

[Second Reprint]

ASSEMBLY, No. 1100

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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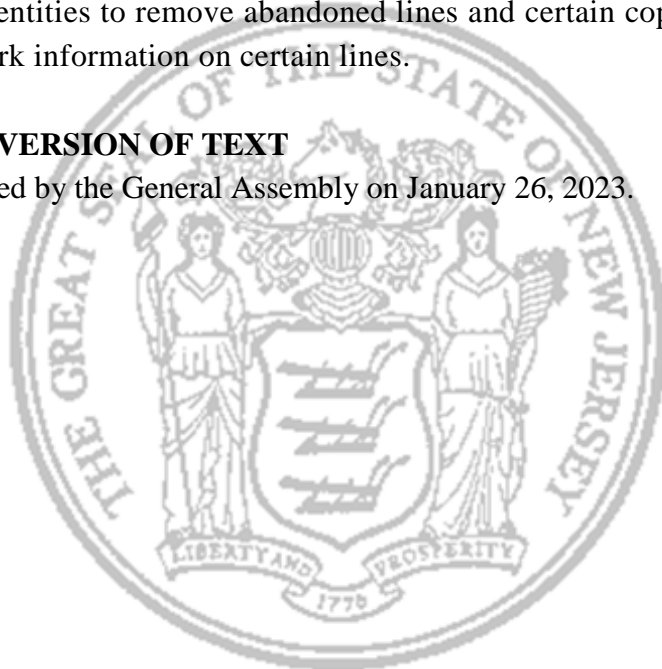
**Assemblywomen Carter, Speight, Jimenez, Assemblyman Stanley,
Assemblywoman Chaparro, Assemblyman Wimberly, Assemblywomen
Lopez, Jasey, Pintor Marin, Quijano and Assemblyman Karabinchak**

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 January 26, 2023.



(Sponsorship Updated As Of: 2/6/2023)

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 ²: (1) is not terminated at both ends to equipment or to a customer’s
11 premises; (2) is not maintained in a safe condition; or (3)² has not
12 been in operation for a period of at least ¹[twelve] ²⁴ consecutive
13 months ¹, ²[not including:] unless the owner of a structure to which
14 the line is attached has expressed interest to the entity in the future
15 use of the line. The term “abandoned” shall not include² any line
16 that is overlashed ²]; or any line that is connected to a residential or
17 commercial building or structure, which line is located in an area in
18 which the owner of the line acts as a provider of
19 telecommunications or cable television service, and for which line a
20 written request for removal has not been submitted pursuant to
21 section 3 of P.L. , c. (C.) (pending before the Legislature
22 as this bill)¹².

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

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

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

30 [“Department” means the Department of Community Affairs.]¹

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

34 “Line” means an above-ground cable or wire attached to a pole,
35 building, or other structure, used ¹or useful¹ for the provision of any
36 telecommunications ¹service¹ or ¹[utility] cable television¹ service,
37 and shall include any equipment or facility associated with that line
38 attached to that pole, building, or other structure.

39 “Telecommunications service” means the ¹[electronic
40 transmission, conveyance, or routing of voice, data, audio, video, or
41 any other information or signals to a point, or between or among
42 points] same as the term is defined in section 3 of P.L.1972, c.186
43 (C.48:5A-3)¹.

44 “Utility” means any “public utility” as defined in R.S.48:2-13, or

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.

²Assembly floor amendments adopted January 26, 2023.

1 “local utility” as defined in section 3.1 of P.L.1975, c.291
2 (C.40:55D-4).

3

4 2. a. Notwithstanding any law, rule, regulation, or order to the
5 contrary, and in accordance with federal law, ¹if applicable,¹ an entity
6 owning a line that is abandoned ¹[or permanently out of service]¹
7 shall remove that line from all points of attachment ², except as
8 otherwise provided under subsection d. of section 3 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill)².

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

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

26 ¹(2) When an entity owns or maintains a line that is attached to a
27 building or structure, which line was installed before the effective date
28 of P.L. , c. (C.) (pending before the Legislature as this bill),
29 and the entity discovers that the line does not contain the markings
30 specified in paragraph (1) of this subsection, the entity shall mark the
31 end of the line attached to the building or structure with the initials of
32 the 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. Nothing in this subsection shall be
35 construed to require an entity to affirmatively search for any unmarked
36 lines.¹

37

38 3. a. ¹[Twelve] Beginning 12¹ months after the effective date of
39 P.L. , c. (C.) (pending before the Legislature as this bill), in
40 accordance with federal law¹, if applicable,¹ and ¹to the extent
41 permitted under¹ any applicable pole attachment agreement, the owner
42 of a pole, building, or other structure to which a suspected abandoned
43 line is attached ¹[,]¹ may send a ²[written]² request ¹, in accordance
44 with subsection c. of this section,¹ to the entity owning that line to
45 request removal if the line is found to be abandoned by the entity.
46 ²[¹Within five business days after receiving the written request, the
47 entity shall transmit a copy of the written request to the board.¹]²

1 b. ¹[A pole attachment agreement or any other applicable
2 agreement established or renewed after the effective date of P.L. , c.
3 (C.) (pending before the Legislature as this bill) may include, in
4 accordance with federal law, a provision requiring an entity to submit
5 a security deposit, in an amount determined by the board or
6 department, to the owner of a pole, building, or other structure to
7 which the entity attaches a line, which shall be refunded to the entity
8 once the line is removed.] Beginning 12 months after the effective
9 date of P.L. , c. (C.) (pending before the Legislature as this
10 bill), any person, municipality, utility, or corporation in the State may
11 submit a ²~~[written]~~² request, in accordance with subsection c. of this
12 section, to the board for the removal of any suspected abandoned line,
13 provided that the line is found to be abandoned by the entity owning
14 the line. Within five business days after receiving the ²~~[written]~~²
15 request, the board shall transmit a written copy of the request to the
16 entity that owns the line. ²Nothing in this section shall prevent or
17 prohibit a person, municipality, utility, or corporation from directly
18 notifying an entity of a suspected abandoned line.²

19 c. (1) Within 10 months after the effective date of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), the board
21 shall prescribe the form and manner in which the owner of a pole,
22 building, or structure may submit a ²~~[written]~~² request, pursuant to
23 subsection a. of this section, for the removal of a suspected abandoned
24 line. At a minimum, the board shall allow these requests to be
25 submitted through the official Internet website of the entity.

