

CHAPTER 263
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AN ACT concerning prior notification of certain local unit and public utility infrastructure projects and supplementing Title 48 of the Revised Statutes.

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

C.48:3-17.11 Definitions relative to public utility infrastructure projects.

1. As used in P.L.2021, c.263 (C.48:3-17.11 et seq.):

“Board” means the Board of Public Utilities or any successor agency.

“Emergency” means any circumstance when local utility or public utility service is interrupted or in immediate danger of being interrupted by natural causes or by any other cause or when the condition of the equipment of the local utility or public utility is in need of immediate repair to prevent injury to persons or damage to property.

“Local infrastructure project” means a project performed by a local unit or a local utility to improve a public road, street, or bridge under the jurisdiction of a local unit or local utility facilities or any work conducted in a public utility right-of-way.

“Local unit” shall have the same meaning as provided in N.J.S.40A:1-1.

“Local utility” means a sewerage authority created pursuant to the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et seq.), a utilities authority created pursuant to the “municipal and county utilities authorities law,” P.L.1957, c.183 (C.40:14B-1 et seq.), an entity created pursuant to the “Municipal Shared Services Energy Authority Act,” P.L.2015, c.129 (C.40A:66-1 et al.), or a utility of a local unit, authority, commission, special district, or other corporate entity not regulated by the Board of Public Utilities under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water, or sewer service to a municipality or the residents thereof.

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

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

C.48:3-17.12 Notification of infrastructure project plan to local unit, local utility service area; examination of underground utility facility.

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

b. Notwithstanding the notification requirements of subsection a. of section 3 of P.L.2021, c.263 (C.48:3-17.13), within 60 days of the receipt of the notice required pursuant to subsection a. of this section, a local unit and local utility shall examine any underground utility facility owned or operated by the local unit or local utility to the extent feasible and notify the public utility whether such underground utility facility needs repair or replacement and if the local unit or local utility intends to undertake a local infrastructure project within the scope of the public utility infrastructure project. The local unit, local utility, and public utility shall 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.

C.48:3-17.13 Notification of public utilities; examination of underground utility facility.

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

b. Notwithstanding the notification requirements of subsection a. of section 2 of P.L.2021, c.263 (C.48:3-17.12), within 60 days of the receipt of the notice required pursuant to subsection a. of this section, a public utility shall examine any underground utility facility owned or operated by the public utility within the borders of a local unit to the extent feasible and notify the local unit and any relevant local utility whether an underground utility facility needs repair or replacement and if the public utility intends to construct a public utility infrastructure project within the scope of the local infrastructure project. The local unit, local utility, and public utility shall 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.

C.48:3-17.14 Rules, regulations.

4. The Board of Public Utilities, in consultation with the Department of Community Affairs, shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of P.L.2021, c.263 (C.48:3-17.11 et seq.).

5. This act shall take effect immediately, but shall remain inoperative for 180 days following the date of enactment.

Approved November 8, 2021.