

(c) In addition, certain State vehicles, including, but not limited to, the Governor, cabinet, State Police, and emergency vehicles in connection with designated assignments and other vehicles may park in the State complex at the direction of the **Office of State Governmental Security** [Bureau].

#### 13:56-1.15 Parking space markings

The operator of a vehicle [will] **shall** park said vehicle in a proper manner in the spaces marked by two white or yellow lines, as the marking color may be, and [they] shall not park the vehicle in any other space not so marked.

#### 13:56-1.18 Careless driving

[The operator of] **No person shall operate** any vehicle [who drives a vehicle] within any of the State parking areas carelessly and heedlessly in disregard of the rights or safety of others, or without due caution [and at a speed] or in a manner so as to endanger life and property [shall be guilty of careless driving].

#### 13:56-1.19 Speed limits

No person shall drive a vehicle within the State parking areas, grounds, or roadways at a rate of speed greater than 15 miles per hour, **or as otherwise posted**.

#### 13:56-1.20 Authority of officers on duty

The traffic or police officer, or security patrol under the direction of the **Office of State Governmental Security** [Bureau], on duty in any of the State parking areas may regulate and control the traffic and parking and all drivers of vehicles shall obey his or her orders and directions, notwithstanding anything contained in [these provisions] **this chapter**.

#### 13:56-1.25 Return of permits

Permit holders shall surrender all permits issued through their employing agency to the Department of **the Treasury**, Division of Property Management and Construction upon termination of employment with either that employing authority or the State government. **As a safeguard, the State Parking Administrator shall be notified to revoke the parking rights of an individual who neglects to return their issued permit to the employing agency.**

## PUBLIC UTILITIES

### (a)

#### BOARD OF PUBLIC UTILITIES

##### Gas Service

#### Proposed Readoption with Amendments: N.J.A.C. 14:6

Authorized By: New Jersey Board of Public Utilities, Robert M.

Hanna, President; Jeanne M. Fox, Joseph L. Fiordaliso, Mary-Anna Holden, and Dianne Solomon, Commissioners.

Authority: N.J.S.A. 48:2-13 and 48:10-5.

Calendar Reference: See Summary below for an explanation of exception to calendar requirement.

BPU Docket Number: GX13101010.

Proposal Number: PRN 2014-020.

Comments may be submitted through March 22, 2014, by e-mail in Microsoft Word format, or in a format that can be easily converted to Word, to: [rule.comments@bpu.state.nj.us](mailto:rule.comments@bpu.state.nj.us) or on paper to:

Kristi Izzo, Secretary  
Board of Public Utilities  
ATTN: BPU Docket Number GX13101010  
44 S. Clinton Ave., 9th Floor  
PO Box 350  
Trenton, New Jersey 08625-0350

The agency proposal follows:

#### Summary

The Board of Public Utilities (Board) is proposing to readopt its rules governing gas utilities, found at N.J.A.C. 14:6. In accordance with N.J.S.A. 52:14B-5.1.c(2), these rules will expire on July 18, 2014. These rules have served over an extended period of time in the regulation of gas utilities subject to the jurisdiction of the Board, in such areas as the construction, inspection, and maintenance of utility plant and the testing and accuracy of gas meters. The rules are necessary in that they relate directly to the provision of safe, adequate, and proper service by New Jersey gas utilities.

The substantive provisions of the rules proposed to be readopted by the Board are summarized below. It should be noted that, throughout the chapter, minor clarifying and/or technical amendments are proposed that do not change the meaning of the text.

#### Subchapter 1. General Provisions

N.J.A.C. 14:6-1.1 outlines the scope of Chapter 6 and delineates the entities that the rules apply to. The Board is proposing no changes.

N.J.A.C. 14:6-1.2 lists a number of defined terms that are utilized throughout the chapter.

#### Subchapter 2. Plant

N.J.A.C. 14:6-2.1 requires that the construction, installation, operation, and maintenance of plant and facilities of each gas utility must be in accordance with the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards: Part 192, Title 49 of the Federal and Liquefied Natural Gas Facilities Federal Safety Standards: Part 193, Title 49 of the Code of Federal Regulations, which are incorporated by reference herein. N.J.A.C. 14:6-2.1(b)3 is added to require that entities subject to the chapter comply with N.J.A.C. 14:7, regarding natural gas pipeline rules, and subsection (b) is amended to include "State rules" incorporated by reference, as a result of proposed new paragraph (b)3. N.J.A.C. 14:6-2.1(c) is amended to include a cross-reference to new paragraph (b)3. N.J.A.C. 14:6-2.1(d) requires utilities to abide by all applicable provisions of this subchapter, as well as the International Fuel Gas code. The proposed amendment to N.J.A.C. 14:6-2.1(d) would update the reference to require entities subject to this chapter to comply with the 2012 edition of the International Fuel Gas Code and to correct the website where this document may be obtained.

