

**ASSEMBLY, No. 158**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman HAROLD "HAL" J. WIRTHS**  
**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblymen Space, McClellan, Simonsen and Assemblywoman Sawyer**

**SYNOPSIS**

Directs BPU to allow broadband telecommunications service providers to use poles belonging to public utilities or CATV companies in certain instances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/8/2023)**

1 AN ACT concerning certain broadband telecommunications service  
2 providers and supplementing Title 48 of the Revised Statutes.

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

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7 1. As used in of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

9 "Bit" means the smallest unit of computerized binary data.

10 "Board" means the Board of Public Utilities or any successor  
11 agency.

12 "Broadband telecommunications infrastructure" shall have the  
13 same meaning as provided in section 1 of P.L.2007, c.191  
14 (C.40:9D-1).

15 "Broadband telecommunications service" means any  
16 telecommunications service using broadband telecommunications  
17 infrastructure for the purpose of offering high speed, switched,  
18 broadband wireline or wireless telecommunications capability that  
19 enables users to send and receive high-quality voice, data, graphics,  
20 or video telecommunications through the Internet and using any  
21 technology and with data transfer speeds of at least 25 megabits per  
22 second download and at least three megabits per second upload.

23 "Broadband telecommunications service provider" means a  
24 person, company, corporation, unincorporated association,  
25 partnership, or professional corporation which is certified by the  
26 board to offer broadband telecommunications service directly to the  
27 public, or to classes of users as to be effectively available directly  
28 to the public, regardless of the facilities used.

29 "Cable television company" or CATV company shall have the  
30 same meaning as provided in section 3 of P.L.1972, c.186  
31 (C.48:5A-3).

32 "Megabit per second" means a computerized binary data transfer  
33 capacity over a computer network equal to one million bits per  
34 second.

35 "Public utility" shall have the same meaning as provided in  
36 R.S.48:2-13 and shall include a county or municipally-owned utility  
37 or a rural electric cooperative.

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39 2. a. Notwithstanding any law, rule, regulation, or order to the  
40 contrary, the board shall permit a broadband telecommunications  
41 service provider to install broadband telecommunications  
42 infrastructure on any pole or post located on or over any highway or  
43 any right-of-way, belonging to a public utility or CATV company,  
44 and shall prescribe reasonable compensation, as determined upon  
45 the board's review of industry standards, and reasonable terms and  
46 conditions for the joint use of the pole or post, provided that the  
47 joint use shall not result in injury to the owner or other users of the

1 pole or post, right-of-way, or any substantial detriment to the  
2 owner's or other users' services.

3 b. A broadband telecommunications service provider using a  
4 public utility or CATV company pole or post, pursuant to  
5 subsection a. of this section, shall be liable to the owner or other  
6 users of the pole or post for damage to the property of the pole or  
7 post's owner or other users that may result from the installation of  
8 the broadband telecommunications infrastructure.

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10 3. This act shall take effect on the 60th day after the date of  
11 enactment.

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STATEMENT

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16 This bill directs the Board of Public Utilities (BPU) to allow  
17 service providers deploying infrastructure providing for broadband  
18 telecommunications service with a data transfer speed of at least  
19 one gigabit per second to use any pole or post, on or over any  
20 highway or any right-of-way, belonging to a public utility or cable  
21 television company, for the installation of that infrastructure. The  
22 BPU is to prescribe reasonable compensation, as determined upon  
23 its review of industry standards, and reasonable terms and  
24 conditions for the joint use of the pole or post, provided that the  
25 joint use will not result in injury to the owner or other users of the  
26 pole or post, right-of-way, or any substantial detriment to the  
27 owner's or other users' services. The broadband  
28 telecommunications service provider to which the use is permitted  
29 is to be liable to the owner or other users of the pole or post for  
30 damage to the pole or post owner's or other users' property that  
31 may result from the installation of the broadband  
32 telecommunications infrastructure.

33 The bill defines "broadband telecommunications service" as any  
34 telecommunications service using broadband telecommunications  
35 infrastructure for the purpose of offering high speed, switched,  
36 broadband wireline or wireless telecommunications capability that  
37 enables users to send and receive high-quality voice, data, graphics,  
38 or video telecommunications through the Internet and using any  
39 technology and with data transfer speeds of at least 25 megabits per  
40 second download and at least three megabits per second upload.  
41 Further, the bill defines "broadband telecommunications service  
42 provider" as a person, company, corporation, unincorporated  
43 association, partnership, or professional corporation, which is  
44 certified by the BPU, offering broadband telecommunications  
45 service directly to the public, or to classes of users as to be  
46 effectively available directly to the public, regardless of the  
47 facilities used.