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**MEMORANDUM**

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**TO:** To Whom It May Concern

**FROM:** Peter J. Fontaine

**DATE:** October 9, 2015

**RE:** PennEast Pipeline Company New Jersey Surveys

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On behalf of the PennEast Pipeline Company, LLC ("PennEast"), we are writing to advise that survey crews will be accessing public rights-of-way ("ROW") within your Township for purposes of surveying road crossing locations and boundaries for the pipeline project. The survey crews will be walking along roadsides within public ROWs using virtual reference station ("VRS") technology that enables the crew to survey the crossing locations using hand-held equipment.

The purpose of this memorandum is to advise that New Jersey law affords licensed surveyors the right to use the public ROW for purposes of making surveys. The statute—**N.J.S.A. § 46:11-1 Right of Entry to Make Surveys in Certain Proceedings**—has been in place for over a century. A copy of the statute is attached to this memorandum.

Please note that New Jersey townships do not have a right to restrict the right of survey crews to use the public ROW for the purpose of making surveys. Any effort to prohibit rightful access to use the public ROW for survey purposes is a violation of law. Please also note that the work being done by survey crews is necessary to enable PennEast to minimize the impact of the pipeline on environmental and cultural resources and is essential to PennEast's ability to complete the application process under the federal Natural Gas Act now pending before the Federal Energy Regulatory Commission ("FERC"), which has exclusive jurisdiction over the construction of interstate natural gas pipelines.

If you have any questions about this memorandum or would like to discuss this matter further, please feel free to contact me at 856-910-5043.

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LexisNexis(R) New Jersey Annotated Statutes  
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\*\*\* This section is current through New Jersey 216th Second Annual Session, L. 2015, c. 111 \*\*\*

Title 46. Property  
Subtitle 2. Real Property Only  
Chapter 11. Surveyors; Entry upon Lands

**GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY**

*N.J. Stat. § 46:11-1 (2015)*

**§ 46:11-1. Right of entry to make surveys in certain proceedings**

In any proceeding to lay out, alter, vacate or open a public road or street, or to determine which of the proprietors or possessors of the lands adjacent to any highway have narrowed or encroached on the same, and in any proceeding under the act entitled "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose," approved November twenty-fourth, one thousand seven hundred and ninety-two, and the several supplements thereto, and in any other proceeding touching a public improvement, any practical surveyor, with the necessary assistants, employed by any person interested in any of such proceedings, may enter on the lands adjacent to such highways or streets, or the lands to be drained under the provisions of said act, or other lands, for the purpose of making necessary surveys, doing as little damage as possible to the owner or owners of such lands.