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VIA ELECTRONIC AND REGULAR MAIL

Secretary Irene Kim Asbury
Board of Public Utilities – New Jersey
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, NJ 08625

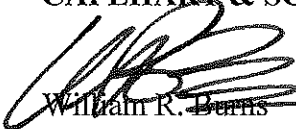
RE: In the Matter of the Petition of New Jersey Natural Gas Company for Determination Concerning the Southern Reliability Link Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A. 48:9-25.4
BPU Document Number: GO15040403

Dear Secretary Asbury:

As you are aware this offices represents the Burlington County Board of Chosen Freeholders regarding the above referenced matter and BPU Docket GE15040402. Pursuant to the revised procedural schedule please find enclosed or attached to this correspondence a copy of the **Prepared Direct Testimony of Joseph T. Brickley, P.E.** Please note as the motion to reconsider the Board's decision regarding Burlington County's motion in intervene in BPU Docket GE15040402, Burlington County respectfully requests, should the board reconsider its decision, to submit direct testimony in that matter.

Should you have any questions require additional information or would like to discuss this matter further please do not hesitate to contact me. Thank you for your attention, consideration and courtesy.

Respectfully submitted,
CAPEHART & SCATCHARD, P.A.



William R. Burns

Enc.

cc: Board Commissioners via regular mail and electronic mail
Service list via electronic mail only

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

**In the Matter of the Petition of New Jersey
Natural Gas Company for Determination
Concerning the Southern Reliability Link
Pursuant to N.J.S.A. 40:55D-19 and N.J.S.A.
48:9-25.4**

BPU Document Number: GO15040403

PREPARED DIRECT TESTIMONY OF
JOSEPH T. BRICKLEY, P.E. on behalf of
THE BURLINGTON COUNTY BOARD OF
CHOSEN FREEHOLDERS

1 **BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS**

2
3 **PREPARED DIRECT TESTIMONY OF**

4
5 **Joseph T. Brickley, P.E.,**

6
7 **I. INTRODUCTION**

8 **Q. Please state you name, affiliation and business address.**

9 **A. My name is Joseph T. Brickley. I am a licensed professional engineer in the State of**
10 **New Jersey. I am the County Engineer for the County of Burlington, and have been the duly**
11 **appointed engineer by the Burlington County Board of Chosen Freeholders for five years. The**
12 **Burlington County Engineer’s Office is located at 1900 Briggs Road, Mt. Laurel, New Jersey.**

13 **Q. Are you fully familiar with the facts and circumstances surrounding the**
14 **applications for the construction of the Southern Reliability Link submitted by New Jersey**
15 **Natural Gas currently before the New Jersey Board of Public Utilities bearing docket**
16 **number GO15040403 and GE15040402, including New Jersey Natural Gas’ preferred**
17 **route and alternate route analysis?**

18 **A. As duly appointed County Engineer I am fully familiar with the facts and circumstances**
19 **surrounding the applications submitted by New Jersey Natural Gas (hereinafter “NJNG”) for the**
20 **construction of the Southern Reliability Link (hereinafter “SRL”) submitted to the New Jersey**
21 **Board of Public Utilities (hereinafter “BPU”) for review. In my capacity as County Engineer I**
22 **have reviewed NJNG’s applications, amendments, exhibits, identified routes and route analysis,**
23 **discovery material, media accounts and other relevant documentation (hereinafter collectively**
24 **referred to as the “project documents”).**

25 **Q. How will New Jersey Natural Gas’s preferred route for the Construction of the**
26 **Southern Reliability link impact the County roads and right-of-way?**