N.J.A.C. 14:6-2.2 requires a leak test to be performed on each service installation installed after February 20, 2007. 49 CFR 192 Subpart J, which contains requirements pertaining to leak testing, is incorporated by reference, including all amendments and supplements. The Board is proposing no changes.

N.J.A.C. 14:6-2.3 requires the prompt inspection of gas leaks and that a gas utility maintain a sufficient number of reliable devices to detect the presence of combustible gas and to ascertain the pressure existing in the gas system. The Board is proposing no changes.

N.J.A.C. 14:6-2.4 requires the installation of an outside shutoff valve on every new or renewed service line and on existing service lines, when repairs are made, provided installation doesn't require further excavation. The Board is proposing no changes.

N.J.A.C. 14:6-2.5 requires each gas utility to be able to shut down any section of its system in an emergency and to train operator-qualified employees in procedures necessary to reduce the flow of gas because of an emergency.

N.J.A.C. 14:6-2.6 requires each gas utility to provide combustible gas detecting equipment and training in the use of the equipment to all employees involved in the detection of gas leaks. The Board is proposing no changes.

N.J.A.C. 14:6-2.7 requires compliance with the Board's one-call rules, and prohibits the use of mechanical equipment within 24 inches of a gas pipe or facility unless the pipe or facility has been located and exposed by hand excavation. N.J.A.C. 14:6-2.7(a) is proposed for amendment in order to clarify that N.J.A.C. 14:2-3.3, rather than all of N.J.A.C. 14:2, be complied with as it pertains to protecting underground facilities and excavating within 24 inches of gas pipelines.

**Subchapter 3. Service**

N.J.A.C. 14:6-3.1 pertains to the furnishing of service connections to interruptible customers and the costs thereof. The Board is proposing no changes.

N.J.A.C. 14:6-3.2 pertains to the maintenance, calculation, and reporting by gas utilities of the heating value of the gas being distributed. N.J.A.C. 14:6-3.2(g) is proposed for amendment to clarify that the average value, rather than volume, of all daily average heating values be used when determining monthly average heating value.

N.J.A.C. 14:6-3.3 provides a standard regarding the purity of gas distributed to customers and explains the minimum heating value, a gas purity component. In addition, subsection (f) incorporates by reference 49 CFR Part 192, the International Fuel Code and Federal Energy Regulatory Commission (FERC) Tariffs, including all amendments and supplements. N.J.A.C. 14:6-3.3(f)2 is proposed for amendment to update the web address where the International Fuel Gas Code is available.

N.J.A.C. 14:6-3.4 pertains to gas pressure requirements and is proposed for readoption with no changes.

N.J.A.C. 14:6-3.5 requires the gas utility to ensure proper venting of all customer service regulators for safety. The proposed amendment to N.J.A.C. 14:6-3.5(d) clarifies what is meant by service regulator vents being compromised when determining if proper ventilation is being achieved.

N.J.A.C. 14:6-3.6 provides that a gas utility shall not deliver service unless there is evidence at the location that the customer's piping has been approved by the plumbing subcode official. The Board is proposing no changes.

N.J.A.C. 14:6-3.7 requires the odorization of all gas that does not possess a distinctive odor and details equipment and testing requirements. The Board is proposing no changes.

N.J.A.C. 14:6-3.8 requires that customers be supplied with information concerning the odor and characteristics of gas, the potential hazards of gas, the correct procedures for using gas appliances, and the action to be taken if gas is detected. The rule also requires printed information to be easily understood and available in languages other than English that are spoken by a substantial number of non-English speaking people residing in a gas utility's service area. In addition, the utility is required to periodically inform the general public in its service area of the odor of gas and its hazards, as well as procedures to follow if gas is detected. The Board is proposing no changes.

N.J.A.C. 14:6-3.9 imposes requirements upon gas utilities that require each utility to liaison with the emergency personnel of each municipality, and is proposed for readoption without amendment.

N.J.A.C. 14:6-3.10 is reserved.

N.J.A.C. 14:6-3.11 requires utilities to maintain a hotline, which customers may call to report leaks, odors, or emergencies. Further, each utility is required to maintain a log that shows receipt of these calls. The Board is proposing no changes.

N.J.A.C. 14:6-3.12 requires each gas utility to have emergency personnel available to respond to an emergency within the utility's service territory. In addition, the employees must be adequately trained to handle gas emergencies. The Board is proposing no changes.

N.J.A.C. 14:6-3.13 requires that all gas utility employees be adequately trained and operator qualified. Operator qualification is a 49 CFR Part 192, Subpart N requirement, intended to ensure that gas utility employees are adequately trained to perform their job duties. The Board is proposing no changes.

N.J.A.C. 14:6-3.14 requires gas utilities to test their employees for the presence of prohibited drugs. This section, which incorporates by reference 49 CFR Part 40, which pertains to drug and alcohol testing, is proposed for readoption without amendment.

**Subchapter 4. Meters**

N.J.A.C. 14:6-4.1 provides that all gas utilities must possess adequate equipment to test the meters in their inventory. The Board is proposing no changes.

