

SUBCHAPTER 2. LICENSING OF BOUNTY HUNTERS

13:55B-2.1 Minimum qualifications to be a licensed bounty hunter  
(a) (No change.)

13:55B-2.2 Licensure required to be a licensed bounty hunter  
No person shall engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, unless that person is licensed by the Superintendent as set forth in this chapter. Any person who engages in the business of, or performs, or offers to perform, the functions, activities or services of a bounty hunter, or advertises or holds a business out to be that of a bounty hunter, without first having received a license to do so, shall be guilty of a crime of the fourth degree.

13:55B-2.4 Issuance of a bounty hunter license and a bounty hunter identification card

(a) (No change.)  
(b) If an application for a bounty hunter license is approved, the Superintendent shall issue a bounty hunter license and a bounty hunter identification card to the applicant, which shall be valid for two years.

(a)

**DIVISION OF GAMING ENFORCEMENT**

**Gaming Equipment  
Rules of the Games**

**Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.10A; and 13:69F-20.1, 20.6, 20.10, 20.11, and 20.12A**

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

**Take notice** that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the game of “Three Card Poker” with the optional “Six Card Bonus Wager” is suitable for casino use as amended.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

(b)

**DIVISION OF GAMING ENFORCEMENT**

**Gaming Equipment  
Rules of the Games**

**Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.13H, 13:69F-18.6C, 18.9 and 27.6**

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

**Take notice** that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the games of “Four Card Poker” and “Let it Ride Poker” are suitable for casino use as amended.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

(c)

**DIVISION OF GAMING ENFORCEMENT**

**Gaming Equipment  
Rules of the Games  
Criss Cross Poker**

**Temporary Adoption of New Rules: N.J.A.C. 13:69E-1.13Z; and 13:69F-40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 40.8, 40.9, 40.10, 40.11, and 40.12**

Authority: N.J.S.A. 5:12-5, 63.c, 69.e, 70.f, 99.a, and 100.

**Take notice** that the Division of Gaming Enforcement shall, pursuant to N.J.S.A. 5:12-69.e, conduct an experiment for the purpose of determining whether the authorized game of “Criss Cross Poker” is suitable for casino use.

The experiment will be conducted in accordance with temporary rules, which shall be available in each casino participating in the experiment, and shall also be available from the Division upon request.

The test would allow a casino licensee which wishes to participate in the experiment, and which meets all the terms and conditions established by the Division, to implement the new game in its casino.

This experiment could begin on or after July 28, 2014, and continue for a maximum of 270 days from that date, unless otherwise terminated by the Division or any of the participating casino licensees prior to that time, pursuant to the terms and conditions of the experiment.

Should the temporary amendments prove successful, in the judgment of the Division, the Division will propose them for final adoption, in accordance with the public notice and comment requirements of the Administrative Procedure Act and N.J.A.C. 1:30.

**PUBLIC UTILITIES**

(d)

**BOARD OF PUBLIC UTILITIES**

**Gas Service**

**Readoption with Amendments: N.J.A.C. 14:6**

Proposed: January 21, 2014, at 46 N.J.R. 173(a).

Adopted: June 18, 2014, by the New Jersey Board of Public Utilities, Dianne Solomon, President, Jeanne M. Fox, Joseph L. Fiordaliso, and Mary-Anna Holden, Commissioners.

Filed: June 18, 2014, as R.2014 d.115, with technical changes not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

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

BPU Docket Number: GX13101010.

Effective Dates: June 18, 2014, Readoption  
July 21, 2014, Amendments.

Expiration Date: June 18, 2021.

**Summary of Public Comments and Agency Responses:**

Tracey Thayer, Esq., New Jersey Natural Gas Company, on behalf of Elizabethtown Gas, New Jersey Natural Gas Company, Public Service Electric and Gas Company, and South Jersey Gas Company (jointly, the "GDCs") submitted timely comments on the notice of proposal.

1. Comment: As a typographical error, the GDCs submit that N.J.A.C. 14:6-3.3(d) references gas as being measured at "14.73 pounds per square inch gauge (psig)." The GDCs note that since the section addresses measuring the minimum heating value of gas, the reference should be changed to "pounds per square inch absolute (psia)."

Response: The Board appreciates the GDCs comment and will correct this typographical error to "pounds per square inch absolute (psia)" upon adoption.

