

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 828

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 22, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 828, with committee amendments.

As amended and reported, this bill provides that a public utility regulated by the Board of Public Utilities, 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 or local 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 Board of Public Utilities, 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove the requirement that, upon completing an infrastructure project that requires road, street, or highway excavation work in a local unit, a public utility is to restore the road, street, or highway to the condition that is required pursuant to an ordinance of that local unit or to a condition which has been agreed upon by the public utility, local unit, and local utility;

2) 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;

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

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

FISCAL IMPACT:

The Office of Legislative Services notes that the bill adds to the responsibilities of local governments, and thus may require affected local governments to incur additional costs. The added responsibilities are minor relative to current responsibilities, and can be expected to be absorbed within existing resources in most instances.