

[First Reprint]

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)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

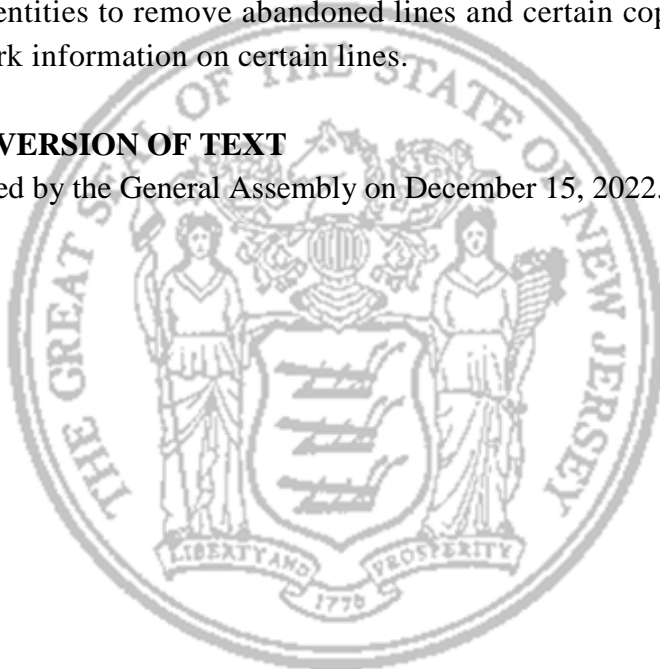
**Assemblywomen Carter, Speight, Jimenez, Assemblyman Stanley,
Assemblywoman Chaparro, Assemblyman Wimberly, Assemblywomen
Lopez, Jasey, Pintor Marin and Quijano**

SYNOPSIS

Requires entities to remove abandoned lines and certain copper telephone lines and mark information on certain lines.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 15, 2022.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT concerning the removal of abandoned lines by certain
2 entities and supplementing Title 48 of the Revised Statutes.

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. (C.) (pending before the
8 Legislature as this bill):

9 “Abandoned” means any ¹telecommunications or cable¹ line that
10 has not been in operation for a period of at least ¹**twelve** 24¹
11 consecutive months ¹, not including: any line that is overlashed; or
12 any line that is connected to a residential or commercial building or
13 structure, which line is located in an area in which the owner of the
14 line acts as a provider of telecommunications or cable television
15 service, and for which line a written request for removal has not
16 been submitted pursuant to section 3 of P.L. , c. (C.)
17 (pending before the Legislature as this bill)¹.

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

20 ¹“Cable television service” means the same as the term is defined
21 in section 3 of P.L.1972, c.186 (C.48:5A-3).

22 “Copper telephone line” means any copper telephone line that
23 has been retired by an incumbent local exchange
24 telecommunications company and is no longer in operation.

25 **【“Department” means the Department of Community Affairs.】¹**

26 “Entity” means a person, municipality, utility, or corporation
27 having ownership of a line ¹or copper telephone line¹ in this State,
28 including ownership acquired by sale or corporate merger.

29 “Line” means an above-ground cable or wire attached to a pole,
30 building, or other structure, used ¹or useful¹ for the provision of any
31 telecommunications ¹service¹ or ¹**【utility】** cable television¹ service,
32 and shall include any equipment or facility associated with that line
33 attached to that pole, building, or other structure.

34 “Telecommunications service” means the ¹**【electronic**
35 **transmission, conveyance, or routing of voice, data, audio, video, or**
36 **any other information or signals to a point, or between or among**
37 **points】** same as the term is defined in section 3 of P.L.1972, c.186
38 (C.48:5A-3)¹.

39 “Utility” means any “public utility” as defined in R.S.48:2-13, or
40 “local utility” as defined in section 3.1 of P.L.1975, c.291
41 (C.40:55D-4).

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 15, 2022.