2. Comment: Proposed language for N.J.A.C. 14:6-3.5(d) states "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." The GDCs state that they follow existing Federal requirements related to the inspection of atmospheric corrosion of above ground pipe and remedial inspections when meter readers report on potentially unsafe conditions. The GDCs feel the word "snow" should be removed from the proposed language because a GDC cannot predict the future presence or height of snow accumulation or any piling that may be done by a resident. (GDCs)

Response: The Board appreciates the GDCs comment. The existing regulation already requires GDCs to have a surveillance program and take prompt remedial action without specifying specific conditions. The specification of specific conditions does not change this underlying requirement nor does it require GDCs to predict the height of snow. However, the proposed language is "to ensure prompt remedial action is taken when such conditions are discovered," under the required surveillance program. The Board does not believe that compliance with this requirement will impose any additional burden on the GDCs. Therefore, the requested change will not be made.

3. Comment: The GDCs propose that N.J.A.C. 14:6-7.9(b)5 be changed from the proposed 90-day required repair window for inspections and remediation, to a maximum of 180 days. The GDCs submit that the additional time would allow the companies to allocate resources appropriately where no immediate safety concern exists. The GDCs further state that the time frame for remediation should be 180 days when no safety threat exists, but the GDCs would continue to respond to emergency situations on an immediate basis.

Response: The Board appreciates the GDCs comments. Board staff reviewed the gas utility operators' annual high pressure gas meter set damage reports submitted in accordance with N.J.A.C. 14:6-7.9(b)5 and determined that correction or remediation of any deficiencies within 90 days of the deficiency being reported or discovered is reasonable and does not believe that it will impose an undue burden on the GDCs. Therefore, the requested change will not be made.

**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.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 14:6.

**Full text** of the adopted amendments follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletions from proposal indicated in brackets with asterisks \*[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 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;

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 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 2012 ICC International Fuel Gas Code, which is incorporated herein by reference, as amended and supplemented, and is available at [www.constructionbook.com](http://www.constructionbook.com). 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 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 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 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 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)]\* **\*absolute (psia)\*** 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.constructionbook.com\\*](http://www.constructionbook.com) **\*www.constructionbook.com\***; and

3. FERC-approved tariffs of the interstate pipelines serving New Jersey. FERC-approved pipeline tariffs are available by contacting the 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.

### SUBCHAPTER 6. MASTER METER SYSTEMS

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

(a) 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 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 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. 14:3-3A.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 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, 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, 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 high pressure residential gas meter set, 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, 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 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)

### NEW JERSEY MARITIME PILOT AND DOCKING PILOT COMMISSION

#### Rules of the New Jersey Maritime Pilot and Docking Pilot Commission

**Adopted Amendments: N.J.A.C. 16:64-1.3 through 1.7, 2, 3.1, 3.3, 3.4, 3.9, 3.10, 3.11, and 4**

**Adopted Recodifications with Amendments: N.J.A.C. 16:64-1.8, 3.2, 3.5, 3.6, 3.7, 3.8, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 6, 7, 8.1, and 9 as 1.4, 2.7, 7.4, 3.3, 7.5, 7.2, 8.1, 8.2, 8.3, 7.6, 7.3, 8.4, 7.7, 10, 9, 6.1, and 5, respectively**

**Adopted New Rules: N.J.A.C. 16:64-6.2, 7.1, and 9.10**

**Adopted Repeals: N.J.A.C. 16:64-7.10, 8.2 through 8.11, 9.7, and 9.8**

Proposed: March 17, 2014, at 46 N.J.R. 481(a).

Adopted: June 20, 2014, by the New Jersey Maritime Pilot and Docking Pilot Commission, Hon. Charles E. Stapleton, President.

Filed: June 20, 2014, as R.2014 d.116, **with substantial and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 12:8-1 et seq.

Effective Date: July 21, 2014.

Expiration Date: November 10, 2016.

#### Summary of the Public Comments and Agency Responses:

The agency received one set of comments in response to publication of the original notice of proposal from Richard Van Wagner, Esq. of Eckert Seamans on behalf of the United New Jersey Sandy Hook Pilots Association.

COMMENT: The commenter suggests that the Maritime Pilot and Docking Pilot Commission's (Commission) proposed change in the definition of "Commissioners" (N.J.A.C. 16:64-1.3) should read the New Jersey Maritime Pilot and Docking Pilot Commissioners as this is the statutorily approved name.

RESPONSE: This was an oversight and the change will be made.

COMMENT: The commenter suggests that by using the word "or" instead of "and" in the definition of a pilot (N.J.A.C. 16:64-1.3) as a clear difference between maritime pilots and docking pilots.

RESPONSE: The Commission has reviewed this suggestion and believes that the commenter has a valid point, because "or" makes it clearer that there is a difference between the two sets of pilots. Therefore, this change will be made.