N.J.A.C. 14:6-4.2 provides the testing standards that all gas utilities must ensure that their gas meters meet. The Board is proposing no changes.

N.J.A.C. 14:6-4.3 provides the range of flow rates that a gas meter must meet in order to be considered accurate. The Board is proposing no changes.

**Subchapter 5. Uniform System of Accounts**

N.J.A.C. 14:6-5.1 incorporates by reference, the Uniform System of Accounts for gas utilities, and is proposed for readoption without amendment.

N.J.A.C. 14:6-5.2 incorporates by reference, rules concerning the preservation of records by gas utilities. The Board is proposing no changes.

**Subchapter 6. Master Meter Systems**

N.J.A.C. 14:6-6.1 sets forth the scope of Subchapter 6, which deals with master meter systems. Although new master meter systems are no longer permitted, there are existing master meter systems to which the subchapter still applies. The Board is proposing no changes.

N.J.A.C. 14:6-6.2 defines certain terms that are used throughout Subchapter 6. The Board is proposing no changes.

N.J.A.C. 14:6-6.3 prohibits a gas utility from providing gas service to a newly developed master meter system. The Board is proposing no changes.

N.J.A.C. 14:6-6.4 sets forth inspection and compliance conditions that all gas utilities must comply with in order to continue providing gas service to residential or commercial master meter systems. Proposed amendments would require master meter owners and operators to comply with State pipeline safety rules in addition to the Federal regulations. Further, the amendments would require that master meter systems be inspected every year, rather than every six months, by a licensed professional engineer. Further, the proposed amendments specify that proof of compliance must be provided to both the Board Secretary and the Pipeline Safety Bureau Chief rather than just the Board.

**Subchapter 7. Protecting High Pressure Natural Gas Meters from Vehicular and Other Damage**

N.J.A.C. 14:6-7.1 defines certain terms that are used throughout Subchapter 7. The Board is proposing no changes.

N.J.A.C. 14:6-7.2 sets forth the applicability of Subchapter 7, which deals with requirements intended to enhance the safety of people and property in proximity to high pressure gas meters or service lines located where vehicular or other damage may occur. The proposed amendment to N.J.A.C. 14:6-7.2(d) would broaden the applicability of 49 CFR 192.353 in relation to this subchapter to include all of Subpart H.

N.J.A.C. 14:6-7.3 pertains to new construction of single residential gas service lines and requirements for installation of excess flow valves. The proposed amendment to N.J.A.C. 14:6-7.3(d) would set forth that the requirements of 49 CFR 192.383 be met in addition to the requirements of 49 CFR 192.381, as they relate to excess flow valve installation and performance standards.

N.J.A.C. 14:6-7.4 pertains to new construction of single non-residential gas service lines installed after November 6, 2006. The Board is proposing no changes.

N.J.A.C. 14:6-7.5 sets forth requirements for when a residential high pressure gas service line serving a gas meter set is renewed or replaced. The proposed amendments to N.J.A.C. 14:6-7.5(a) and (e) would require residential gas service lines transferred to a new gas main to also be subject to this section.

N.J.A.C. 14:6-7.6 sets forth requirements for when a non-residential high pressure gas service line serving a gas meter set is renewed or replaced. The proposed amendments to N.J.A.C. 14:6-7.6(a) and (d) would require non-residential gas service lines transferred to a new gas main to also be subject to this section.

N.J.A.C. 14:6-7.7 pertains to all existing residential and non-residential high pressure gas meter sets that were installed prior to November 6, 2006. The rule is proposed for readoption with a minor clarifying amendment that does not change its meaning.

N.J.A.C. 14:6-7.8 pertains to the physical protection requirements of all gas meter sets and provides factors to consider when determining the level of protection required. The Board is proposing no changes.

N.J.A.C. 14:6-7.9 requires gas public utilities to perform visual inspections of all gas meter sets equipped with physical protections,

record and report deficiencies in meter set protection, and retain complete records for the life of the gas service. The proposed amendments to N.J.A.C. 14:6-7.9(b) would require the gas utilities to notify the Board by March 31, of the locations of any damaged high pressure gas meter sets or damaged/missing physical barriers reported in the previous year. Further, the proposed amendments would require the gas public utility to correct or remediate any deficiency to high pressure gas meter sets or their physical barriers within 90 days of being reported or discovered.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements set forth at N.J.A.C. 1:30-3.1 and 3.2, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The rules proposed for readoption with amendments, all relate directly to the provision of safe, adequate, and proper service by gas distribution companies. These rules are necessary to ensure that gas utility plant and underground gas facilities are constructed and installed pursuant to acceptable standards and are maintained and inspected in a manner that will protect the safety and well-being of the public.

#### **Economic Impact**

As a result of the rules proposed for readoption with amendments, gas utilities, as they have in the past, will incur expenses in inspecting and testing their plant and meters. Since these items represent appropriate business activities, all reasonable costs associated therewith may be passed along to ratepayers through rates for service. Economic benefits will continue to be derived from the rules proposed for readoption with amendments in that plant inspections lead to reduced operational and maintenance expenses while meter inspections assist in the production of reliable and accurate customer billings.

