

[First Reprint]

SENATE, No. 828

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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Senator LINDA R. GREENSTEIN

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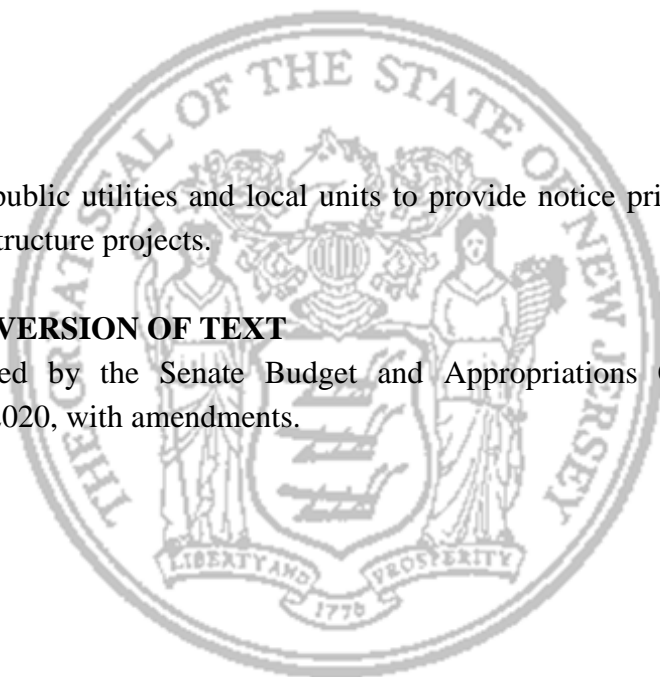
Senators Addiego, Pou, Assemblyman Karabinchak, Assemblywomen Vainieri Huttle, Timberlake, Mosquera, Assemblyman Calabrese and Assemblywoman Reynolds-Jackson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 22, 2020, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

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

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

36 “Public utility infrastructure project” means the construction,
37 reconstruction, installation, demolition, restoration, or alteration of
38 facilities under ownership or control of the public utility that requires
39 approval by the board, but shall not include ¹**[temporary]**¹ traffic
40 control, leak surveying, snow plowing, vegetation management in or
41 around public utility rights-of-way, mark outs, landscaping, meter
42 work, ¹**[or]**¹ equipment repairs ¹, or other work¹ occurring during an
43 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:

¹Senate SBA committee amendments adopted October 22, 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 ¹owned
15 or operated by the local unit or local utility¹ to the extent feasible and
16 notify the public utility whether ¹**【an】** such¹ underground utility
17 facility needs repair or replacement and if the local unit or local
18 utility intends to undertake a local infrastructure project within the
19 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 ¹owned or operated by
44 the public utility¹ within the borders of a local unit ¹**【and local**
45 **utility service area】**¹ to the extent feasible and notify the local unit
46 and ¹any relevant¹ 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 ¹~~90~~¹⁸⁰ days following the date of enactment.