27 A. The New Jersey Natural Gas Company (NJNG) is proposing to locate a major intrastate
28 gas transmission pipeline within the right-of-way (ROW) of Burlington County Routes 528 and
29 664 in Chesterfield and North Hanover Townships. Both County Routes 528 and 664 are
30 generally unimproved roads that have numerous design deficiencies including inadequate
31 drainage and a substandard cross-section. Neither roadway meets current County or State
32 NJDOT standards. Further, these roadways are limited by a narrow ROW that was established in
33 the early 1800s with no plan or consideration for accommodating future intrastate transmission
34 pipelines. The primary function of the County ROW is to service the County Road. The
35 proposed use of the County Road ROW by NJNG for a gas transmission pipeline is subordinate
36 to the public's use of the ROW for transportation. Although future pipeline relocation costs may
37 be borne by NJNG, the BPU must recognize that hosting the proposed transmission pipeline in a
38 narrow County Road right-of-way impairs the County's ability to plan, design and construct
39 future roadway safety improvements which will ultimately result in higher project costs to
40 Burlington County taxpayers. The cost of hosting New Jersey Natural Gas's transmission line
41 within the public ROW should not be borne by the taxpayers of Burlington County. There are
42 specific county and taxpayer costs related to housing the pipeline which include:

- 43 -Additional costs to the County for the acquisition of ROW for roadway drainage improvements.
44 Due to the existing narrow ROW, future drainage designs will become very complex and will
45 need to be modified and expanded due to the loss of usable ROW that will be dedicated to
46 hosting an intrastate transmission pipeline.
- 47 -Increased costs to the County for engineering and constructing improvements "around" a large
48 intrastate transmission pipeline.

49 -Additional costs to the County for future road construction as the County will be required to
50 employ specialized construction techniques and monitoring to ensure the safe operation and
51 protection of the pipeline.

52 -Reduced rates of production by contractors performing work around the pipeline, resulting in
53 higher labor costs ultimately borne by the County and its taxpayers.

54 -Increased project costs due to a limited pool of qualified contractors who will undertake and
55 perform work in close proximity to a large intrastate transmission pipeline. In addition, those
56 contractors will be required to have extremely high limits of insurance coverage at an increased
57 cost which will ultimately be borne by the County and its taxpayers.

58 -Increased costs and construction delays for future roadway construction due to NJNG's inability
59 to take the transmission pipeline out service for relocation while maintaining adequate gas
60 service to its customers in Monmouth and Ocean Counties.

61 -Future pipeline relocation work to accommodate roadway construction could require BPU
62 approval resulting in increased engineering costs and construction delays. The BPU's
63 review/approval may delay relocating the pipeline in a timely manner or ultimately determine
64 that relocation is not permitted without the condemnation and acquisition of additional ROW.

65 -Due to the high cost of relocating a major intrastate gas transmission pipeline, NJNG may have
66 financial constraints that may delay or prevent NJNG from performing necessary pipeline
67 relocation work to accommodate roadway improvements, resulting in increased roadway
68 construction costs and delays.

69 -Future roadway maintenance and repair projects undertaken by Burlington County will incur
70 additional costs to coordinate with NJNG to accurately locate the pipeline, perform test pits,
71 conduct survey work and perform traffic control.

72 The impacts described above will increase the cost of planning, engineering, construction and
73 maintenance of future roadway improvement projects by 25-50%.

74 **Q. Does New Jersey Natural Gas's Petition address construction related traffic impacts**
75 **to the County roads and right-of-way?**

76 A. No. The New Jersey Natural Gas Petition and Plans fail to adequately address
77 construction related traffic impacts. The County had met with NJNG prior to the filing of the
78 Petition and NJNG is aware of the County's roadwork requirements. NJNG appears to be
79 deliberately avoiding any BPU review of this significant adverse public impact and burden on
80 the residents of Burlington County. Traffic impacts should be a major component of the Petition
81 for Construction and Operation and the BPU should require NJNG to address this issue with the
82 County and impacted Municipalities prior to approving any Petitions. Significant issues relating
83 to traffic impacts include:

84 -Petition Plans filed by NJNG do not include information regarding sections of proposed
85 roadway closures and associated detours. Due to the nature of the project area, limited detour
86 route options exist. The County has investigated several detour scenarios along the project route.
87 The detours are up to 6.45 miles in length and use mainly roads under municipal jurisdiction.
88 These local roads were not designed to accommodate the 6300+ vehicles that use County Route
89 528 and 664 daily. Additionally, many of these roads have substandard geometry and may also
90 have weight restrictions in place.

