

[Third Reprint]

SENATE, No. 995

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on December 21, 2023.



(Sponsorship Updated As Of: 6/9/2022)

1 AN ACT concerning the removal ¹and marking¹ of ¹**abandoned**
 2 certain¹ lines ¹**by certain entities**¹ and supplementing Title 48
 3 of the Revised ¹**Statutes** Statutes¹.

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

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

10 “Abandoned” means any ³**telecommunications or cable**¹³ line
 11 that ¹: (1) is not terminated at both ends to equipment or to a
 12 customer’s premises; (2) is not maintained in a safe condition; (3) is
 13 not intended for future use; or (4)¹ has not been in operation for a
 14 period of at least ¹**twelve** ²⁴ consecutive months ¹, and the
 15 owner of a structure to which the line is attached has submitted a
 16 request for removal of the line pursuant to section 3 of P.L. ,
 17 c. (C.) (pending before the Legislature as this bill). The term
 18 “abandoned” shall not include any line that is overlashed¹.

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

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

23 ³**“Copper telephone line” means any above-ground copper**
 24 telephone line that has been retired by an incumbent local exchange
 25 telecommunications company in accordance with federal law, if
 26 applicable, and ²**is no longer in operation** has not been in
 27 operation for a period of at least 24 consecutive months². The term
 28 “copper telephone line” shall not include any line that is
 29 overlashed.³

30 **“Department” means the Department of Community Affairs.**¹

31 “Entity” means a person, municipality, utility, or corporation
 32 having ownership of a line ³**or copper telephone line**¹³ in this
 33 State, 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 ³including, but not limited to, a copper telephone line,³ and shall
 38 include any equipment or facility associated with that line attached
 39 to that pole, building, or other structure.

40 ²“Maintained in a safe condition” means any time in which the
 41 state of a line is in compliance with any applicable rules and
 42 regulations adopted by the board concerning plant and facility

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:

¹Senate SEG committee amendments adopted June 8, 2023.

²Senate floor amendments adopted June 20, 2023.

³Senate floor amendments adopted December 21, 2023.

1 construction, which regulations shall include N.J.A.C.14:5-2.1,
2 N.J.A.C.14:10-1A.12, and N.J.A.C.14:18-2.1, as applicable, as well
3 as any other successor regulations.²

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

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

12
13 2. a. Notwithstanding any law, rule, regulation, or order to the
14 contrary, and in accordance with federal law, ¹“if applicable,” an
15 entity owning a line that is abandoned ¹“or permanently out of
16 service”¹ shall ¹“either correct the condition causing the line to be
17 abandoned or”¹ remove that line from all points of attachment ¹, as
18 provided under subsection d. of section 3 of P.L. , c. (C.)
19 (pending before the Legislature as this bill)¹.

20 b. ¹“Notwithstanding any law, rule, regulation, or order to the
21 contrary, when an entity that owns one or more lines in the State
22 ceases to do business in the State, the entity shall remove the lines
23 from all points of attachment, except not including any line for
24 which the ownership is transferred to another entity and the line is
25 not otherwise deemed to be abandoned.

26 c. (1)¹ Following the effective date of P.L. , c. (C.)
27 (pending before the Legislature as this bill) and in accordance with
28 federal law, ¹“if applicable,” an entity that installs ¹“, or otherwise
29 maintains,”¹ a ¹“new” line ¹“over which”¹, which line is attached to
30 a building or structure and owned by¹ the entity ¹“has ownership”
31 ¹, ¹ shall mark ¹“both ends of”¹ the end of¹ the line ¹“attached to the
32 building or structure”¹ with the initials of the entity’s name,
33 abbreviation of the entity’s name, corporate symbol, or other
34 distinguishing mark or code by which ownership may be readily
35 and definitely ascertained.

36 ¹(2) When an entity owns or maintains a line that is attached to a
37 building or structure, which line was installed before the effective
38 date of P.L. , c. (C.) (pending before the Legislature as this
39 bill), and the entity discovers that the line does not contain the
40 markings specified in paragraph (1) of this subsection, the entity
41 shall mark the end of the line attached to the building or structure
42 with the initials of the entity’s name, abbreviation of the entity’s
43 name, corporate symbol, or other distinguishing mark or code by
44 which ownership may be readily and definitely ascertained.
45 Nothing in this subsection shall be construed to require an entity to
46 affirmatively search for any unmarked lines.¹

1 3. a. ¹**【Twelve】** Beginning 12¹ months after the effective date
2 of P.L. , c. (C.) (pending before the Legislature as this bill),
3 in accordance with federal law ¹, if applicable,¹ and ¹to the extent
4 permitted under¹ any applicable pole attachment agreement, the
5 owner of a pole, building, or other structure to which a suspected
6 abandoned line is attached may send a ¹**【written】**¹ request ¹, in
7 accordance with subsection c. of this section,¹ to the entity owning
8 that line to request removal if the line is found to be abandoned by
9 the entity.

