

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2101

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2101 (1R), with committee amendments.

As amended and reported, this bill provides that a public utility regulated by the Board of Public Utilities (BPU), a local unit, and a local utility, are to notify each other within 180 days of the start of a public utility infrastructure project and a local infrastructure project that a public utility, local unit, or local utility plans to undertake. The bill defines a "local infrastructure project," "local unit," "local utility," and "public utility infrastructure project." The notice is to include a summary of the purpose and scope of the public utility or local utility infrastructure project (infrastructure project), the infrastructure project schedule, and a map of the infrastructure project location.

Within 60 days of the receipt of the required notice, the public utility, local unit, and local utility are to examine any underground utility facility owned or operated by the public utility, local unit, or local utility to the extent feasible and notify each other whether any such underground utility facility needs repair or replacement and if any of these entities intend to undertake an infrastructure project within the scope of the other's infrastructure project. The bill requires the public utility, local unit, and local utility to coordinate to provide timely notification of any changes to their respective project plans or schedule and, when feasible, to jointly establish a timeframe for scheduled work.

The bill requires the BPU, in consultation with the Department of Community Affairs, to adopt rules and regulations, pursuant to the "Administrative Procedure Act," necessary to implement the provisions of the bill.

As amended and reported, Assembly Bill No. 2101 (1R) is identical to Senate Bill No. 828 (1R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) require a public utility, local unit, and local utility to only examine their own underground utility facilities within the scope of the

other's infrastructure project prior to work being initiated on the infrastructure project;

2) modify the definition of a "public utility infrastructure project";
and

3) delay, by 90 days, the operative date of the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that the bill will have a minimal direct fiscal impact on local governments and local utilities through additional requirements to provide advanced notice to public utilities concerning pending infrastructure work. By having advanced knowledge about future public utility work, there is a possibility that local decisions concerning the timing and nature of local infrastructure projects will be impacted. The short term impact could be more or less local spending, but in either situation long term local costs are likely to be reduced.