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

33 (3) Within 11 months after the effective date of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), the official
35 Internet website of the board and each entity owning one or more lines
36 in the State shall provide instructions, in a clear and conspicuous
37 manner, concerning the submission of the ²~~[written]~~² requests to
38 remove suspected abandoned lines.

39 d. Within 30 calendar days after the date on which an entity
40 ²~~[received]~~ receives² a ²~~[written]~~² request ²to remove a suspected
41 abandoned line,² submitted pursuant to ²[subsection a. or b. of]² this
42 section, the entity shall ²remove the line, provided that the line is
43 found to be abandoned by the entity.

44 e. Within 90 calendar days after the effective date of P.L. ,
45 c. (C.) (pending before the Legislature as this bill), and every 90
46 calendar days thereafter, the entity shall² submit a written report to the
47 board, which report shall include ²a description of all complaints and

1 requests received by the entity during the previous 90-day period
 2 concerning a suspected abandoned line. For each complaint or
 3 request, the report shall include² :

4 (1) ²[an assessment of whether the line is abandoned;

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

8 (3) the date on which the entity received the complaint or request;

9 (2) the manner in which the complaint or request was received;

10 (3) the date on which the entity resolved the complaint or request,
 11 if resolved;

12 (4) the basis of the entity's determination of whether the line is
 13 abandoned;

14 (5)² a description of all actions undertaken by the entity with
 15 respect to the line, including any actions to remove ², overlash,² or
 16 mark the line; and

17 ²[(4)] (6)² any other information that may be required by the
 18 board.¹

20 ¹[4. The board and the department shall promulgate rules and
 21 regulations, pursuant to the "Administrative Procedure Act,"
 22 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
 23 of P.L. , c. (C.) (pending before the Legislature as this bill)
 24 for entities under their respective jurisdictions, as applicable. The
 25 board and department may be assisted, as appropriate, by other
 26 participating agencies, departments, boards, and authorities,
 27 including the Office of Information Technology, in the
 28 promulgation of necessary rules and regulations.]¹

30 ¹4. a. If an entity fails to comply with any requirements of section
 31 2 ²or 3² of P.L. , c. (C.) (pending before the Legislature as
 32 this bill), the entity may be subject to a fine, as set forth in this section,
 33 which fine shall be enforced by the board.

34 b. Before an entity may be subject to a fine under this section, the
 35 board shall provide the entity with written notice of the alleged
 36 violation. Within 30 calendar days of receiving the notice, the entity
 37 shall be permitted to cure the alleged violation or demonstrate that the
 38 entity has not violated the requirements of section 2 ²or 3² of P.L. ,
 39 c. (C.) (pending before the Legislature as this bill).

40 c. If within 30 calendar days of receiving the notice, the entity
 41 fails to cure the alleged violation or fails to demonstrate that the entity
 42 has not violated the requirements of section 2 ²or 3² of P.L. ,
 43 c. (C.) (pending before the Legislature as this bill), the board
 44 may impose a fine of \$100 for each day in which the violation exists,
 45 beginning on the 31st calendar day after the submission of the written
 46 notice. In determining whether to impose a fine ²and, if appropriate,

1 in determining the amount of the fine², the board may consider the
2 following factors:

- 3 (1) the nature, circumstances, and magnitude of the violations;
4 (2) the entity's history of prior violations during the prior three-
5 year period;
6 (3) any good faith efforts by the entity to cure the violation within
7 a reasonable time period following notice; and
8 (4) any other considerations that the board may deem appropriate.¹
9

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

15 b. Within 12 months after the effective date of the P.L. ,
16 c. (C.) (pending before the Legislature as this bill), an entity
17 owning one or more copper telephone lines in the State shall submit
18 a written plan to the board for the removal of each copper telephone
19 line. In addition to any other requirements that the board may deem
20 necessary, the entity shall remove all copper telephone lines owned
21 by the entity within 10 years following the submission of the report,
22 except that no less than 10 percent of the copper telephone lines
23 shall be removed during each year of this period.

24 c. If an entity fails to comply with any requirements of this
25 section, the board may subject the entity to a fine, in such amounts
26 as the board deems appropriate.¹
27

28 ²6. If an employee of an entity discovers an abandoned line
29 during the course of the employee's employment, the employee
30 shall have an affirmative duty to report the abandoned line to the
31 entity. Within five business days of receiving the report, the entity
32 shall transmit a copy of the report to the board.²
33

34 ²7. The board may promulgate rules and regulations, pursuant to
35 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
36 et seq.), to implement the provisions of P.L. , c. (C.)
37 (pending before the Legislature as this bill) for entities under its
38 jurisdiction, as applicable. The board may be assisted, as
39 appropriate, by other participating agencies, departments, boards,
40 and authorities, including the Office of Information Technology, in
41 the promulgation of such rules and regulations as the board deems
42 necessary.²
43

44 ¹[5.] ²[6.] ²8. This act shall take effect immediately, but
45 shall remain inoperative for 90 days from the date of enactment.