91 In order to close a County Road, approval from the Burlington County Board of Chosen
92 Freeholders is required. To date, NJNG has not requested or obtained such approval. Approvals
93 from Chesterfield Township and/or North Hanover Township are required to use municipal roads
94 for detours and/or for the closure of municipal roads. To date, NJNG has not obtained such

95 approvals. Additionally, approval from the County is required to use a County Road as part of a
96 detour. To date, NJNG has not requested or obtained any such approval.

97 -The Petition states that each construction site will be one-quarter mile long which equates to
98 1320 feet. There appears to be a discrepancy between the length of a construction site (1320')
99 and the proposed optimum daily production (300').

100 -The Petition states that there are to be multiple construction crews working simultaneously on
101 different sections of the project. NJNG has not provided, nor do the Petition Plans provide,
102 information regarding the starting point and/or progression of construction activities. Multiple
103 lane closures occurring concurrently will not be permitted along County Roads.

104 -NJNG is proposing to use the open cut method of construction for the majority of the pipeline
105 route.

106 -Petition Plans show the use of the horizontal directional drill (HDD) method of construction to
107 avoid impacts to wetlands, bridges and other structures along the project route. The benefit of
108 this method of construction is that it requires fewer traffic impacts. However, Petition Plans
109 show bore pits located in the center of the roadway in different locations, which will necessitate
110 road closures. The County will not allow bore pits to be located within the traveled way of a
111 County Road. Additionally, no information regarding the required footprint of the construction
112 operation (area of bore pit and length needed for pullback) is provided on the plans.

113 -Although the Petition does weigh the complex engineering involved with locating the pipeline
114 within the ROW, it only specifies existing utility infrastructure, constricted workspace, need for
115 municipal coordination, and traffic control requirements as factors. The construction of this
116 pipeline will have a tremendous negative impact on motorists using the County's road network.
117 Over 6300 vehicles daily will have to endure excessive delay due to construction activities for

118 over 2.5 YEARS. New Jersey Natural Gas has failed to weigh construction related traffic
119 impacts in their BPU filings.

120 **Q. Do New Jersey Natural Gas's Petition Plans conform to County standards and**
121 **requirements?**

122 **A.** No. County Routes 528 and 664 are under the jurisdiction of the Burlington County
123 Board of Chosen Freeholders. The Petition Plans submitted by NJNG do not comply with the
124 current practices and requirements of Burlington County for the following reason:

125 The proposed position of the pipeline, within existing ROW. There has been no consideration by
126 NJNG in the Petition as to how its project will impact the primary public use of the ROW for
127 transportation. For longitudinal installations of pipelines within roadway ROW, such pipelines
128 shall be located at or immediately adjacent to the outer limit of the ROW. In placing the pipeline
129 within the paved roadway, NJNG did not conform to County's requirement or the NJDOT's
130 requirements of N.J.A.C. Title 16. As a result, the Petition Plans do not accurately detail the
131 distance of the pipeline from occupied structures and in many cases homes will in fact be closer
132 to the pipeline than detailed on the Plans.

133 **Q. Does New Jersey Natural Gas's proposed pipeline and preferred route interfere**
134 **with the expansion of local utility services?**

135 **A.** Yes. The existing County Road right-of-way for Routes 528 and 664 is currently
136 occupied by various utility companies to provide local utility service. Both routes are
137 constrained by a narrow ROW that was established in the early 1800s with no plan or
138 consideration for accommodating future intrastate transmission pipelines. Local utility service
139 for gas, water and sewer has been planned but not been fully constructed to service the existing
140 communities. The construction by NJNG of an intrastate transmission pipeline, within the

141 constrained ROW of Routes 528 and 664, will interfere with the future expansion of LOCAL
142 utilities to adjacent homes and communities. Planning, engineering and constructing the
143 expansion of water, sewer and gas along the route will become very complex and may no longer
144 be feasible due to the loss of usable ROW that would have to be dedicated to hosting an
145 intrastate pipeline. At a minimum, due to NJNG's intrastate pipeline and the standard of care
146 associated with working in close proximity to a high pressure natural gas transmission pipeline,
147 homeowners and local utility suppliers will incur increased costs for LOCAL utility expansion.