Finally, none of the proposed amendments will have an adverse economic impact.

#### **Federal Standards Analysis**

With regard to the construction and installation of plant and facilities of gas utilities, standards have been set out in Part 192, Title 49 of the Code of Federal Regulations (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards) and Part 193, Title 49 of the Code of Federal Regulations (Liquefied Natural Gas Facilities: Federal Safety Standards). In addition, 49 CFR Part 192 also includes safety requirements pertaining to the operation of master meter gas systems while 49 CFR Part 199 concerns the testing of gas company employees for the presence of prohibited drugs and the provision of employee assistance programs. Further, 49 CFR Part 140 sets out standards pertaining to drug and alcohol testing. The Board has incorporated by reference, as though set out in full, the current edition (and amendments as issued) of the Federal regulations cited above.

The Federal law that corresponds to N.J.A.C. 14:7 is found in the regulations of the United States Department of Transportation at 49 CFR 190, 191, 192, 193, 198, and 199. As this chapter incorporates by reference N.J.A.C. 14:7, an analysis of N.J.A.C. 14:7, as it relates to exceeding Federal law is needed. N.J.A.C. 14:7 is comparable to Federal law in all but the corresponding areas discussed below.

The State system for designing pipelines based on the class location in relation to population density, found at N.J.A.C. 14:7-1.3, requires all pipelines installed after the effective date of the proposed amendments to be designed to Class 4 pipeline location standards, the highest standard for similar pipelines designed under the Federal classification system at 49 CFR 192.5. This may result in some costs for pipeline operators, although most have voluntarily chosen to meet higher standards than Federally required. To the extent that costs are incurred, the Board has determined that these costs are justified in order to ensure safety.

The Board's rules governing the quality control of field welding, found at N.J.A.C. 14:7-1.6(a) and (b), are more stringent than corresponding Federal regulations at 49 CFR 192.225 and 192.241. N.J.A.C. 14:7-1.6(a) and (b) require oversight of field welding by qualified welding inspectors and require that a copy of the applicable welding procedure be readily available at the job site for natural gas pipelines with a maximum operating pressure in excess of 250 psig.

These requirements are not part of the Federal regulations. However, the Board believes they are necessary to ensure safety.

The Board's rules governing fabrication details, found at N.J.A.C. 14:7-1.7(c) and (d), are more stringent than corresponding Federal regulations at 49 CFR 192.155 and 192.151. N.J.A.C. 14:7-1.7(c) requires that branch connections for transmission pipelines fabricated by welding be of the reinforced type, whereas the Federal regulations at 49 CFR 192.155 do not require reinforced type branch connections. However, the Board believes that reinforced type branch connections significantly increase the level of pipeline safety. N.J.A.C. 14:7-1.7(d) states that line taps may be made under pressure in the sizes and at the pressure at which the line tapping equipment is recommended for use by the manufacturer. The Federal regulations do not address line tapping equipment.

The Board's rules governing the spacing of sectionalizing distribution valves, found at N.J.A.C. 14:7-1.9(a) and (b), are more stringent than corresponding Federal regulations at 49 CFR 192.181. Sectionalizing valves allow a pipeline operator to stop the flow of gas through a section of pipeline in cases of pipeline failure or emergency. The Federal regulation for high-pressure distribution systems requires valves to be spaced "so as to reduce the time to shut down a section of main in an emergency" and states that the spacing shall be determined by operating pressure, pipe size, and local physical conditions. N.J.A.C. 14:7-1.9(b) requires that, in determining the number and spacing of sectionalizing valves, a pipeline operator shall ensure that the maximum number of customers to be affected by an emergency shutdown shall not exceed 500 customers. In addition, the operator shall consider the volume of gas that could be released to the atmosphere and the response time capabilities of the operator in addition to the Federal requirements. Also, N.J.A.C. 14:7-1.9(c) requires the operator to evaluate the number and spacing of all of its sectionalizing valves and file a report summarizing the evaluation. Where sectionalization may result in more than 500 customers being affected, N.J.A.C. 14:7-1.9(e) requires the operator to analyze whether additional valves need to be installed. To the extent that this rule requires an operator to install and maintain more valves, there will be some costs incurred. However, the Board has determined that the amendment is necessary to ensure the protection of people, property, and the environment in the event of pipeline failure or emergency, especially in densely populated areas.

N.J.A.C. 14:7-1.11 governs the installation of pipe and its requirements are more stringent than corresponding Federal regulations at 49 CFR 192.325. N.J.A.C. 14:7-1.11(a) requires all gas pipelines to be installed with at least 12 inches separation from any other subsurface structure or facility, whereas the corresponding Federal regulations require 12 inches separation only for the installation of transmission pipelines. N.J.A.C. 14:7-1.11(d)1 and 2 specify the size and type of wire required for tracer wire on plastic pipe installations. These specifications are more stringent than the corresponding Federal regulations at 49 CFR 192.321, which do not govern the size and type of wire.

