

# ASSEMBLY, No. 1471

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**SYNOPSIS**

Directs public utilities and pipeline operators to reimburse municipalities for certain emergency services.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning public utilities and pipeline operators and  
2 supplementing Title 48 of the Revised Statutes.

3

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

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7 1. As used in sections 1 and 2 of P.L. , c. (C. ) (pending  
8 before the Legislature as this bill):

9 “Emergency” means any circumstance caused by a person or  
10 event, except any natural disaster, which includes, but is not limited  
11 to, fire, flood, earthquake, or storm, resulting in the escape of a  
12 conveyed commodity from a pipeline that constitutes a clear and  
13 present danger to life, health, or property.

14 “Emergency services” means the provision of services by  
15 municipal law enforcement, firefighting, paramedic, and medical  
16 personnel, including volunteer personnel, provided by a municipal  
17 authority to ensure the health or safety of a person or property  
18 during an emergency.

19 “Pipeline” means any privately owned pipeline, above or below  
20 ground, placed on a right-of-way, easement, public street, other  
21 public place, or private property that is being used or will be used  
22 for the conveyance of a commodity distributed by a public utility.

23 “Public utility” means a public utility as that term is defined in  
24 R.S.48:2-13.

25

26 2. a. Notwithstanding any law, rule, or regulation to the  
27 contrary, a public utility shall reimburse a municipality for all  
28 actual and related costs a municipality incurs in providing  
29 emergency services to respond to any emergency involving a  
30 pipeline conveying a commodity distributed by the public utility in  
31 the public utility’s service area. With the exception of volunteer  
32 personnel, a public utility shall reimburse a municipality for the  
33 cost of emergency services equal to the hourly wages of the  
34 emergency services personnel. A public utility shall reimburse a  
35 municipality for the cost of emergency services by any volunteer at  
36 a rate equal to that of volunteer services under any applicable  
37 assistance program administered by the federal government. A  
38 public utility’s reimbursement to a municipality for emergency  
39 services shall not be recoverable from ratepayers.

40 b. In a civil action brought against a public utility to recover  
41 financial losses sustained during an emergency, the court, in its  
42 discretion, may award reasonable attorneys’ fees and costs of suit  
43 incurred by a plaintiff recovering judgment. A public utility’s  
44 payment of reasonable attorneys’ fees and costs of suit shall not be  
45 recoverable from ratepayers.

46 c. The provisions of this section shall only apply to public  
47 utilities under the jurisdiction or control of the Board of Public  
48 Utilities.

1 3. As used in sections 3 and 4 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill):

3 “Emergency” means any circumstance caused by a person or  
4 event, except any natural disaster, which includes, but is not limited  
5 to, fire, flood, earthquake, or storm, resulting in the escape of a  
6 conveyed commodity from an underground facility that constitutes  
7 a clear and present danger to life, health, or property.

8 “Emergency services” means the provision of services by  
9 municipal law enforcement, firefighting, paramedic, and medical  
10 personnel, including volunteer personnel, provided by a municipal  
11 authority to ensure the health or safety of a person or property  
12 during an emergency.

13 “Operator” means a privately owned company, association, or  
14 corporation owning or controlling the operation of a pipeline, but  
15 shall not include a homeowner who owns only residential pipelines.

16 “Pipeline” means any privately owned pipeline, above or below  
17 ground, placed on a right-of-way, easement, public street, other  
18 public place, or private property that is being used or will be used  
19 for the conveyance of water, sewage, telecommunications, cable  
20 television, electricity, oil, petroleum products, gas, optical signals,  
21 traffic control, or for the transportation of hazardous liquid  
22 regulated pursuant to the “Hazardous Liquid Pipeline Safety Act of  
23 1979” (49 U.S.C.app. s.2001 et seq.).  
24

25 4. a. Notwithstanding any law, rule, or regulation to the  
26 contrary, an operator shall reimburse a municipality for all actual  
27 and related costs a municipality incurs in providing emergency  
28 services to respond to any emergency involving a pipeline managed  
29 by the operator. With the exception of volunteer personnel, an  
30 operator shall reimburse a municipality for the cost of emergency  
31 services equal to the hourly wages of the emergency services  
32 personnel. An operator shall reimburse a municipality for the cost  
33 of emergency services by any volunteer at a rate equal to that of  
34 volunteer services under any applicable assistance program  
35 administered by the federal government.

36 b. In a civil action brought against an operator to recover  
37 financial losses sustained during an emergency, the court, in its  
38 discretion, may award reasonable attorneys’ fees and costs of suit  
39 incurred by a plaintiff recovering judgment.  
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41 5. This act shall take effect immediately.  
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44 STATEMENT  
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46 This bill directs public utilities and pipeline operators to  
47 reimburse municipalities for all actual and related costs a  
48 municipality incurs in providing emergency services to respond to

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1 any emergency involving a pipeline. With the exception of  
2 volunteer personnel, the bill directs public utilities and pipeline  
3 operators to reimburse a municipality for the cost of emergency  
4 services equal to the hourly wages of the emergency services  
5 personnel. The bill directs public utilities and pipeline operators to  
6 reimburse a municipality for the cost of emergency services by any  
7 volunteer at a rate equal to that of volunteer services under any  
8 applicable assistance program administered by the federal  
9 government.

10 In this bill, “emergency” means any circumstance caused by a  
11 person or event, except any natural disaster, which includes, but is  
12 not limited to, fire, flood, earthquake, or storm, resulting in the  
13 escape of a conveyed commodity from a pipeline that constitutes a  
14 clear and present danger to life, health, or property. “Emergency  
15 services” means the provision of services by municipal law  
16 enforcement, firefighting, paramedic, and medical personnel,  
17 including volunteer personnel, provided by a municipal authority to  
18 ensure the health or safety of a person or property during an  
19 emergency.