

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:

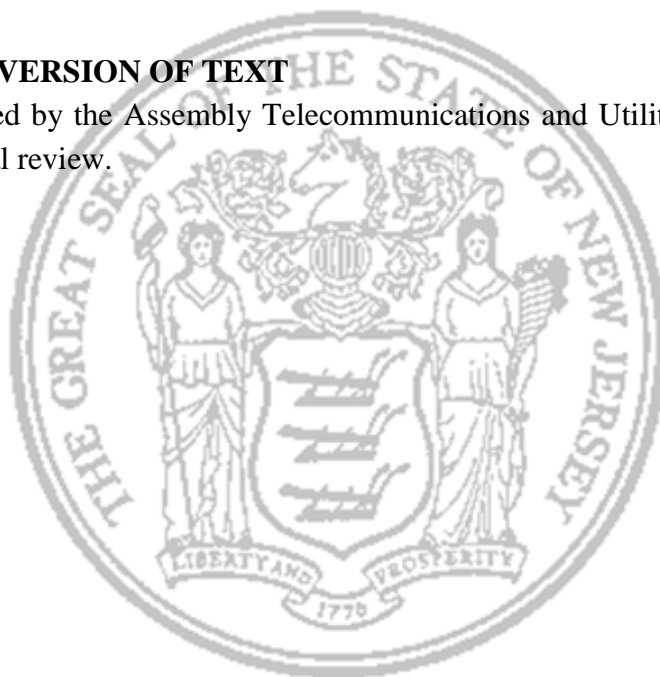
**Assemblywomen Carter, Speight, Jimenez, Assemblyman Stanley,
Assemblywoman Chaparro, Assemblyman Wimberly, Assemblywomen
Lopez, Jasey, Pintor Marin and Quijano**

SYNOPSIS

Requires 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

As reported by the Assembly Telecommunications and Utilities Committee with technical review.



(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 line that has not been in operation for a
10 period of at least twelve consecutive months.

11 “Board” means the Board of Public Utilities or any successor
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,
18 building, or other structure, used for the provision of any
19 telecommunications or utility service, and shall include any
20 equipment or facility associated with that line attached to that pole,
21 building, or other structure.

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

29

30 2. a. Notwithstanding any law, rule, regulation, or order to the
31 contrary, and in accordance with federal law, an entity owning a
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
48 abandoned by the entity.

1 b. A pole attachment agreement or any other applicable
2 agreement established or renewed after the effective date of P.L. ,
3 c. (C.) (pending before the Legislature as this bill) may
4 include, in accordance with federal law, a provision requiring an
5 entity to submit a security deposit, in an amount determined by the
6 board or department, to the owner of a pole, building, or other
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
11 regulations, pursuant to the “Administrative Procedure Act,”
12 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
13 of P.L. , c. (C.) (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
21 inoperative for 90 days from the date of enactment.