The Board's rules governing minimum cover of mains and service lines found at N.J.A.C. 14:7-1.12 are more stringent than corresponding Federal regulations at 49 CFR 192.327 and 192.361. N.J.A.C. 14:7-1.12(a) and (b) require 36 inches cover over distribution mains and 48 inches cover over transmission pipelines, respectively, in comparison with Federal regulation requirements, at 49 CFR 192.327, of 24 inches cover over distribution mains and 36 cover over transmission pipelines. In addition, N.J.A.C. 14:7-1.12(c) requires 18 inches cover over gas service lines, whereas the Board's existing rules are consistent with Federal regulations at 49 CFR 192.361, requiring 12 inches of cover in private property and 18 inches of cover in streets and roads. To the extent that this rule requires an operator to install pipelines at increased depths of cover, there will be some costs incurred. However, the Board has determined that these costs are justified as a measure of damage prevention and to ensure the protection of people, property, and the environment, especially in densely populated areas.

N.J.A.C. 14:7-1.16 provides odorization requirements for pipelines. N.J.A.C. 14:7-1.16(c) requires a pipeline operator to make periodic tests to determine the adequacy of the odorization of the gas. These periodic tests were changed in the proposal from quarterly to monthly. Federal regulations at 49 CFR 192.625 require only periodic sampling but do not

specify a time interval. To the extent that costs are incurred by requiring monthly tests, the Board has determined that these costs are justified in order to ensure the safety of the public.

N.J.A.C. 14:7-1.20(b) requires leak detection surveys on bare and cathodically unprotected steel distribution lines consistent with the requirements of Federal regulations at 49 CFR 192.723. In addition, N.J.A.C. 14:7-1.20(b) requires an operator to perform more frequent surveys as the operator deems necessary based on leak history, leaks discovered by the public and operating pressure. This provides an extra measure of safety in the densely populated areas that typify New Jersey.

N.J.A.C. 14:7-1.22 requires damage prevention efforts consistent with the requirements of Federal regulations at 49 CFR 192.614. In addition, N.J.A.C. 14:7-1.22(c) requires an operator to take additional measures when the operator becomes aware of potential high risk excavations, such as performing on-site inspection, coordinating with the excavator, continuing surveillance, and checking/verifying clear access to gas valves that may be operated in an emergency. Also, an operator must provide training for operator personnel in preparation for potential high risk excavations around underground gas facilities. These stringent requirements reflect the importance of careful supervision of excavation around gas facilities, in consideration of the highly developed and densely populated nature of New Jersey.

N.J.A.C. 14:7-1.23 provides an administrative procedure for pipeline operators to obtain approval from the Board of additions and revisions to their operation and maintenance procedures. The Federal standards do not require this. However, due to the economic conditions, many natural gas pipeline operators in New Jersey are reviewing operating and maintenance standards, including those relating to inspections and testing, to minimize costs. This section will enable the Board to review such proposed changes before they become operator policy, and to ensure that any cost-cutting measures do not compromise the safety of a natural gas pipeline.

N.J.A.C. 14:7-1.24 provides for oversight of construction activity. N.J.A.C. 14:7-1.24(c), (d), and (e) contain requirements for quality assurance/quality control inspection, inspection and calibration of all equipment used on construction, operations, and maintenance activities, and joint trench pipe inspections, respectively. These requirements exceed the Federal regulation requirements, although quality assurance/quality control measures are implied by various Federal regulations. Again, the incremental cost of careful quality assurance/quality control is justified by the dense population of New Jersey, as well as the heavy development, which results in a large number of underground facilities.

N.J.A.C. 14:7-1.25 requires a pipeline operator to develop guidelines for horizontal directional drilling (HDD) operations, including establishing minimum clearances when drilling in proximity to existing subsurface facilities, requirements for test hole excavations, verification of drilling/reaming head location during HDD operations, ensuring the integrity of plastic pipe installed by HDD, supporting pipe during HDD operations, and on-site inspection for HDD installations. These requirements are not found in the Federal regulations but the Board's experience with HDD indicates that they are necessary for safety in New Jersey.

#### Jobs Impact

It is anticipated that the rules proposed for re-adoption with amendments will not cause any jobs to be generated or lost in any area of the State's economy.

#### Agriculture Industry Impact

The Board does not expect any agriculture industry impact from the rules proposed for re-adoption with amendments.

#### Regulatory Flexibility Statement

The rules proposed for re-adoption with amendments will not impose reporting, recordkeeping, or other compliance requirements on any small businesses as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that none of the State's regulated gas utilities employ fewer than 100 full-time persons. Accordingly, a regulatory flexibility analysis is not necessary because there are no small businesses affected.

#### Housing Affordability Impact Analysis

The rules proposed for re-adoption with amendments will have no impact on affordable housing in New Jersey and will not evoke a change in the average costs associated with housing because the rules pertain to the regulation of gas utilities.

