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BULLETIN 98-4

Issued: July 1998 Code Ref. Update: April 2006
Subject: Site Lighting Installations by Utilities
Reference: N.J.A.C. 5:23-2.18B and 3.16

The Department of Community Affairs has entered into a settlement agreement with Public Service Electric and Gas Company, Atlantic City Electric Company, and Jersey Central Power and Light Company (GPU Energy). It resolves pending litigation between the Department and the electric utilities regarding permits, codes, and inspections in connection with site lighting (often referred to by the utilities as “dusk-to-dawn lighting”). The agreement establishes a protocol for the regulation and inspection of site lighting facilities installed by the utilities. The Department has adopted new regulations at N.J.A.C. 5:23-2.18B and 3.16(a)3. Following are the salient features of the agreement:

1. Site lighting facilities utilizing only metal poles having underground electrical feed located on private property are covered by the agreement. No permits or inspections are required for other types of site lighting installed, owned, and maintained by electric utilities. Other types of site lighting have been and remain subject to Uniform Construction Code and Electrical Subcode requirements.
2. National Electrical Safety Code (NESC) (ANSI-C2) standards shall apply to site lighting installations covered by the agreement. Training on the NESC will be made available through the continuing education program.
3. Installation of site lighting facilities by a utility shall constitute minor work in accordance with N.J.A.C. 5:23-2.17A. Within five business days after verbal notice of a proposed installation, the utility shall file a permit application setting forth, at a minimum, the identity of the utility, the street address and location of the site lighting facilities, the number of facilities to be installed, and a general description of the installation.
4. The permit application shall include the Electrical Technical Section (Form F120) only.
5. The utility shall pay a fee which shall be calculated at 25 percent of the customary permit fee for such installations, as established pursuant to the departmental fee schedule set forth at N.J.A.C. 5:23-4.20(c)2i(2) and N.J.A.C. 5:23-4.20(c)2iii(1).
6. As with other forms of minor work, upon receiving a notice, the municipality may conduct inspections of such facilities during their installation, as long as the utility is not required to delay or otherwise schedule their installations to accommodate these inspections.

7. Should the inspection result in the identification of a violation or a suspected violation of the code, the inspector shall notify the Department's Code Assistance Unit at Post Office Box 802, Trenton, New Jersey 08625-0802 and the affected utility of its findings and possible violation. The inspector shall not issue a Notice of Violation or Stop Work Order to the utility unless authorized to do so by the Department.

Code officials and other interested parties are advised to direct all questions on this issue to the Code Assistance Unit at (609) 984-7609.