1 2. a. Notwithstanding any law, rule, regulation, or order to the
 2 contrary, and in accordance with federal law, ¹if applicable,¹ an
 3 entity owning a line that is abandoned ¹or permanently out of
 4 service]¹ shall remove that line from all points of attachment.

5 b. ¹Notwithstanding any law, rule, regulation, or order to the
 6 contrary, when an entity that owns one or more lines in the State
 7 ceases to do business in the State, the entity shall remove the lines
 8 from all points of attachment, except not including any line for
 9 which the ownership is transferred to another entity and the line is
 10 not otherwise deemed to be abandoned.

11 c. ¹(1)¹ Following the effective date of P.L. , c. (C.)
 12 (pending before the Legislature as this bill) and in accordance with
 13 federal law, ¹if applicable,¹ an entity that installs ¹or otherwise
 14 maintains,]¹ a ¹new¹ line ¹over which¹ , which line is attached to
 15 a building or structure and owned by¹ the entity ¹has
 16 ownership],¹ shall mark ¹both ends of] the end of¹ the line
 17 ¹attached to the building or structure¹ with the initials of the
 18 entity's name, abbreviation of the entity's name, corporate symbol,
 19 or other distinguishing mark or code by which ownership may be
 20 readily and definitely ascertained.

21 ¹(2) When an entity owns or maintains a line that is attached to a
 22 building or structure, which line was installed before the effective
 23 date of P.L. , c. (C.) (pending before the Legislature as this
 24 bill), and the entity discovers that the line does not contain the
 25 markings specified in paragraph (1) of this subsection, the entity
 26 shall mark the end of the line attached to the building or structure
 27 with the initials of the entity's name, abbreviation of the entity's
 28 name, corporate symbol, or other distinguishing mark or code by
 29 which ownership may be readily and definitely ascertained.
 30 Nothing in this subsection shall be construed to require an entity to
 31 affirmatively search for any unmarked lines.¹

32
 33 3. a. ¹[Twelve] Beginning 12¹ months after the effective date
 34 of P.L. , c. (C.) (pending before the Legislature as this bill),
 35 in accordance with federal law¹, ¹if applicable,¹ and ¹to the extent
 36 permitted under¹ any applicable pole attachment agreement, the
 37 owner of a pole, building, or other structure to which a suspected
 38 abandoned line is attached ¹or,]¹ may send a written request ¹, in
 39 accordance with subsection c. of this section,¹ to the entity owning
 40 that line to request removal if the line is found to be abandoned by
 41 the entity. ¹Within five business days after receiving the written
 42 request, the entity shall transmit a copy of the written request to the
 43 board.¹

44 b. ¹[A pole attachment agreement or any other applicable
 45 agreement established or renewed after the effective date of P.L. ,
 46 c. (C.) (pending before the Legislature as this bill) may

1 include, in accordance with federal law, a provision requiring an
2 entity to submit a security deposit, in an amount determined by the
3 board or department, to the owner of a pole, building, or other
4 structure to which the entity attaches a line, which shall be refunded
5 to the entity once the line is removed.】 Beginning 12 months after
6 the effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill), any person, municipality, utility, or
8 corporation in the State may submit a written request, in accordance
9 with subsection c. of this section, to the board for the removal of
10 any suspected abandoned line, provided that the line is found to be
11 abandoned by the entity owning the line. Within five business days
12 after receiving the written request, the board shall transmit a written
13 copy of the request to the entity that owns the line.

14 c. (1) Within 10 months after the effective date of P.L. ,
15 c. (C.) (pending before the Legislature as this bill), the board
16 shall prescribe the form and manner in which the owner of a pole,
17 building, or structure may submit a written request, pursuant to
18 subsection a. of this section, for the removal of a suspected
19 abandoned line. At a minimum, the board shall allow these requests
20 to be submitted through the official Internet website of the entity.