#### Smart Growth Development Impact Analysis

The rules proposed for re-adoption with amendments, repeals, and new rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the regulation of gas utilities.

**Full text** of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:6.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 14:6-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

"Distribution system" means mains, services, and equipment that carry or control the supply of natural gas from the point of local supply to and [include] including the outlet of the gas meter.

...

#### SUBCHAPTER 2. PLANT

##### 14:6-2.1 Plant construction

(a) (No change.)

(b) All of the entities that are subject to this chapter shall comply with all applicable provisions of the following Federal regulations **and State rules**, which are incorporated herein by reference, as amended and supplemented:

1. Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards, 49 CFR Part 192; [and]

2. Liquefied Natural Gas Facilities: Federal Safety Standards, 49 CFR Part 193[.]; **and**

**3. Natural Gas Pipelines, N.J.A.C. 14:7.**

(c) Any such plant and its facilities [which] **that** were designed and constructed prior to March 3, 1986, shall be subject to all the provisions of the Federal Code herein adopted by reference, including effective dates set forth in the Federal Code. When existing facilities are replaced, relocated, or significantly altered, the siting, design, and construction requirements of the Federal Code sections cited above in (b)1 and 2 **above and N.J.A.C. 14:7, as applicable under (b)3 above** shall apply.

(d) In addition to the other requirements of this chapter, the entities subject to this chapter shall comply with all applicable provisions of the [2003] **2012** ICC International Fuel Gas Code, which is incorporated herein by reference, as amended and supplemented, and is available at [[www.constructionbook.org](http://www.constructionbook.org)] [www.constructionbook.com](http://www.constructionbook.com). [However, if] **If** there is any conflict between (b) above and the International Fuel Gas Code, (b) above shall govern.

##### 14:6-2.5 Emergency shutdown

(a) Each gas utility shall provide a sufficient number of valves, in addition to inlet and outlet valves at regulator stations, in its high-pressure distribution system in accordance with 49 CFR [§]192.181 to allow the shut-down of any section of its high-pressure distribution system in an emergency and minimize the number of customers affected.

(b) (No change.)

##### 14:6-2.7 Underground facility protection; 24 inch rule

(a) Operators of gas pipelines and other underground gas facilities and excavators shall comply with the Board's rules pertaining to the protection of underground facilities as set forth in N.J.A.C. 14:2-**3.3**,

Protection of Underground Facilities: One-Call Damage Prevention System.

(b) (No change.)

### SUBCHAPTER 3. SERVICE

#### 14:6-3.2 Heating value

(a) Each gas utility shall file with the Board information as to **the** heating value of the gas (or gases) being distributed.

(b) (No change.)

(c) Each gas utility shall provide itself with a standard heating value measurement device [outfit] constructed and calibrated as approved by the National Institute of Standards and Technology.

(d)-(e) (No change.)

(f) The equipment required in this section shall be available, at all reasonable times, for [the] inspection by and the use of any authorized representative of the Board.

(g) The daily average heating value may be determined from the record of a recording heating value measurement device; or it shall be taken as the average of all individual tests made that day using a standard heating value measurement device. The average [volume] **value** of all such daily averages shall be taken as the monthly average.

(h)-(i) (No change.)

#### 14:6-3.3 Purity

(a)-(b) (No change.)

(c) Each gas utility shall ensure that all gas delivered into the distribution system in New Jersey is substantially free of impurities that may cause excessive fumes when burned in a properly designed and adjusted burner; and that the quantity of impurities such as hydrogen sulfide, nitrogen, or other combustible or noncombustible, noxious, or toxic gas[es] impurities are within the limits recognized in good **natural** gas utility practice.

(d) Each gas utility shall ensure that the gas it delivers into a distribution system in New Jersey complies with the requirements in the **Federal Energy Regulatory Commission (FERC)**-approved tariffs, as applicable. For gas not covered by a FERC-approved tariff, the minimum average heating value of the gas delivered to its customers shall be at least 1,000 BTU per cubic foot of gas, measured at 14.73 pounds per square inch **gauge** (psig) and 60 degrees Fahrenheit.

(e) (No change.)

(f) The requirements in this section shall be superseded by any applicable provisions of the following standards, which are incorporated herein by reference, as amended and supplemented:

1. (No change.)

2. The International Fuel Gas Code, available at [www.delmarlearning.com](http://www.delmarlearning.com) [www.constructionbook.com](http://www.constructionbook.com); and

3. FERC-approved tariffs of the interstate pipelines serving New Jersey. FERC-approved pipeline tariffs are available by contacting the [BPU] **Board's** Energy Division.

#### 14:6-3.5 Venting of customer's service regulator

(a)-(c) (No change.)

(d) Each gas utility shall have an ongoing surveillance program to ensure periodic inspection of vents to determine that proper ventilation as specified in (a) above has not been compromised[.] **by any condition, such as blockage by surrounding soil, plants, refuse, or snow;** and to ensure that prompt remedial action is taken when such conditions are discovered. [All gas utilities shall implement this surveillance program by May 21, 2007.]