148 **Q. Is New Jersey Natural Gas's preferred route for the Construction of the Southern**
149 **Reliability link the safest route?**

150 **A.** Upon my review of the project documents, the route designated by NJNG as the preferred
151 route is neither the best nor the safest route for construction of a 30 inch high pressure natural
152 gas pipeline. NJNG's designated preferred route unnecessarily places the SRL in close
153 proximity to homes and business in Chesterfield and North Hanover Townships in Burlington
154 County. Burlington County residents, if NJNG's preferred route were to be approved, will be
155 needlessly placed in close proximity to a 30 inch high pressure natural gas pipeline, for what
156 appear to be only economic reasons. NJNG has failed to consider and refuses to analyze a route
157 for the SRL using State Route 68 and passing through Joint Base McGuire, Dix and Lakehurst
158 (hereinafter "JB MDL"). The route using Route 68 and JB MDL (hereinafter referred to as "the
159 Dancer Route") greatly reduces the number of residents and businesses in close proximity to the
160 pipeline thereby mitigating the safety concerns associated with the project. NJNG's alternate
161 route analysis does not include the Dancer Route and NJNG continues to refuse to analyze the
162 Dancer Route. NJNG has an obligation to analyze alternate routes for the construction of the
163 SRL, especially routes that reduce the negative impacts to the residents of directly affected

164 communities like Chesterfield and North Hanover. Simply, NJNG has not done its job with
165 respect to alternate route analysis. The Dancer Route should be analyzed by NJNG using the
166 same evaluation metric and weighting procedures used to analyze the other routes. The Dancer
167 Route is an remains a viable and feasible route until either alternate route analysis proves
168 otherwise or JB MDL prohibits the construction of the SRL on the base.

169 **Q. Please provide an overall summary of the Dancer Route and the benefits associated**
170 **with the Dancer Route.**

171 **A.** The Dancer Route is a feasible route for the SRL for many reasons. Primarily, the
172 Dancer Route significantly reduces the number of homes and businesses that would be in close
173 proximity to a 30 inch high pressure gas pipeline. NJNG plans to tie into the Transco pipeline
174 that runs parallel to the New Jersey Turnpike and is located in proximity to Route 68. State
175 Route 68 is a state highway in Burlington County which serves as the main connector between
176 the New Jersey Turnpike and JB MDL. Route 68 runs from Burlington County 616 at JB MDL
177 to U.S. Route 206. A section of Route 68 is an undivided two lane road (a single lane in each
178 direction) and a significant section of State Route 68 is a divided four lane road with a large
179 center median. Route 68 passes through a mostly agricultural area. JB MDL is a vast U.S.
180 military installation that contains large swaths of undeveloped and uninhabited land. NJNG has
181 failed to consider the Dancer Route as a potential alternative, even though it is clearly a safer
182 route.

183 **Q. Does the alternate route analysis include analysis of the Dancer Route?**

184 NJNG has failed to provide a detailed analysis of the Dancer Route, and to my knowledge
185 continues to refuse considering much less analyzing the Dancer Route. The Dancer Route which
186 takes advantage of Route 68's large center median is exponentially safer for the residents of

