

[Second 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:

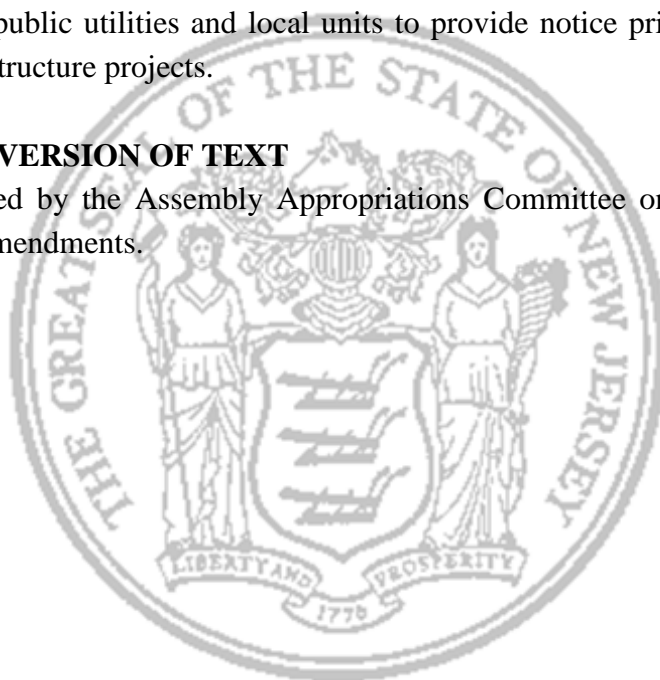
**Assemblyman Karabinchak, Assemblywomen Vainieri Huttie,
Timberlake, Mosquera, Assemblyman Calabrese and Assemblywoman
Reynolds-Jackson**

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 Appropriations Committee on February 24, 2021, 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 ²**[temporary]**²
41 traffic control, leak surveying, snow plowing, vegetation
42 management in or around public utility rights-of-way, mark outs,
43 landscaping, meter work, ²**[or]**² equipment repairs ², or other work²
44 occurring during an 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:

¹Assembly ATU committee amendments adopted February 20, 2020.

²Assembly AAP committee amendments adopted February 24, 2021.

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 ²owned
15 or operated by the local unit or local utility² to the extent feasible
16 and notify the public utility whether ²[an] such² underground
17 utility facility needs repair or replacement and if the local unit or
18 local utility intends to undertake a local infrastructure project within
19 the scope of the public utility infrastructure project. The local unit,
20 local utility, and public utility shall coordinate to provide timely
21 notification of any changes to their respective project plans or
22 schedule and, when feasible, to jointly establish a timeframe for
23 scheduled work.

24 ¹[c. A public utility, upon completing a public utility
25 infrastructure project that requires road, street, or highway
26 excavation work in a local unit, shall restore the road, street, or
27 highway to the condition that is required pursuant to ordinance in
28 that local unit or to a condition which has been agreed upon by the
29 public utility, local unit, and local utility.]¹
30

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

39 b. Notwithstanding the notification requirements of subsection
40 a. of section 2 of P.L. , c. (C.) (pending before the
41 Legislature as this bill), within 60 days of the receipt of the notice
42 required pursuant to subsection a. of this section, a public utility
43 shall examine any underground utility facility ²owned or operated
44 by the public utility² within the borders of a local unit ²[and local
45 utility service area]² to the extent feasible and notify the local unit
46 and ²any relevant² local utility whether an underground utility
47 facility needs repair or replacement and if the public utility intends

1 to construct a public utility infrastructure project within the scope
2 of the local infrastructure project. The local unit, local utility, and
3 public utility shall coordinate to provide timely notification of any
4 changes to their respective project plans or schedule and, when
5 feasible, to jointly establish a timeframe for scheduled work.

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

13
14 5. This act shall take effect immediately, but shall remain
15 inoperative for ²**[90]** 180² days following the date of enactment.