### SUBCHAPTER 6. MASTER METER SYSTEMS

#### 14:6-6.4 Inspection and compliance

(a) [Except as provided in (b) and (c) below, after June 7, 1994, no] **No** gas utility in this State shall provide gas service to any residential or commercial master meter system unless the utility is provided by the owner or operator of the master meter system with an annual certification, on a form[.], supplied by the Board, reflecting Federal Code [specifications] **and N.J.A.C. 14:7, State pipeline safety rules**, from a licensed professional engineer, that the system has been inspected within the last [six months] **year** and that it complies with all applicable safety

requirements. The owner or operator may request, from the servicing utility, a list of those licensed professional engineers known to the utility who are qualified to perform such services. A copy of such certification shall be submitted to the Board **Secretary and Pipeline Safety Bureau Chief** by the owner or operator. In the event that the owner or operator can demonstrate that the services of a licensed professional engineer could not be obtained after utilization of the list provided by the utility, then, alternatively, the owner or operator of the master meter system may make arrangements with the servicing utility to provide the required inspection and certification at the expense of the owner or operator.

(b) If the results of the inspection reveal that the master meter system does not satisfy the requirements of the Federal Code **and N.J.A.C. 14:7, State pipeline safety rules**, the owner or operator of the system shall furnish the utility, in the event that the utility did not perform the inspection, and the Board **Secretary and Pipeline Safety Bureau Chief** with a copy of the inspection report and shall submit a detailed plan of action to bring the system into compliance with the requirements of the Federal Code within 12 months. The owner or operator shall submit to the utility proof of compliance with the requirements of the Federal Code **and N.J.A.C. 14:7, State pipeline safety rules** within the 12 month period. A copy of such compliance shall be forwarded to the Board **Secretary and Pipeline Safety Bureau Chief** by the owner or operator. Should the inspection uncover a condition that constitutes an immediate safety hazard, the owner or operator shall immediately notify the servicing utility. Until repairs can be made to the system that will either sufficiently abate or eliminate the hazardous condition, service to the system may be subject to discontinuance as provided in N.J.A.C. 14:3-~~3.6a3x~~**3A.1(a)5x**.

(c) If the owner or operator of the master meter system does not comply with (a) and (b) above, the owner or operator shall attempt to arrange with the utility to take over the master meter system and make corrections to bring the system into compliance with all applicable **pipeline safety [standards]** at the expense of the owner or operator. If such an arrangement cannot be effected within one year, the utility shall promptly petition the Board **Secretary** for permission, upon notice and hearing, to discontinue service to the master meter system.

### SUBCHAPTER 7. PROTECTING HIGH PRESSURE NATURAL GAS METERS FROM VEHICULAR AND OTHER DAMAGE

#### 14:6-7.2 Applicability and purpose

(a)-(c) (No change.)

(d) This subchapter is intended to operate in coordination with 49 CFR [192.353] **192, Subpart H – Customer Meters, Service Regulators, and Service Lines**.

#### 14:6-7.3 New residential construction

(a)-(c) (No change.)

(d) The gas public utility shall ensure that:

1. All EFVs installed meet the requirements of 49 CFR 192.381 **and 192.383** incorporated herein by reference; and

2. (No change.)

(e)-(g) (No change.)

#### 14:6-7.5 Renewed/replaced residential high pressure gas service lines

(a) This section governs when a residential high pressure gas service line serving a gas meter set is renewed, [or] replaced, **or transferred to a new main** and the main is exposed after November 6, 2006.

(b)-(d) (No change.)

(e) The gas public utility shall enhance protection **for activities described in (a) above**, by installing physical barriers in accordance with N.J.A.C. 14:6-7.8 on the [replaced or renewed] high pressure residential gas meter set[s], whenever the high pressure gas meter set is:

1.-2. (No change.)

#### 14:6-7.6 Renewed/replaced non-residential high pressure gas **service** lines

(a) This section governs when a non-residential high pressure gas service line serving a gas meter set is renewed, [or] replaced, **or**

transferred to a new main and the main is exposed after November 6, 2006.

(b)-(c) (No change.)

(d) The gas public utility shall install physical barriers in accordance with N.J.A.C. 14:6-7.8 [on the replaced or renewed non-residential high pressure gas meter set] **for activities described in (a) above**, whenever the high pressure gas meter set is located three feet or less from a vehicle zone.

14:6-7.9 Inspections and recordkeeping

(a) (No change.)

(b) The gas public utility shall:

1.-4. (No change.)

5. Annually notify the **Board's** Bureau of Pipeline Safety, **by March 31 of the following year**, of the location of any damaged high pressure gas meter sets or damaged/missing physical barriers, in a format to be specified by the Bureau of Pipeline Safety. **Within 90 days of discovery, the gas public utility shall correct or remediate any deficiencies discovered or reported.**

(c) (No change.)