21 (2) Within 10 months after the effective date of P.L. , c.
22 (C.) (pending before the Legislature as this bill), the board
23 shall prescribe the form and manner in which a person,
24 municipality, utility, or corporation may submit a written request,
25 pursuant to subsection b. of this section, for the removal of a
26 suspected abandoned line. At a minimum, the board shall allow
27 these requests to be submitted through the official Internet website
28 of the board.

29 (3) Within 11 months after the effective date of P.L. , c.
30 (C.) (pending before the Legislature as this bill), the official
31 Internet website of the board and each entity owning one or more
32 lines in the State shall provide instructions, in a clear and
33 conspicuous manner, concerning the submission of the written
34 requests to remove suspected abandoned lines.

35 d. Within 30 calendar days after the date on which an entity
36 received a written request submitted pursuant to subsection a. or b.
37 of this section, the entity shall submit a written report to the board,
38 which report shall include:

39 (1) an assessment of whether the line is abandoned;

40 (2) a determination of whether the line contains the markings
41 required under subsection c. of section 2 of the P.L. ,
42 c. (C.) (pending before the Legislature as this bill);

43 (3) a description of all actions undertaken by the entity with
44 respect to the line, including any actions to remove or mark the line;
45 and

46 (4) any other information that may be required by the board.¹

1 ¹4. The board and the department shall promulgate rules and
2 regulations, pursuant to the “Administrative Procedure Act,”
3 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
4 of P.L. , c. (C.) (pending before the Legislature as this bill)
5 for entities under their respective jurisdictions, as applicable. The
6 board and department may be assisted, as appropriate, by other
7 participating agencies, departments, boards, and authorities,
8 including the Office of Information Technology, in the
9 promulgation of necessary rules and regulations. ¹

10
11 ¹4. a. If an entity fails to comply with any requirements of
12 section 2 of P.L. , c. (C.) (pending before the Legislature
13 as this bill), the entity may be subject to a fine, as set forth in this
14 section, which fine shall be enforced by the board.

15 b. Before an entity may be subject to a fine under this section,
16 the board shall provide the entity with written notice of the alleged
17 violation. Within 30 calendar days of receiving the notice, the
18 entity shall be permitted to cure the alleged violation or demonstrate
19 that the entity has not violated the requirements of section 2 of
20 P.L. , c. (C.) (pending before the Legislature as this bill).

21 c. If within 30 calendar days of receiving the notice, the entity
22 fails to cure the alleged violation or fails to demonstrate that the
23 entity has not violated the requirements of section 2 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill), the board
25 may impose a fine of \$100 for each day in which the violation
26 exists, beginning on the 31st calendar day after the submission of
27 the written notice. In determining whether to impose a fine, the
28 board may consider the following factors:

29 (1) the nature, circumstances, and magnitude of the violations;
30 (2) the entity’s history of prior violations during the prior three-
31 year period;

32 (3) any good faith efforts by the entity to cure the violation
33 within a reasonable time period following notice; and

34 (4) any other considerations that the board may deem
35 appropriate.¹

36
37 ¹5. a Notwithstanding any law, rule, regulation, or order to the
38 contrary, and in accordance with federal law, if applicable, an entity
39 owning one or more copper telephone lines in this State shall
40 remove each copper telephone line from all points of attachment, as
41 provided in subsection b. of this section.

42 b. Within 12 months after the effective date of the P.L. ,
43 c. (C.) (pending before the Legislature as this bill), an entity
44 owning one or more copper telephone lines in the State shall submit
45 a written plan to the board for the removal of each copper telephone
46 line. In addition to any other requirements that the board may deem
47 necessary, the entity shall remove all copper telephone lines owned

1 by the entity within 10 years following the submission of the report,
2 except that no less than 10 percent of the copper telephone lines
3 shall be removed during each year of this period.

4 c. If an entity fails to comply with any requirements of this
5 section, the board may subject the entity to a fine, in such amounts
6 as the board deems appropriate.¹

7

8 ¹**[5.] 6.**¹ This act shall take effect immediately, but shall
9 remain inoperative for 90 days from the date of enactment.