

ASSEMBLY, No. 2991

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Permits municipality to charge public utility fee to cover full cost of traffic control services that municipality deemed necessary due to emergency work performed by public utility.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain emergency work performed by public
2 utilities and supplementing Title 48 of the Revised Statutes.

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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 P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Base rate case” shall have the same meaning as provided in
10 section 2 of P.L.1995, c.180 (C.48:2-21.25).

11 “Board” means the New Jersey Board of Public Utilities or its
12 successor agency.

13 “Emergency work” means any work performed by a public
14 utility during an emergency in a public right-of-way that is not pre-
15 scheduled or planned.

16 “Public utility” shall have the same meaning as provided for that
17 term in R.S.48:2-13.

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19 2. a. Whenever a municipality determines that the services of
20 its police department are necessary to direct traffic around
21 emergency work performed by a public utility, the municipality
22 shall be permitted to charge the public utility a fee to cover the full
23 costs associated with the provision of its police department’s traffic
24 control services. The board shall resolve any dispute between a
25 municipality and a public utility that may arise under this
26 subsection, as determined by the board.

27 b. Any fee paid by a public utility to a municipality for the
28 provision of a municipality’s traffic control services pursuant to
29 subsection a. of this section shall be recoverable in a base rate case.

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31 3. This act shall take effect immediately.

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STATEMENT

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36 This bill provides that whenever a municipality determines that
37 the services of its police department are necessary to direct traffic
38 around emergency work performed by a public utility, the
39 municipality shall be permitted to charge the public utility a fee to
40 cover the full costs associated with the provision of its police
41 department’s traffic control services. The New Jersey Board of
42 Public Utilities (board) is to resolve any dispute between a
43 municipality and a public utility that may arise under the bill’s
44 provisions, as determined by the board. Any fee paid by a public
45 utility to a municipality for the provision of a municipality’s traffic
46 control services pursuant to the bill’s provisions is to be recoverable
47 in the public utility’s base rate case.

1 Under the bill, “emergency work” is defined to mean any work
2 performed by a public utility in a public right-of-way that is not
3 pre-scheduled or planned and must be completed immediately due
4 to public safety or reliability issues.

5 Currently, municipalities are left to foot the bill for traffic
6 control services that are provided as a result of emergency work
7 performed by public utilities, even if the emergency work is
8 performed on a county or State road. Municipalities must often pay
9 their police officers overtime pay for providing traffic control
10 around the emergency work. Municipalities are in turn forced to
11 raise property taxes on residents to pay for these additional costs.
12 By requiring public utilities to pay municipalities for traffic control
13 services, the sponsor’s intent is to lower the property tax burden on
14 residents throughout the State.

15 Further, an increasing number of property owners have
16 discontinued landline phone service for cellular phones. By
17 requiring public utilities to pay municipalities for traffic control
18 services in the event that a telephone pole requires replacement due
19 to a traffic accident, the cost of which is recoverable in a base rate
20 case, the cost for traffic control services is appropriately charged to
21 landline phone customers and not property owners who have
22 discontinued landline phone service.