

CHAPTER 293

AN ACT concerning the removal and marking of certain lines and supplementing Title 48 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.48:3-122 Definitions.

1. As used in P.L.2023, c.293 (C.48:3-122 et seq.):

“Abandoned” means any line that: (1) is not terminated at both ends to equipment or to a customer’s premises; (2) is not maintained in a safe condition; (3) is not intended for future use; or (4) has not been in operation for a period of at least 24 consecutive months, and the owner of a structure to which the line is attached has submitted a request for removal of the line pursuant to section 3 of P.L.2023, c.293 (C.48:3-124). The term “abandoned” shall not include any line that is overlashed.

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

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

“Entity” means a person, municipality, utility, or corporation having ownership of a line in this State, including ownership acquired by sale or corporate merger.

“Line” means an above-ground cable or wire attached to a pole, building, or other structure, used or useful for the provision of any telecommunications service or cable television service, including, but not limited to, a copper telephone line, and shall include any equipment or facility associated with that line attached to that pole, building, or other structure.

“Maintained in a safe condition” means any time in which the state of a line is in compliance with any applicable rules and regulations adopted by the board concerning plant and facility construction, which regulations shall include N.J.A.C.14:5-2.1, N.J.A.C.14:10-1A.12, and N.J.A.C.14:18-2.1, as applicable, as well as any other successor regulations.

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

“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 (C.40:55D-4).

C.48:3-123 Abandoned line, owning entity, correcting condition, removal.

2. a. Notwithstanding any law, rule, regulation, or order to the contrary, and in accordance with federal law, if applicable, an entity owning a line that is abandoned shall either correct the condition causing the line to be abandoned or remove that line from all points of attachment, as provided under subsection d. of section 3 of P.L.2023, c.293 (C.48:3-124).

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

c. (1) Following the effective date of P.L.2023, c.293 (C.48:3-122 et seq.) and in accordance with federal law, if applicable, an entity that installs a new line, which line is attached to a building or structure and owned by the entity, shall mark the end of the line attached to the building or structure with the initials of the entity’s name, abbreviation of the entity’s name, corporate symbol, or other distinguishing mark or code by which ownership may be readily and definitely ascertained.

(2) When an entity owns or maintains a line that is attached to a building or structure, which line was installed before the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), and the entity discovers that the line does not contain the markings specified in paragraph (1) of this

subsection, the entity shall mark the end of the line attached to the building or structure with the initials of the entity's name, abbreviation of the entity's name, corporate symbol, or other distinguishing mark or code by which ownership may be readily and definitely ascertained. Nothing in this subsection shall be construed to require an entity to affirmatively search for any unmarked lines.

C.48:3-124 Owner, structures, suspected abandoned line, attached, request removal, removal timeline.

3. a. Beginning 12 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), in accordance with federal law, if applicable, and to the extent permitted under any applicable pole attachment agreement, the owner of a pole, building, or other structure to which a suspected abandoned line is attached may send a request, in accordance with subsection c. of this section, to the entity owning that line to request removal if the line is found to be abandoned by the entity.

b. Beginning 12 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), any person, municipality, utility, or corporation in the State may submit a request, in accordance with subsection c. of this section, to the board for the removal of any suspected abandoned line, provided that the line is found to be abandoned by the entity owning the line. Within five business days after receiving the request, the board shall transmit a written copy of the request to the entity that owns the line. Nothing in this section shall prevent or prohibit a person, municipality, utility, or corporation from directly notifying an entity of a suspected abandoned line.

c. (1) Within 10 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), the board shall prescribe the form and manner in which the owner of a pole, building, or structure may submit a request, pursuant to subsection a. of this section, for the removal of a suspected abandoned line. In addition to any other information that the board deems necessary, the form shall require the requestor to provide the pole number, address, or latitude and longitude of the associated pole, and a photograph of the abandoned line. At a minimum, the board shall allow these requests to be submitted through the official Internet website of the entity.