COMMENT: In the qualifications section (N.J.A.C. 16:64-2.3(d)), the commenter suggests that applicants on the approved apprentice selection list should not be referred to as "registered apprentice pilots." This is suggested because the pilots are looking at a system by which applicants are not registered with either the Commission or the New York Board of Commissioners of Pilots until they have served a six-month probationary period.

RESPONSE: As stated in N.J.A.C. 16:64-1.3 an apprentice means a person who is registered with the Commission, therefore, the term "registered apprentice" is already established. Therefore, this change will not be made.

COMMENT: The commenter suggests that the reference to the maritime pilot oath (N.J.A.C. 16:64-3.3) be changed to be consistent with the wording used for the docking pilot oath.

RESPONSE: The Commission agrees with this comment and will make the recommended adjustments, which are technical in nature.

COMMENT: The commenter requests that in the route extension section (N.J.A.C. 16:64-3.4(a)), "deputy pilot" be deleted and replaced

with "maritime pilot," since a pilot seeking a route extension could also be a full branch pilot seeking to add an additional route to their license.

RESPONSE: The Commission has reviewed this suggestion and realized that the commenter has identified an inconsistency in the subsection and the requested change makes this subsection consistent and therefore, the change.

COMMENT: The commenter suggests that N.J.A.C. 16:64-3.5(d) should be deleted since all the pilots that this subsection was proposed for are full branch pilots and therefore, the subsection is obsolete.

RESPONSE: The Commission has reviewed this suggestion and has validated that the information is accurate, the grades that were covered under this subsection are no longer needed.

COMMENT: The commenter suggests that the requirement for log books (N.J.A.C. 16:64-4.3) to be stored only on site be changed to include the term "or other secure location" since this is the current practice because the office space referenced in the current regulation for the storage of log books cannot accommodate the storage of older log books and after seven years they are sent to SUNY Maritime College for storage.

RESPONSE: The Commission finds this to be a reasonable request; however, this change cannot be made upon adoption pursuant to N.J.A.C. 1:30-6.3. The Commission will address this issue in a future rule proposal.

COMMENT: The commenter suggest that the term "If required" be added to N.J.A.C. 16:64-7.2, in the requirement for pilots to maintain a valid Transportation Worker Identification Credential (TWIC) card since they believe that there is currently a movement in Congress towards the potential abolishment of the TWIC program.

RESPONSE: The Commission understands these concerns; however, until such time as the Coast Guard changes its requirements, pilots are still required to carry a valid TWIC card. Therefore, this change will not be made.

COMMENT: The commenter suggests that in the medical examination section (N.J.A.C. 16:64-7.4), the phrase "limitations or conditions" should be added to "any waivers granted by the Coast Guard," since this is standard language used by the Coast Guard.

RESPONSE: The Commission agrees with the suggestion and will make the recommended change. As the pilot is required to submit copies of all correspondence with the Coast Guard related to the medical examination, adding two more examples is permissible upon adoption and does not expand the requirements on a pilot.

COMMENT: The commenter suggests that the word "maritime" pilot be replaced in the section outlining piloting duties (N.J.A.C. 16:64-8.2) and not include any reference to docking pilots.

RESPONSE: The Commission agrees with the suggestion and will make the recommended change, as pursuant to N.J.S.A. 12:8-8, which prohibits the Commission from establishing or approving the rotation of docking pilots. Therefore, subsection (b) can only apply to maritime pilots.

COMMENT: The commenter requests the deletion of the added term "docking" in the subsection outlining piloting duties (N.J.A.C. 16:64-8.2(e)). This is suggested because in certain circumstances a maritime pilot may relieve another maritime pilot.

RESPONSE: The Commission agrees with this comment, since maritime pilots are allowed to dock vessels. Therefore, the Commission will make the recommended change.

COMMENT: The commenter suggests that the phrase "If possible" be added in occurrence section (N.J.A.C. 16:64-8.4(a)2), where it lists the items the pilot can forward to the Commission to aid in the investigation of an occurrence.

RESPONSE: The Commission has reviewed the suggestions and understands the commenter's concerns. However, because the paragraph states that the list of items "may include ..." including this term does not make all items on the list mandatory, but provides guidelines. Therefore, this change will not be made.

#### Federal Standards Statement

New Jersey Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq. (P.L. 1955, c. 65), require that all State rules include a statement as to whether the adopted rules contain any standards or requirements that exceed the standards or requirements imposed by Federal law.

While the regulation of pilots working in navigable waters of the United States is clearly a regulation of commerce within the powers of Congress, there is a concurrent system of state pilotage regulation. States have jurisdiction over foreign vessels and vessels sailing under register. Federally licensed pilots are in general, required to be used on coastwise