

[First Reprint]

## **ASSEMBLY, No. 2101**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

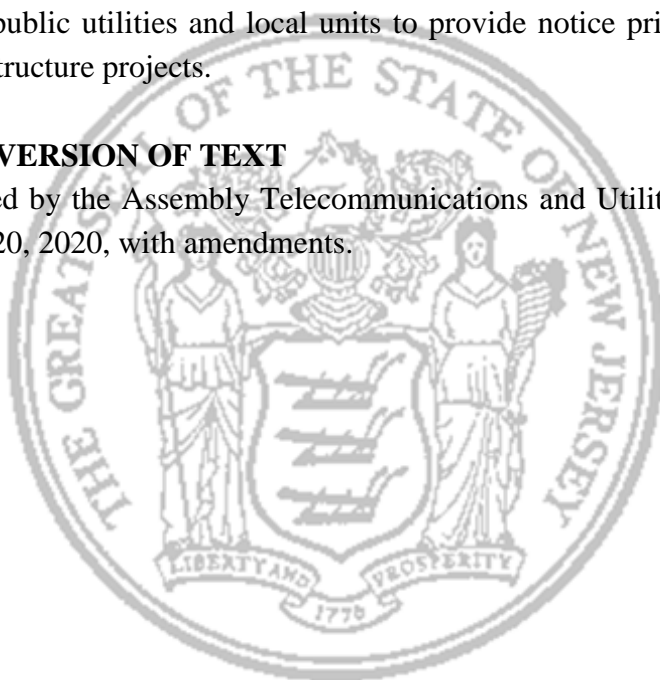
**Assemblyman Karabinchak, Assemblywomen Vainieri Huttie,  
Timberlake, Mosquera, Assemblyman Calabrese and Assemblywoman  
Reynolds-Jackson**

**SYNOPSIS**

Requires public utilities and local units to provide notice prior to initiating certain infrastructure projects.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Telecommunications and Utilities Committee on February 20, 2020, with amendments.



(Sponsorship Updated As Of: 4/9/2020)

1 AN ACT concerning prior notification of certain local unit and  
2 public utility infrastructure projects and supplementing Title 48  
3 of the Revised Statutes.

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

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

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

12 “Emergency” means any circumstance when local utility or  
13 public utility service is interrupted or in immediate danger of being  
14 interrupted by natural causes or by any other cause or when the  
15 condition of the equipment of the local utility or public utility is in  
16 need of immediate repair to prevent injury to persons or damage to  
17 property.

18 “Local infrastructure project” means a project performed by a  
19 local unit or a local utility to improve a public road, street, or bridge  
20 under the jurisdiction of a local unit or local utility facilities or any  
21 work conducted in a public utility right-of-way.

22 “Local unit” shall have the same meaning as provided in  
23 N.J.S.40A:1-1.

24 “Local utility” means a sewerage authority created pursuant to  
25 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-  
26 1 et seq.), a utilities authority created pursuant to the “municipal  
27 and county utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et  
28 seq.), an entity created pursuant to the “Municipal Shared Services  
29 Energy Authority Act,” P.L.2015, c.129 (C.40A:66-1), or a utility  
30 of a local unit, authority, commission, special district, or other  
31 corporate entity not regulated by the Board of Public Utilities under  
32 Title 48 of the Revised Statutes that provides gas, electricity, heat,  
33 power, water, or sewer service to a municipality or the residents  
34 thereof.

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

37 “Public utility infrastructure project” means the construction,  
38 reconstruction, installation, demolition, restoration, or alteration of  
39 facilities under ownership or control of the public utility that  
40 requires approval by the board, but shall not include temporary  
41 traffic control, leak surveying, snow plowing, vegetation  
42 management in or around public utility rights-of-way, mark outs,  
43 landscaping, meter work, or equipment repairs occurring during an  
44 emergency.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATU committee amendments adopted February 20, 2020.

1        2. a. A public utility shall notify a local unit and local utility  
2 of any public utility infrastructure project that the public utility  
3 plans to undertake within the borders of that local unit and local  
4 utility service area at least 180 days prior to initiating work on the  
5 public utility infrastructure project. The notice shall include a  
6 summary of the purpose and scope of the public utility  
7 infrastructure project, a public utility infrastructure project  
8 schedule, and a map of the public utility infrastructure project  
9 location.

10        b. Notwithstanding the notification requirements of subsection  
11 a. of section 3 of P.L.     , c.     (C.     ) (pending before the  
12 Legislature as this bill), within 60 days of the receipt of the notice  
13 required pursuant to subsection a. of this section, a local unit and  
14 local utility shall examine any underground utility facility to the  
15 extent feasible and notify the public utility whether an underground  
16 utility facility needs repair or replacement and if the local unit or  
17 local utility intends to undertake a local infrastructure project within  
18 the scope of the public utility infrastructure project. The local unit,  
19 local utility, and public utility shall coordinate to provide timely  
20 notification of any changes to their respective project plans or  
21 schedule and, when feasible, to jointly establish a timeframe for  
22 scheduled work.

23        <sup>1</sup> c. A public utility, upon completing a public utility  
24 infrastructure project that requires road, street, or highway  
25 excavation work in a local unit, shall restore the road, street, or  
26 highway to the condition that is required pursuant to ordinance in  
27 that local unit or to a condition which has been agreed upon by the  
28 public utility, local unit, and local utility. <sup>1</sup>

29  
30        3. a. A local unit and local utility shall notify each public  
31 utility that provides service within the borders of a local unit and  
32 local utility service area of any local infrastructure project that the  
33 local unit or local utility plans to undertake at least 180 days prior  
34 to initiating work on the local infrastructure project. The notice  
35 shall include a summary of the purpose and scope of the local  
36 infrastructure project, a local infrastructure project schedule, and a  
37 map of the local infrastructure project location.

38        b. Notwithstanding the notification requirements of subsection  
39 a. of section 2 of P.L.     , c.     (C.     ) (pending before the  
40 Legislature as this bill), within 60 days of the receipt of the notice  
41 required pursuant to subsection a. of this section, a public utility  
42 shall examine any underground utility facility within the borders of  
43 a local unit and local utility service area to the extent feasible and  
44 notify the local unit and local utility whether an underground utility  
45 facility needs repair or replacement and if the public utility intends  
46 to construct a public utility infrastructure project within the scope  
47 of the local infrastructure project. The local unit, local utility, and

1 public utility shall coordinate to provide timely notification of any  
2 changes to their respective project plans or schedule and, when  
3 feasible, to jointly establish a timeframe for scheduled work.

4

5 4. The Board of Public Utilities, in consultation with the  
6 Department of Community Affairs, shall adopt rules and  
7 regulations, pursuant to the "Administrative Procedure Act,"  
8 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the  
9 provisions of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11

12 5. This act shall take effect immediately, but shall remain  
13 inoperative for 90 days following the date of enactment.