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

29 c. (1) Within 10 months after the effective date of P.L. ,
30 c. (C.) (pending before the Legislature as this bill), the board
31 shall prescribe the form and manner in which the owner of a pole,
32 building, or structure may submit a request, pursuant to subsection
33 a. of this section, for the removal of a suspected abandoned line.
34 ³In addition to any other information that the board deems
35 necessary, the form shall require the requestor to provide the pole
36 number, address, or latitude and longitude of the associated pole,
37 and a photograph of the abandoned line.³ At a minimum, the board
38 shall allow these requests to be submitted through the official
39 Internet website of the entity.

40 (2) Within 10 months after the effective date of P.L. ,
41 c. (C.) (pending before the Legislature as this bill), the board
42 shall prescribe the form and manner in which a person,
43 municipality, utility, or corporation may submit a request, pursuant
44 to subsection b. of this section, for the removal of a suspected
45 abandoned line. ³In addition to any other information that the board
46 deems necessary, the form shall require the requestor to provide the
47 pole number, address, or latitude and longitude of the associated

1 pole, and a photograph of the abandoned line, if available.³ At a
2 minimum, the board shall allow these requests to be submitted
3 through the official Internet website of the board.
4 (3) Within 11 months after the effective date of P.L. ,
5 c. (C.) (pending before the Legislature as this bill), the
6 official Internet website of the board and each entity owning one or
7 more lines in the State shall provide instructions, in a clear and
8 conspicuous manner, concerning the submission of the requests to
9 remove suspected abandoned lines ²and the rights of customers
10 under P.L. , c. (C.) (pending before the Legislature as this
11 bill)² .
12 d. Within 30 calendar days after the date on which an entity
13 receives a request to remove a suspected abandoned line, submitted
14 pursuant to this section, the entity shall investigate and determine
15 whether the line is abandoned. If the line is deemed to be
16 abandoned, within 30 calendar days after the date of such
17 determination, the entity shall either correct the condition causing
18 the line to be abandoned or remove the line.
19 e. Within 90 calendar days after the effective date of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), and every
21 90 calendar days thereafter, the entity shall submit a written report
22 to the board, which report shall include a description of all
23 notifications, complaints, and requests received by the entity ³,
24 including all reports and notifications received pursuant to section 5
25 of P.L. , c. (C.) (pending before the Legislature as this
26 bill),³ concerning a suspected abandoned line since the date on
27 which the entity submitted its most recent report pursuant to this
28 subsection. For each notification, complaint, or request, the report
29 shall include:
30 (1) the date on which the entity received the notification,
31 complaint, or request;
32 (2) the manner in which the notification, complaint, or request
33 was received;
34 (3) the basis of the entity's determination of whether the line is
35 abandoned;
36 (4) a description of all actions undertaken by the entity with
37 respect to the line, including any actions to remove, overlash, or
38 mark the line, and the dates on which such actions were taken; and
39 (5) any other information that may be required by the board.
40 f. Beginning 12 months after the effective date ²of² P.L. ,
41 c. (C.) (pending before the Legislature as this bill), and every
42 12 months thereafter, each entity shall provide written notice to
43 each customer of the entity, which notice shall inform the customer
44 ², in clear and conspicuous language, that the rights² of the
45 ²[provisions of] customer under² P.L. , c. (C.) (pending
46 before the Legislature as this bill) ²[and explain the processes
47 through which the customer may submit a request for removal of a

1 suspected abandoned line can be found on the entity's official
2 Internet website². The written notice shall be provided in a form
3 and manner ²[prescribed] approved² by the board, except that the
4 notice shall be provided to each customer using the same method as
5 the entity provides a bill to the customer ²and in the same language
6 as the bill is provided to the customer², and the notice ²[shall be
7 made available in both English and Spanish] may be included as a
8 part of the customer's bill or as an additional notice to the
9 customer².¹

10
11 ¹[4. The board and the department shall promulgate rules and
12 regulations, pursuant to the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
14 of P.L. , c. (C.) (pending before the Legislature as this bill)
15 for entities under their respective jurisdictions, as applicable. The
16 board and department may be assisted, as appropriate, by other
17 participating agencies, departments, boards, and authorities,
18 including the Office of Information Technology, in the
19 promulgation of necessary rules and regulations.]¹

20
21 ¹4. a. If an entity fails to comply with any requirements of
22 section 2 or 3 of P.L. , c. (C.) (pending before the
23 Legislature as this bill), the entity may be subject to a fine, as set
24 forth in this section, which fine shall be enforced by the board.

25 b. Before an entity may be subject to a fine under this section,
26 the board shall provide the entity with written notice of the alleged
27 violation. Within 30 calendar days of receiving the notice, the
28 entity shall be permitted to cure the alleged violation or demonstrate
29 that the entity has not violated the requirements of section 2 or 3 of
30 P.L. , c. (C.) (pending before the Legislature as this bill).

