?

Go to PSEG's GIS Viewer at: <http://sapps.pseg.com/main.asp>

- Within GIS Select the HUC14 layer (HUC = Hydrologic Unit Code) (Upstream locations within the same HUC watershed take on the characteristics of its downstream location)
- Flood Hazard Areas include the: **FLOODPLAIN** and the **RIPARIAN ZONE** (hatched area) (yellow 150' buffer)
- RIPARIAN ZONE's** are 150' or 300'



If you are within the riparian zone within 150' to 300', or in the floodplain you are in a Flood Hazard Area and may need a permit.

Go to Step Two

STEP TWO

Is the ACTIVITY REGULATED?

Examples of Regulated Activities...



- Topographic alteration** - through excavation, grading, fill (stockpiling);
- Clearing, cutting and/or removal of vegetation in a riparian zone;**
- Creation of impervious surface** - A surface covered with a layer of material so that it is highly resistant to infiltration by water. Examples include asphalt, brick, buildings, concrete, metal and most structures. Can include densely packed gravel or stone roadways and parking areas;
- Storage of unsecured material;**
- Construction, reconstruction and/or enlargement of a structure;** and
- Conversion of a building into a private residence or a public building.**
- Other activities:** Maintenance, vegetative maintenance, pole replacement ...

If you answered "yes" to any of these activities (or if you are unsure) contact the Licenses and Permits (L&P) Department

Go to Step Three

STEP THREE

WHAT ARE THE PERMIT TYPES?

There are three permit types which increase in their complexity of preparation and approval.

L&P requires lead time to prepare these NJDEP permit applications and notices.

(1) Permits-By-Rule
May require a 14 day NJDEP notice

- Placing a utility pole
- Placing an open-frame utility tower outside a floodway
- Jacking an underground utility tower outside a water
- Placing an underground utility line beneath existing pavement
- Attaching a utility line to the downstream face of a roadway that crosses a water
- Placing an underground utility line in a flood hazard area outside a riparian zone

(2) General Permits
NJDEP has 45 days to review
Utility line across or along a water draining less than 50 acres

(3) Individual Permits
NJDEP has 90 days (minimum) to review
All other activities that do not meet the Permits-by-Rule or Individual Permits

- Emergency Permits ***
Authorize regulated activities, and are issued by NJDEP when certain conditions exist that warrant immediate action to protect the environment and/or public health, safety & welfare.
NJAC 7:13-12.

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Figure 8.34: Flood Hazard Field Guide (page 2 of 2)

Activity Restrictions within Flood Hazard & Riparian Zones

| ACTIVITY | PERMIT | ACTIVITY | PERMIT |
|--|------------|--|------------|
| VEGETATIVE MAINTENANCE (Electric and Gas) Vegetation Maintenance - Existing ROW in RZ (Clearing & use of herbicide) | IP | SWITCH / SUBSTATIONS / GENERATORS / M&R STATIONS (continued) Install MOBILE SUBSTATION in floodway | Prohibited |
| Vegetation Maintenance - Existing ROW in floodway (Clearing & use of herbicide) | IP | Install MOBILE SUBSTATION in RZ | IP |
| Vegetation Maintenance - Existing ROW in floodway or RZ | PBR | Install TEMPORARY GENERATOR in floodway | Prohibited |
| Vegetation Maintenance - New ROW in RZ | IP | Install TEMPORARY GENERATOR in RZ | IP |
| Vegetation Maintenance - New ROW in floodway | IP | STORAGE OF SOILS, WASTE (Electric, Gas and Transmission) Store electrical equipment / construction materials in floodway | Prohibited |
| POLES / OVERHEAD PLACEMENT Placement of a pole in a RZ | PBR | Store electrical equipment / construction materials in RZ | IP |
| Placement of a pole in a floodway | Prohibited | Store waste in floodway | IP |
| New overhead construction in floodway or RZ (Poles and wires) | GP8 | Store waste in excavations in floodway | Prohibited |
| New overhead construction in floodway or RZ (Poles and wires) | IP | Store soils from excavations in RZ | IP |
| Existing pole or wire replacement in floodway or RZ (Located on a water with a drainage area greater than 50 acres) | PBR | UNDERGROUND INFRASTRUCTURE (Electric and Gas) Construction of electrical system infrastructure (underground) | PBR |
| Rebuild/upgrade existing line in floodway or RZ | PBR | ----- By directional drilling (jacking) | PBR |
| Reconductor existing line in floodway or RZ | PBR | ----- Includes underground gas regulators | PBR |
| Install new COMMUNICATION TOWER in floodway | Prohibited | ----- Placement under existing paved surface | PBR |
| Install new COMMUNICATION TOWER in RZ | PBR | ----- Placement of an underground utility line outside a RZ | PBR |
| Upgrade / replace existing COMMUNICATION TOWER in floodway or RZ | PBR | Maintenance of electric systems infrastructure (underground) | PBR |
| SWITCH / SUBSTATIONS / GENERATORS / M&R STATIONS Install new SUBSTATION / M&R in floodway | Prohibited | STORAGE TANKS / TOWERS | |
| Install new SUBSTATION / M&R in RZ | IP | Installation of storage tanks/towers in floodway | Prohibited |
| Expand existing SUBSTATION / M&R in floodway | Prohibited | Installation of storage tanks/towers in RZ | IP |
| Replace existing SUBSTATION or M&R EQUIPMENT with larger footprint in floodway | Prohibited | Maintenance of storage towers in a floodway or RZ | PBR |
| Replace existing SUBSTATION or M&R EQUIPMENT within footprint in floodway | PBR | Construction of an access road in waters draining less than 50 acres | GP9 |
| Replace existing SUBSTATION or M&R EQUIPMENT with larger footprint in RZ | IP | Construction of an access road in waters draining 50 acres or more | IP |
| Replace existing SUBSTATION or M&R EQUIPMENT within footprint in RZ | PBR | MISC | |
| | | Cross water with temporary bridge or matting in floodway or RZ | IP |
| | | Install permanent culvert in floodway or RZ | IP |

Details apply to all activities, which restrict methodologies, volumes, square footage, construction methods, location etc.

For this chart in detail, refer to the "Flood Hazard document" or contact L&P.

Pursuant to NJAC 7:13-7.1(e), multiple PBR's may be used on a project, however, you cannot exceed the PBR limits by using the same PBR multiple times

Pursuant to NJAC 7:13-6.1, Flood hazard Area Verification may also include verification of Floodway and Riparian Zone as applicable

RZ: Riparian Zone / IP: Individual Permit / GP: General Permit / PBR: Permit-by-Rule / ROW: Right-of-Way