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

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

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

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

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

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

“Public utility” means a public utility as that term is defined in

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

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

c. The provisions of this section shall only apply to public
utilities under the jurisdiction or control of the Board of Public
Utilities.
3. As used in sections 3 and 4 of P.L. , c. (C. ) (pending before the Legislature as this bill):

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

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

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

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

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

b. In a civil action brought against an operator to recover financial losses sustained during an emergency, the court, in its discretion, may award reasonable attorneys’ fees and costs of suit incurred by a plaintiff recovering judgment.

5. This act shall take effect immediately.

STATEMENT

This bill directs public utilities and pipeline operators to reimburse municipalities for all actual and related costs a municipality incurs in providing emergency services to respond to
any emergency involving a pipeline. With the exception of volunteer personnel, the bill directs public utilities and pipeline operators to reimburse a municipality for the cost of emergency services equal to the hourly wages of the emergency services personnel. The bill directs public utilities and pipeline operators to reimburse a municipality for the cost of emergency services by any volunteer at a rate equal to that of volunteer services under any applicable assistance program administered by the federal government.

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