

SENATE, No. 668

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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.

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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 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.

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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.) (pending
2 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.).

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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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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.