

SENATE, No. 3971

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 17, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

“Smart Planning Wireless and Water Public Utility Facilities Act”; incentivizes placement of wireless communications equipment on water public utility towers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain water public utility towers and wireless
2 communications equipment, supplementing Title 48 of the
3 Revised Statutes, and amending R.S.48:19-18.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. (New section) This act shall be known and may be cited as
9 the “Smart Planning Wireless and Water Public Utility Facilities
10 Act.”

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12 2. (New section) The Legislature finds and declares that:

13 a. It is necessary to ensure that the people of New Jersey are
14 able to benefit from new and advanced wireless communications
15 technologies and services as soon as possible by ensuring that
16 wireless communications service providers have non-discriminatory
17 access to available space on water towers owned by New Jersey
18 water public utilities; and

19 b. Legislation to promote the placement of wireless
20 communications equipment on water towers, by permitting a
21 sharing of revenues between the water public utility’s ratepayers
22 and the water public utility’s investors, would provide a benefit to
23 these ratepayers and investors.

24
25 3. (New section) As used in P.L. , c. (C.) (pending
26 before the Legislature as this bill):

27 "Wireless communications equipment" means the set of
28 equipment and network components used in the provision of
29 wireless communications services.

30 “Wireless communications service provider” means any provider
31 of wireless communications services.

32 “Wireless communications services” means the offering of any
33 wireless communications service authorized by the Federal
34 Communications Commission.

35 “Water tower” means a tower, tank, or standpipe serving as a
36 reservoir to deliver water sufficient to maintain a desired pressure.

37 "Water public utility" means any investor-owned water company
38 regulated by the Board of Public Utilities pursuant to R.S.48:2-13
39 and organized under the laws of this State for the purpose of
40 transporting and providing water to an end user within this State.

41
42 4. (New section) a. A water public utility shall provide a
43 wireless communications service provider with non-discriminatory
44 access to any water tower owned or controlled by the water public
45 utility for the installation of wireless communications equipment.

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.

1 b. Notwithstanding the provisions of subsection a. of this
2 section, and consistent with federal law, a water public utility may
3 deny a wireless communications service provider access to its water
4 tower, on a non-discriminatory basis, where there is insufficient
5 space and for reasons of safety and structural integrity of the water
6 tower based on generally accepted engineering principles.

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8 5. R.S.48:19-18 is amended to read as follows:

9 48:19-18. Each water company organized under the laws of this
10 State may sell and dispose of the water issuing from its reservoirs,
11 aqueducts or pipes for such rates and pursuant to such terms and
12 conditions as are in accordance with its approved tariffs on file with
13 the Board of Public Utilities, provided, however, as follows:

14 No tariff shall be approved that provides for or allows the
15 imposition of any standby fees or charges for any fire protection
16 system to a residential customer served by a water service line of
17 two inches or less in diameter. No tariff shall be approved that
18 provides for or allows the imposition of any fees in excess of the
19 cost of water actually used for any sprinkler system required to be
20 installed in any residential health care facility pursuant to the
21 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-
22 1 et seq.) and regulations promulgated thereunder or in any rooming
23 or boarding house pursuant to the "Rooming and Boarding House
24 Act of 1979," P.L.1979, c.496 (C.55:13B-1 et al.) and regulations
25 promulgated thereunder. Nothing herein shall preclude any water
26 company from charging for the actual cost of water main
27 connection.

28 Nothing in this section shall preclude a water company from
29 requiring separate dedicated service lines for fire protection. The
30 water company may require that fire service lines be metered.
31 Nothing in this section shall alter the liability for maintenance and
32 repair of service lines which exists on the effective date of
33 P.L.2003, c.278.

34 Notwithstanding the provisions of this section, in approving the
35 tariff of a water company that is a water public utility as defined in
36 section 3 of P.L. , c. (C.) (pending before the Legislature as
37 this bill), the board shall consider as above-the-line income an
38 amount equal to fifty percent of any rental income received by a
39 water company for the leasing of space on a water tower to a
40 wireless communications service provider, pursuant to section 4 of
41 P.L. , c. (C.) (pending before the Legislature as this bill). The
42 remainder of that rental income shall be considered below-the-line
43 income.

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45 6. This act shall take effect immediately.

STATEMENT

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This bill allows a water public utility, as that term is defined in the bill, to provide a wireless communications service provider with non-discriminatory access to any water tower owned or controlled by the water public utility for the installation of wireless communications equipment. Consistent with federal law, a water public utility may deny a wireless communications service provider access to its water tower, on a non-discriminatory basis, where there is insufficient space and for reasons of safety and structural integrity of the water tower based on generally accepted engineering principles.

The bill provides that, in approving a water public utility’s tariff, the Board of Public Utilities (BPU) is to consider fifty percent of any rental income received by the water public utility for the leasing of space on its water tower to a wireless communications service provider as “above the line income.” The BPU is to consider the remainder of that rental income as “below the line income.”