

ASSEMBLY, No. 2101

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 38 (Bergen and Passaic)

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District 38 (Bergen and Passaic)

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Co-Sponsored by:

**Assemblyman Karabinchak, Assemblywomen Vainieri Huttler, Timberlake
and Mosquera**

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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-1 et
26 seq.), a utilities authority created pursuant to the “municipal and
27 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.
45

46 2. a. A public utility shall notify a local unit and local utility of
47 any public utility infrastructure project that the public utility plans
48 to undertake within the borders of that local unit and local utility

1 service area at least 180 days prior to initiating work on the public
2 utility infrastructure project. The notice shall include a summary of
3 the purpose and scope of the public utility infrastructure project, a
4 public utility infrastructure project schedule, and a map of the
5 public utility infrastructure project location.

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

19 c. A public utility, upon completing a public utility
20 infrastructure project that requires road, street, or highway
21 excavation work in a local unit, shall restore the road, street, or
22 highway to the condition that is required pursuant to ordinance in
23 that local unit or to a condition which has been agreed upon by the
24 public utility, local unit, and local utility.

25
26 3. a. A local unit and local utility shall notify each public
27 utility that provides service within the borders of a local unit and
28 local utility service area of any local infrastructure project that the
29 local unit or local utility plans to undertake at least 180 days prior
30 to initiating work on the local infrastructure project. The notice
31 shall include a summary of the purpose and scope of the local
32 infrastructure project, a local infrastructure project schedule, and a
33 map of the local infrastructure project location.

34 b. Notwithstanding the notification requirements of subsection
35 a. of section 2 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), within 60 days of the receipt of the notice
37 required pursuant to subsection a. of this section, a public utility
38 shall examine any underground utility facility within the borders of
39 a local unit and local utility service area to the extent feasible and
40 notify the local unit and local utility whether an underground utility
41 facility needs repair or replacement and if the public utility intends
42 to construct a public utility infrastructure project within the scope
43 of the local infrastructure project. The local unit, local utility, and
44 public utility shall coordinate to provide timely notification of any
45 changes to their respective project plans or schedule and, when
46 feasible, to jointly establish a timeframe for scheduled work.

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

7
8 5. This act shall take effect immediately, but shall remain
9 inoperative for 90 days following the date of enactment.

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12 STATEMENT

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14 This bill provides that a public utility regulated by the Board of
15 Public Utilities, a "local unit," and a "local utility" as those terms
16 are defined in the bill, are to notify each other within 180 days, of
17 an infrastructure project the public utility, local unit, or local utility
18 plans to undertake. The notice is to include a summary of the
19 purpose and scope of the infrastructure project, the infrastructure
20 project schedule, and a map of the infrastructure project location.

21 Within 60 days of the receipt of the required notice, the public
22 utility, local unit, and local utility are to examine any underground
23 utility facility within the borders of the infrastructure project to the
24 extent feasible and notify each other whether an underground utility
25 facility needs repair or replacement and if any of them intend to
26 undertake an infrastructure project within the scope of the other's
27 infrastructure project. The bill requires the public utility, local unit,
28 and local utility to coordinate to provide timely notification of any
29 changes to their respective project plans or schedule and, when
30 feasible, to jointly establish a timeframe for scheduled work.

31 Finally, the bill requires a public utility, upon completing a
32 project that requires road, street, or highway excavation work in a
33 local unit, to restore the road, street, or highway to the condition
34 that is required pursuant to ordinance in that local unit or to a
35 condition which has been agreed upon by the public utility, local
36 unit, and local utility.