

Title 48.
Chapter 3.
Article 3E. (New)
Infrastructure
Projects
§§1-4
C.48:3-17.11 to
48:3-17.14
§5
Note

(CORRECTED COPY)
P.L. 2021, CHAPTER 263, *approved November 8, 2021*
Senate, No. 828 (*First Reprint*)

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

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 Revised Statutes that provides gas, electricity, heat, power, water, or
2 sewer service to a municipality or the residents thereof.

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

5 “Public utility infrastructure project” means the construction,
6 reconstruction, installation, demolition, restoration, or alteration of
7 facilities under ownership or control of the public utility that requires
8 approval by the board, but shall not include ¹**temporary**¹ traffic
9 control, leak surveying, snow plowing, vegetation management in or
10 around public utility rights-of-way, mark outs, landscaping, meter
11 work, ¹**or**¹ equipment repairs ¹, or other work¹ occurring during an
12 emergency.

13

14 2. a. A public utility shall notify a local unit and local utility
15 of any public utility infrastructure project that the public utility
16 plans to undertake within the borders of that local unit and local
17 utility service area at least 180 days prior to initiating work on the
18 public utility infrastructure project. The notice shall include a
19 summary of the purpose and scope of the public utility
20 infrastructure project, a public utility infrastructure project
21 schedule, and a map of the public utility infrastructure project
22 location.

23 b. Notwithstanding the notification requirements of subsection
24 a. of section 3 of P.L. , c. (C.) (pending before the
25 Legislature as this bill), within 60 days of the receipt of the notice
26 required pursuant to subsection a. of this section, a local unit and
27 local utility shall examine any underground utility facility ¹owned
28 or operated by the local unit or local utility¹ to the extent feasible and
29 notify the public utility whether ¹**an**¹ such¹ underground utility
30 facility needs repair or replacement and if the local unit or local
31 utility intends to undertake a local infrastructure project within the
32 scope of the public utility infrastructure project. The local unit,
33 local utility, and public utility shall coordinate to provide timely
34 notification of any changes to their respective project plans or
35 schedule and, when feasible, to jointly establish a timeframe for
36 scheduled work.

37 ¹**c.** A public utility, upon completing a public utility
38 infrastructure project that requires road, street, or highway
39 excavation work in a local unit, shall restore the road, street, or
40 highway to the condition that is required pursuant to ordinance in
41 that local unit or to a condition which has been agreed upon by the
42 public utility, local unit, and local utility.¹

43

44 3. a. A local unit and local utility shall notify each public
45 utility that provides service within the borders of a local unit and
46 local utility service area of any local infrastructure project that the
47 local unit or local utility plans to undertake at least 180 days prior

1 to initiating work on the local infrastructure project. The notice
2 shall include a summary of the purpose and scope of the local
3 infrastructure project, a local infrastructure project schedule, and a
4 map of the local infrastructure project location.

5 b. Notwithstanding the notification requirements of subsection
6 a. of section 2 of P.L. , c. (C.) (pending before the
7 Legislature as this bill), within 60 days of the receipt of the notice
8 required pursuant to subsection a. of this section, a public utility
9 shall examine any underground utility facility 'owned or operated by
10 the public utility' within the borders of a local unit '[and local
11 utility service area]' to the extent feasible and notify the local unit
12 and 'any relevant' local utility whether an underground utility
13 facility needs repair or replacement and if the public utility intends
14 to construct a public utility infrastructure project within the scope
15 of the local infrastructure project. The local unit, local utility, and
16 public utility shall coordinate to provide timely notification of any
17 changes to their respective project plans or schedule and, when
18 feasible, to jointly establish a timeframe for scheduled work.

19

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

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27 5. This act shall take effect immediately, but shall remain
28 inoperative for **'[90] 180'** days following the date of enactment.

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