187 Chesterfield, North Hanover, and Burlington County. Without detailed route analysis for the
188 Dancer Route, a determination should not be made regarding placement of the SRL. Ignoring the
189 Dancer Route as a potential feasible alternative to NJNG's preferred route is simply NJNG's
190 attempt to force-feed their preferred route to the BPU and the citizens of Burlington County.
191 The Dancer Route is not a novel idea sprung upon NJNG at the last moment, NJNG has simply
192 refused to give any credence to the idea. Assemblyman Ronald Dancer referred to this route
193 during his presentation at the public hearing on August 26, 2015, and it was the subject of an
194 article in the Courier Post in September, a copy of the article is attached hereto as **Exhibit A**.
195 According to the Courier Post article, which is attached, JB MDL agreed to review the feasibility
196 of a route for the SRL using Route 68 and passing through JB MDL. The residents of Burlington
197 County and the BPU deserve to have the Dancer Route analyzed and neither the public nor BPU
198 should be railroaded into accepting NJNG's route before an analysis of the Dancer Route is
199 complete. The health and safety of residents of Burlington County should be a paramount factor
200 in NJNG's selection of a route for the SRL. NJNG's gавaging of their designated route to an
201 educated public has slowed the process and increased the controversy associated with the project.
202 NJNG should, in collaboration with JB MDL, be required to identify and analyze a route for the
203 SRL using State Route 68 with passage through JB MDL. Only after NJNG and JB MDL
204 complete the analysis of the Dancer Route should a determination be made regarding the route
205 designation for the SRL. NJNG should perform a new route analysis and feasibility study. The
206 current NJNG route analysis is defective and skewed to support the NJNG "Preferred Route".
207 Using the Dancer Route is a safer route as the pipeline will be located away from occupied
208 homes and businesses. New Jersey Natural Gas should be required to complete an independent

209 unbiased route analysis. Only upon completion of this new analysis should a final route selection
210 be made.

211 **Q. Please summarize your testimony regarding New Jersey Natural Gas's application**
212 **for the construction of the Southern Reliability Link.**

213 **A.** The County Engineer's Office has reviewed NJNG's plans for the pipeline and does not
214 concur with the "NJNG Preferred Route" as it is not the safest route. This preferred route runs in
215 close proximity to many homes and businesses. The risk to these properties can be alleviated by
216 choosing the Dancer Route. The "NJNG Preferred Route" for the pipeline was chosen by NJNG
217 with the primary goal of reducing their construction costs and construction timeline. There has
218 been little consideration by NJNG as to how their pipeline project will adversely impact the
219 taxpayers and residents of Burlington County. Specific issues with the "NJNG Preferred Route"
220 include the following:

221 -The proposed route will locate the pipeline in close proximity to hundreds of homes and
222 businesses. The proximity of the pipeline to occupied buildings is of a significant safety concern
223 since the pipeline is both high pressure and highly explosive pipeline.

224 -Locating the pipeline within County Road right-of-way impairs the County's ability to
225 plan/design future roadway improvements and will significantly increase the County's project
226 construction costs.

227 -Locating the pipeline within County Road right-of-way impairs the ability of local utility
228 companies to extend water/gas/sanitary sewer service to the local communities.

229 -Serious construction related traffic safety issues have not been addressed, including the
230 detouring of traffic from the County Roads onto local streets through residential neighborhoods.

231 The County Engineer's Office has investigated alternate routes including the Dancer Route
232 which would limit the adverse impacts on the taxpayers and residents of Burlington County.
233 Specific benefits of the Dancer Route v the "NJNG Preferred Route" include the following:
234 a +/-70 % reduction in the number of homes in close proximity to the pipeline.
235 and improved operational safety by utilizing existing Route 68. A major issue with the "NJNG
236 Preferred Route" is that it almost exclusively utilizes County Road right-of-way; where the
237 pipeline would be subject to a high ongoing risk of damage by third parties engaged in road
238 drainage maintenance, installation or replacement of utility poles, installation and maintenance
239 of other buried utilities and future road construction activities. The Dancer Route eliminates the
240 use of narrow County Road right-of-way and maximizes the use of safer corridors and also
241 eliminates adverse impacts on future roadway improvement projects and the expansion of local
242 utility service. Where road right-of-way along Route 68 is utilized, it is generally in areas that
243 have already been improved with storm drains and shoulders. The presence of a transmission
244 pipeline would have limited impact on future roadway improvements.
245 -The Dancer Route eliminates the majority of all construction related traffic impacts. Where
246 road right-of-way is utilized, it is of sufficient width that road closures would not be required to
247 construct the pipeline.

