

ASSEMBLY, No. 1699

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ROBERT D. CLIFTON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

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Assemblyman Conaway

SYNOPSIS

Requires certain gas companies to use existing right-of-way when constructing new transmission lines where practicable and to seek consent of municipalities prior to initiating certain projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/13/2016)

A1699 DANCER, CLIFTON

2

1 AN ACT concerning new transmission lines for certain gas
2 companies and amending and supplementing Title 48 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 “Board” means the Board of Public Utilities or any successor
11 agency.

12 “Existing public utility right-of-way” means a corridor of land
13 separated from other land uses, which is used, owned, or under the
14 control of any public utility, or a corridor of land separated from
15 other land uses for which any public utility has obtained easements.
16 “Existing public utility right-of-way” shall not include any public
17 street or roadway.

18 “Gas company” means a public utility, as that term is defined in
19 R.S.48:2-13, that transmits and distributes natural gas in this State.

20 “Public utility” shall have the same meaning as provided in
21 R.S.48:2-13.

22 “Transmission line” means any pipe, main, or other
23 infrastructure of a gas company having a capacity, as determined by
24 the board, to be used for the transmission of natural gas, but the
25 term shall not include a service line used for distribution purposes.

26
27 2. (New section) Consistent with federal law and the provisions
28 of R.S.48:9-17, R.S.48:9-24, and P.L.1949, c.110 (C.48:9-25.4),
29 where practicable, a gas company shall use an existing public utility
30 right-of-way when constructing a new transmission line. The gas
31 company shall develop a plan, to be approved by the board, to
32 reduce the impact of the new transmission line upon residential
33 areas to the maximum extent possible.

34
35 3. (New section) Consistent with federal law, prior to
36 approving the construction of a new transmission line in a
37 residential area, a gas company proposing to construct a new
38 transmission line shall demonstrate to the board that the gas
39 company will use an existing public utility right-of-way or attempt
40 to use an existing public utility right-of-way, including but not
41 limited to, by seeking approval from an owner of an existing public
42 utility right-of-way to use the owner’s existing public utility right-
43 of-way, as determined by the board.

44
45 4. R.S.48:9-17 is amended to read as follows:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 48:9-17. Every gas company **[heretofore]** organized under this
2 chapter or **[hereafter]** organized under Title 14**[, Corporations,**
3 **General,]** of the Revised Statutes may manufacture, sell, furnish,
4 and distribute **[such quantities of]** natural gas suitable for light,
5 heat, power, or other purposes as may be required in the
6 municipality **[or municipalities]** where the **[same]** natural gas shall
7 be located, or its operations lawfully extended.

8 **[Every such company]** Consistent with federal law, for the
9 purpose of the distribution or transmission of natural gas, a gas
10 company may lay conductors and install related facilities for
11 conducting natural gas through the streets, alleys, squares, and
12 public places in any municipality **[or municipalities]** in which **[it]**
13 the gas company may lawfully operate, having first obtained the
14 consent by resolution or ordinance of the governing body of **[such]**
15 the municipality for the furnishing of natural gas **[therein]** and the
16 approval of **[such]** the consent by the Board of Public **[Utility**
17 **Commissioners]** Utilities. The consent may be subject to
18 reasonable regulations with respect to the opening of streets, alleys,
19 squares, and public places, not inconsistent with the provisions of
20 this **[article]** section.

21 (cf: P.L.1962, c.198, s.99)

22
23 5. R.S.48:9-24 is amended to read as follows:

24 48:9-24. **[Any corporation of this state]** Consistent with federal
25 law, a gas company, having lawful authority to lay or maintain gas
26 pipes or mains in the streets and public places of a municipality for
27 the distribution or transmission of natural gas, may use its pipes or
28 mains within the municipality for the transmission of natural gas to
29 another municipality, in the streets or public places of which it may
30 also have lawful authority to lay or maintain gas pipes or mains for
31 the distribution or transmission of natural gas. Nothing **[contained]**
32 in this section shall grant to any **[corporation]** gas company a
33 franchise or right to lay down gas pipes for the distribution or
34 transmission of natural gas in any municipality of this **[state]** State.

35 (cf: R.S.48-9-24)

36
37 6. Section 1 of P.L.1949, c. 110 (C.48:9-25.4) is amended to
38 read as follows:

39 1. **[Any]** Consistent with federal law, any gas company
40 organized under the laws of this State in addition to but not in
41 limitation of the powers conferred by the laws under which it was
42 organized may construct, lay, maintain, and use facilities,
43 conductors, mains, and pipes, with the appurtenances thereto, in,
44 through and beyond any municipality **[or municipalities]**, for the
45 purpose of transmitting through the **[same]** municipality natural gas
46 or any mixture of gas or gases of any other type or types for use in

1 its business; provided, that in each case **【such corporation】** the gas
2 company shall first have obtained a designation by the governing
3 body or official having control thereof, of the public street, road,
4 highway, or place, which may be occupied by **【such corporation】** a
5 gas company for **【such purpose】** the distribution or transmission of
6 natural gas. If any governing body or official having control of any
7 public street, road, highway, or place, after having received from
8 **【such corporation】** a gas company a request to designate **【such】** a
9 public street, road, highway, or place, for occupancy by **【such**
10 **corporation】** a gas company for **【such purpose】** the distribution or
11 transmission of natural gas, shall fail or refuse to make **【such】** that
12 designation or to designate a practicable route, the Board of Public
13 **【Utility Commissioners】** Utilities, upon application by the
14 **【corporation】** gas company, and after hearing on notice to **【such】**
15 the governing body or official, shall make **【such】** that designation
16 provided that the gas company demonstrates compliance with the
17 requirements of sections 2 and 3 of P.L. , c. (C.) (pending
18 before the Legislature as this bill).
19 (cf: P.L.1962, c.198, s.103)

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21 7. This act shall take effect immediately.

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25 STATEMENT

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27 This bill provides that, where practicable, a gas company is to
28 use an existing public utility right-of-way when constructing a new
29 transmission line. Under the bill, the gas company is to develop a
30 plan, to be approved by the Board of Public Utilities (board), to
31 reduce the impact of the new transmission line upon residential
32 areas to the maximum extent possible.33 Prior to approving the construction of a new transmission line in
34 a residential area, a gas company proposing to construct a new
35 transmission line is to demonstrate to the board that the gas
36 company will use an existing public utility right-of-way or attempt
37 to use an existing public utility right-of-way, including but not
38 limited to, by seeking approval from an owner of an existing public
39 utility right-of-way to use the owner's existing public utility right-
40 of-way, as determined by the board.41 The bill amends existing law to require a gas company proposing
42 to construct, lay, maintain, or use distribution or transmission
43 infrastructure in a municipality to first seek the consent of the
municipality.