## TRANSPORTATION

### (a)

#### DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT

##### County Local Aid

**Proposed Readoption with Amendments: N.J.A.C. 16:20A**

**Proposed Recodification with Amendments: N.J.A.C. 16:20A-1.1 as 2.1**

**Proposed New Rules: N.J.A.C. 16:20A-3, 4.1, 4.3, 5, and 6.1**

**Proposed Repeals: N.J.A.C. 16:20A-1.4, 2.1, 2.3, 2.4, 3, 4.4, and 4.5**

Authorized By: James S. Simpson, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-47, 27:13-1 et seq., 27:13A-1 et seq., 27:14-1 et seq., 27:15-1 et seq., 27:15A-1 et seq., and 27:1B-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2014-013.

Submit comments by March 22, 2014, to:

Miriam Weeks  
Administrative Practice Officer  
New Jersey Department of Transportation  
PO Box 600  
Trenton, New Jersey 08625-0600  
Fax: (609) 530-4638

The agency proposal follows:

#### Summary

In accordance with N.J.S.A. 52:14B-5.1.c and Executive Order No. 66 (1978), N.J.A.C. 16:20A was scheduled to expire October 19, 2013. As the Department of Transportation (Department) filed this notice of proposed readoption on October 17, 2013, the expiration date is extended 180 days to April 17, 2014, pursuant to N.J.S.A. 52:14B-5.1.c(2). These rules provide the guidelines and establish procedures to be followed by counties in the receipt of State aid for transportation projects as disbursed through the Department's County Local Aid Program.

The Department has reviewed the rules and determined that they are necessary, reasonable, and proper for the purposes for which they were originally promulgated. Changes to the rules are necessary to add a scope; update contact information; reorganize rule text; establish

provisions for the Department's online grant management system (SAGE); reorganize Department participation items into one section; clarify county responsibilities; update the standards and specifications that must be followed; provide detailed information of items to be included in annual reports; include language regarding expenditure of funds within three years of allotment notification; amend the reporting period for the annual report to be the immediately preceding, as well as the two prior, fiscal years to properly evaluate expenditure of funds within the timeframes mandated by the Transportation Trust Fund Act (N.J.S.A. 27:1B et seq.); and add language regarding rescission of unencumbered funds as mandated by statute.

Throughout the chapter, the word "State," as it refers to participation and reimbursements, has been changed to "Department."

The chapter was originally adopted in 1984 as emergency new rules, called New Jersey Transportation Trust Fund Authority Act Federal Aid Urban System Substitution Program: County and Municipal Aid. New rules adopted for this program in 1990 were repealed and replaced in 1996 by rules headed New Jersey Transportation Trust Fund Authority Act: County Aid. These rules have been readopted twice and were renamed County Local Aid in 2006. P.L. 2012, c. 13, which became effective June 29, 2012, made various amendments to the New Jersey Transportation Trust Fund. In particular, references to minimum allotments under a now defunct Federal Aid Urban System Funds (FAUS) program were removed. Pursuant to N.J.S.A. 27:1B-25, county aid allotments use a distribution formula that is based on county population compared to State population, and roadway miles within the county compared to roadway miles within the State. The Department updates population information when it is updated by the U.S. Census Bureau. The 2010 U.S. Census data shows population reductions in many of the northern counties and population increases in many of the southern counties. The removal of FAUS language from this chapter, and subsequently the minimum allotments previously required under the FAUS program, along with county population shifts will affect individual county allotments under the Department's Local Aid program starting in Fiscal Year 2014, and moving forward. Some counties will see an increase in their county aid allotment and some counties will see a reduction, as the funds available for this program are a fixed amount set by statute and subject to appropriations. As both factors, the removal of FAUS language and the formula that establishes county aid allotments, are controlled by statute, the Department has no discretion in the calculation of these allotments.

Additionally, P.L. 2012, c. 13 requires rescission of any portion of a county's annual allotment not put under contract within three years of notification of allotment amount.

The Department is proposing to readopt the rules with amendments, new rules, repeals, and recodifications as set forth below. Since the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The subchapters are summarized as follows:

Subchapter 1 outlines the general provisions of the rules.

Subchapter 2 describes the State's participation in eligible project costs, project approval, discretionary funds, and the standards to be followed.

Subchapter 3 prescribes the responsibility of the county in the preparation of plans and specifications.

Subchapter 4 provides the procedures to be followed in awarding contracts; contract completion and payment; reporting progress on expenditure of funds; cost of engineering, inspection, and construction supervision; and cost of right-of-way acquisition.

Subchapter 5 outlines the requirements for the annual audit by the county.

The proposed amendments, new rules, repeals, and recodifications are as follows:

The heading of Subchapter 1 is amended to read "Purpose and Scope" rather than "General Provisions." Recodified N.J.A.C. 16:20A-1.1 contains the purpose of the chapter. The reference to "Division offices" is deleted from the heading of the section, as subsection (b) is proposed for deletion. Recodified N.J.A.C. 16:20A-1.2 provides the scope of the rule. New subsection (b) is relocated with technical amendments from