248 **Q. Does this conclude your testimony?**

249 A. I incorporate all of my prior certifications and the presentation that I made on the record
250 at the public hearing held on August 26, 2016 into my direct testimony, adopt those statements
251 and submissions herein in their entirety. With the inclusion of my prior submission, presentation,
252 and the attached Exhibit A I hereby conclude my testimony and I affirm to the truthfulness of it.

253

Joint Base to review pipeline through Burlington County

CAROL COMEGNO @CAROLCOMEGNO

JOINT BASE MCGUIRE-DIX-LAKEHURST Military base officials will study an alternate route for a proposed natural gas pipeline through Burlington, Ocean and Monmouth counties.

New Jersey Natural Gas has proposed building a 30-mile transmission pipeline from Chesterfield to North Hanover in Burlington County, Upper Freehold in Monmouth, Plumstead in Ocean, through the military installation and eventually to Manchester, where it would meet the utility's existing transmission line in Ocean County.

At a late August meeting with the Joint Base McGuire-Dix-Lakehurst commander and congressional representatives, all three state 12th Legislative District lawmakers suggested the proposed line follow state highway Route 68 in Burlington County to reach the base and then pass through the base's Pinelands preservation area. Base commander Col. Frederick Thaden recently agreed to undertake a military feasibility study on the Southern Reliability Link at the lawmakers' request.

Assemblyman Ronald Dancer, a Republican representing four Burlington County municipalities and parts of Ocean, Monmouth and Middlesex counties, is spearheading the effort for safety reasons to reduce the pipeline's proximity to homes before it gets to the base.

"The base is reviewing the latest alternate proposed. However, the final decision on whether or not there will be a change to the current plan lies with New Jersey Natural Gas," said Maj. Omar Villarreal, Thaden's spokesman.

Dancer said he is trying to determine if there is an alternate route that can be more appropriately and safely placed than the current alignment that falls less than 100 feet from homes. "We are looking into options that would remove it from communities and perhaps be less costly. If possible it could come down to Transco (pipeline) near the New Jersey Turnpike in Chesterfield instead and then proceed down the median of Route 68 to the base," said Dancer, a former Plumstead mayor who is sponsoring several pieces of legislation on pipelines to ensure adequate public input in the absence of a statewide policy. He said a lack of policy has led pipelines to be placed "wherever" in the state. This is the second pipeline proposed statewide that would have a route through the sensitive Pine Barrens. South Jersey Gas is proposing the other through Cumberland and Cape May counties to an Upper Township plant along the coast. The pending New Jersey Natural Gas course would traverse Route 639 in Burlington County and is intended to feed the southern portion of its service area in Burlington and Ocean counties. It would allow the gas company to connect to a second interstate pipeline, Transco, to feed its system. The gas utility now connects only to the Texas Eastern pipeline, which traverses Middlesex County. Mike Kinney, New Jersey Natural Gas spokesman, said the new line is an important project that will provide "greater resiliency and strength to our system and support the safe, reliable delivery of natural gas." The company has more than a half-million customers in 83 municipalities in Monmouth, Ocean and Burlington counties.

Though the line would pass through Chesterfield and North Hanover, they will not be served by the new line. New Jersey Natural Gas serves only Bass River, also known as New Gretna, in Burlington County. Kinney said the pipeline would be built largely in existing road rights-of-way and avoid environmentally sensitive areas, preserved open space, protected farmland, and threatened and endangered species habitats.

However, he said the Route 68 alternative is not viable because it has "significantly more environmental impacts and passes through preserved farmland." New Jersey Natural Gas Co. revised its original route in June at the urging of Upper Freehold and has a revamped application pending before the state Board of Public Utilities (BPU) that will make the final decision regarding the utility's request for a base rate case adjustment.

That change was a more minor one intended to bypass its downtown, and extended the line from 28 to 30 miles. Meanwhile, the North Hanover local government has endorsed a route that would follow the Jersey Central Power and Light Co. right-of-way to reach the base. The Sierra Club, the Pinelands Preservation Alliance and other environmental groups oppose any new pipeline in that region as unnecessary and damaging to the environment.

Reach Carol Comegno at (856) 486-2473; or ccomegno@gannettinc.com

EXHIBIT A