

# SENATE, No. 828

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**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  
47 of any public utility infrastructure project that the public utility  
48 plans to undertake within the borders of that local unit and local

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

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

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

26

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

35 b. Notwithstanding the notification requirements of subsection  
36 a. of section 2 of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill), within 60 days of the receipt of the notice  
38 required pursuant to subsection a. of this section, a public utility  
39 shall examine any underground utility facility within the borders of  
40 a local unit and local utility service area to the extent feasible and  
41 notify the local unit and local utility whether an underground utility  
42 facility needs repair or replacement and if the public utility intends  
43 to construct a public utility infrastructure project within the scope  
44 of the local infrastructure project. The local unit, local utility, and  
45 public utility shall coordinate to provide timely notification of any  
46 changes to their respective project plans or schedule and, when  
47 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).

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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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11  
12                               STATEMENT

13  
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.