31 c. If within 30 calendar days of receiving the notice, the entity
32 fails to cure the alleged violation or fails to demonstrate that the
33 entity has not violated the requirements of section 2 or 3 of P.L. ,
34 c. (C.) (pending before the Legislature as this bill), the board
35 may impose a ²maximum aggregate² fine of ²[\$100] ³[\$1,000²
36 \$500³ for each day in which the violation exists, beginning on the
37 31st calendar day after the submission of the written notice. In
38 determining whether to impose a fine and, if appropriate, in
39 determining the amount of the fine, the board may consider the
40 following factors:

41 (1) the nature, circumstances, and magnitude of the violations;
42 (2) the entity's history of prior violations during the prior three-
43 year period;
44 (3) any good faith efforts by the entity to cure the violation
45 within a reasonable time period following notice; and
46 (4) any other considerations that the board may deem
47 appropriate.¹

1 ³[¹5. a. Notwithstanding any law, rule, regulation, or order to
2 the contrary, but in accordance with federal law, if applicable, an
3 entity owning one or more copper telephone lines in this State shall
4 remove each copper telephone line from all points of attachment, as
5 provided in subsection b. of this section.

6 b. (1) Within 12 months after the effective date of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), an entity
8 owning one or more copper telephone lines in the State shall submit
9 a written plan to the board ², as specified in paragraph (3) of this
10 subsection, ² for the removal of each copper telephone line owned
11 by the entity, as of the effective date of P.L. , c. (C.)
12 (pending before the Legislature as this bill). In addition to any
13 other requirements that the board may deem necessary, the entity
14 shall remove all such copper telephone lines owned by the entity
15 within 10 years following the submission of the report, except that
16 no less than 10 percent of the copper telephone lines shall be
17 removed during each year of this period.

18 (2) ²[Beginning] Within ² three years after the ²[effective date
19 of P.L. , c. (C.) (pending before the Legislature as this
20 bill)] submission of the written plan required under paragraph (1)
21 of this subsection ², and every three years thereafter, an entity
22 owning one or more copper telephone lines in the State shall submit
23 a written plan to the board ², as specified in paragraph (3) of this
24 subsection, ² for the removal of any copper telephone line
25 discovered by the entity after the date on which the entity last
26 submitted a written plan to the board pursuant to this subsection. In
27 addition to any other requirements that the board may deem
28 necessary, the entity shall remove all such copper telephone lines
29 owned by the entity within 10 years following the submission of the
30 report, except that no less than 10 percent of the copper telephone
31 lines shall be removed during each year of this period.

32 ²(3) Within six months after the effective date of P.L. ,
33 c. (C.) (pending before the Legislature as this bill), the board
34 shall specify the information that each entity shall include in the
35 written plans submitted pursuant to this subsection, as well as the
36 form and manner in which each entity shall submit the written
37 plans. Thereafter, the board may update, as necessary, the
38 information that shall be included in the written plans and the form
39 and manner in which the written plans shall be submitted. ²

40 c. If an entity fails to comply with any requirements of this
41 section, the board may subject the entity to a fine, after notice,
42 hearing, and opportunity is provided to the entity for corrective or
43 remedial action, in such amounts as the board deems appropriate,
44 not to exceed a maximum aggregate fine of \$1,000 per day. ¹³

46 ³[¹6.] 5. ³ During the course of the employee's employment,
47 each employee of an entity ³, or subcontractor of an entity, ³ who is

1 responsible for installing lines or ²[providing] responding to²
 2 service calls ²[or in-person technical assistance]² shall have an
 3 affirmative duty to ²[investigate] report² any line ²[owned by the
 4 entity to determine whether the line is] that the employee
 5 ³reasonably believes to be under the ownership of the employer, or
 6 in the case of the employee of a subcontractor, under the ownership
 7 of the entity for whom the subcontractor is engaged in work, and
 8 that the employee³ reasonably suspects to be² abandoned ³[²and] ³
 9 which line is attached to a pole or structure ³[in]³ which the
 10 employee encounters during the normal course of installing lines or
 11 responding to service calls². If the employee of an entity ²who is
 12 responsible for installing lines or responding to service calls²
 13 discovers an abandoned line during the ²normal² course of the
 14 employee's ²[employment] work², the employee shall have an
 15 affirmative duty to either remove the abandoned line, if authorized
 16 by the entity, or report the abandoned line to the entity for further
 17 action. ³[Within 90 calendar days of receiving the report, the entity
 18 shall transmit a copy of the report to the board.¹]³

19
 20 ³[¹7.] 6.³ The board may promulgate rules and regulations,
 21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 22 (C.52:14B-1 et seq.), to implement the provisions of P.L. ,
 23 c. (C.) (pending before the Legislature as this bill) for
 24 entities under its jurisdiction, as applicable. The board may be
 25 assisted, as appropriate, by other participating agencies,
 26 departments, boards, and authorities, including the Office of
 27 Information Technology, in the promulgation of such rules and
 28 regulations as the board deems necessary.¹

29
 30 ¹[5.] ³[8.¹] 7.³ This act shall take effect immediately, but shall
 31 remain inoperative for 90 days from the date of enactment.