# ASSEMBLY, No. 1100 STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by: Assemblyman CLINTON CALABRESE District 36 (Bergen and Passaic)

#### SYNOPSIS

Requires certain entities to remove abandoned lines from poles and other structures to which abandoned or out-of-service lines are attached.

### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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AN ACT concerning the removal of abandoned lines by certain 1 2 entities and supplementing Title 48 of the Revised Statues. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. As used in P.L. (C. ) (pending before the , c. 8 Legislature as this bill): "Abandoned" means any line that has not been in operation for a 9 period of at least twelve consecutive months. 10 "Board" means the Board of Public Utilities or any successor 11 12 agency. 13 "Department" means the Department of Community Affairs. 14 "Entity" means a person, municipality, utility, or corporation 15 having ownership of a line in this State, including ownership 16 acquired by sale or corporate merger. 17 "Line" means an above-ground cable or wire attached to a pole, building, or other structure, used for the provision of any 18 19 telecommunications or utility service, and shall include any equipment or facility associated with that line attached to that pole, 20 building, or other structure. 21 22 "Telecommunications service" means the electronic 23 transmission, conveyance, or routing of voice, data, audio, video, or 24 any other information or signals to a point, or between or among 25 points. 26 "Utility" means any "public utility" as defined in R.S.48:2-13, or "local utility" as defined in section 3.1 of P.L.1975, c.291 27 28 (C.40:55D-4). 29 30 2. a. Notwithstanding any law, rule, regulation, or order to the contrary, and in accordance with federal law, an entity owning a 31 32 line that is abandoned or permanently out of service shall remove 33 that line from all points of attachment. 34 b. Following the effective date of P.L., c. (C. ) (pending 35 before the Legislature as this bill) and in accordance with federal 36 law, an entity that installs, or otherwise maintains, a line over which 37 the entity has ownership shall mark both ends of the line with the 38 initials of the entity's name, abbreviation of the entity's name, 39 corporate symbol, or other distinguishing mark or code by which 40 ownership may be readily and definitely ascertained. 41 42 3. a. Twelve months after the effective date of P.L. . c. 43 (C. ) (pending before the Legislature as this bill), in accordance 44 with federal law and any applicable pole attachment agreement, the 45 owner of a pole, building, or other structure to which a suspected 46 abandoned line is attached, may send a written request to the entity 47 owning that line to request removal if the line is found to be abandoned by the entity. 48

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b. A pole attachment agreement or any other applicable 1 2 agreement established or renewed after the effective date of P.L. 3 ) (pending before the Legislature as this bill) may (C. c. 4 include, in accordance with federal law, a provision requiring an 5 entity to submit a security deposit, in an amount determined by the board or department, to the owner of a pole, building, or other 6 7 structure to which the entity attaches a line, which shall be refunded 8 to the entity once the line is removed. 9 10 4. The board and the department shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," 11 12 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions , c. (C. 13 of P.L. ) (pending before the Legislature as this bill) 14 for entities under their respective jurisdictions, as applicable. The 15 board and department may be assisted, as appropriate, by other 16 participating agencies, departments, boards, and authorities, 17 including the Office of Information Technology, in the 18 promulgation of necessary rules and regulations. 19 20 5. This act shall take effect immediately, but shall remain inoperative for 90 days from the date of enactment. 21 22 23 24 **STATEMENT** 25 26 This bill requires any entity having ownership of an above-27 ground line, as that term is defined in the bill, to remove that line if abandoned for at least twelve months or permanently out of service. 28 29 The bill provides that, after the effective date of the bill, an entity 30 that installs, or otherwise maintains, a line over which the entity has ownership is to mark both ends of the line with the initials of the 31 32 entity's name, abbreviation of the entity's name, corporate symbol, 33 or other distinguishing mark or code by which ownership may be 34 readily and definitely ascertained. 35 Twelve months after the effective date of the bill, an owner of a 36 pole, building, or other structure to which a suspected abandoned 37 line is attached may send a written request to the entity that owns 38 the line to remove the line if it is determined the line is abandoned. 39 The bill also provides that, after the effective date of the bill, any pole attachment or other applicable agreement established or 40 41 renewed may include a provision requiring an entity to submit a 42 security deposit, in an amount to be determined by the Board of 43 Public Utilities (BPU) or the Department of Community Affairs 44 (DCA), to the owner of a pole, building, or other structure to which 45 the entity attaches a line, which is to be refunded to the entity once 46 the line is removed.

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- 1 The bill requires the BPU and DCA to promulgate rules and
- 2 regulations to implement the provisions of the bill for entities under
- 3 their respective jurisdictions.