(2) Within 10 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), the board shall prescribe the form and manner in which a person, municipality, utility, or corporation may submit a request, pursuant to subsection b. of this section, for the removal of a suspected abandoned line. In addition to any other information that the board deems necessary, the form shall require the requestor to provide the pole number, address, or latitude and longitude of the associated pole, and a photograph of the abandoned line, if available. At a minimum, the board shall allow these requests to be submitted through the official Internet website of the board.

(3) Within 11 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), the official Internet website of the board and each entity owning one or more lines in the State shall provide instructions, in a clear and conspicuous manner, concerning the submission of the requests to remove suspected abandoned lines and the rights of customers under P.L.2023, c.293 (C.48:3-122 et seq.).

d. Within 30 calendar days after the date on which an entity receives a request to remove a suspected abandoned line, submitted pursuant to this section, the entity shall investigate and determine whether the line is abandoned. If the line is deemed to be abandoned, within 30 calendar days after the date of such determination, the entity shall either correct the condition causing the line to be abandoned or remove the line.

e. Within 90 calendar days after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), and every 90 calendar days thereafter, the entity shall submit a written report to the board,

which report shall include a description of all notifications, complaints, and requests received by the entity, including all reports and notifications received pursuant to section 5 of P.L.2023, c.293 (C.48:3-126), concerning a suspected abandoned line since the date on which the entity submitted its most recent report pursuant to this subsection. For each notification, complaint, or request, the report shall include:

- (1) the date on which the entity received the notification, complaint, or request;
- (2) the manner in which the notification, complaint, or request was received;
- (3) the basis of the entity's determination of whether the line is abandoned;
- (4) a description of all actions undertaken by the entity with respect to the line, including any actions to remove, overlash, or mark the line, and the dates on which such actions were taken; and
- (5) any other information that may be required by the board.

f. Beginning 12 months after the effective date of P.L.2023, c.293 (C.48:3-122 et seq.), and every 12 months thereafter, each entity shall provide written notice to each customer of the entity, which notice shall inform the customer, in clear and conspicuous language, that the rights of the customer under P.L.2023, c.293 (C.48:3-122 et seq.) can be found on the entity's official Internet website. The written notice shall be provided in a form and manner approved by the board, except that the notice shall be provided to each customer using the same method as the entity provides a bill to the customer and in the same language as the bill is provided to the customer, and the notice may be included as a part of the customer's bill or as an additional notice to the customer.

C.48:3-125 Violations, fines.

4. a. If an entity fails to comply with any requirements of section 2 or 3 of P.L.2023, c.293 (C.48:3-123 or 48:3-124), the entity may be subject to a fine, as set forth in this section, which fine shall be enforced by the board.

b. Before an entity may be subject to a fine under this section, the board shall provide the entity with written notice of the alleged violation. Within 30 calendar days of receiving the notice, the entity shall be permitted to cure the alleged violation or demonstrate that the entity has not violated the requirements of section 2 or 3 of P.L.2023, c.293 (C.48:3-123 or 48:3-124).

c. If within 30 calendar days of receiving the notice, the entity fails to cure the alleged violation or fails to demonstrate that the entity has not violated the requirements of section 2 or 3 of P.L.2023, c.293 (C.48:3-123 or 48:3-124), the board may impose a maximum aggregate fine of \$500 for each day in which the violation exists, beginning on the 31st calendar day after the submission of the written notice. In determining whether to impose a fine and, if appropriate, in determining the amount of the fine, the board may consider the following factors:

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

C.48:3-126 Employee, subcontractor, responsible, installing lines, responding to service calls, affirmative duty, report line believed to be under ownership of employer, employee.

5. During the course of the employee's employment, each employee of an entity, or subcontractor of an entity, who is responsible for installing lines or responding to service calls shall have an affirmative duty to report any line that the employee reasonably believes to be under the ownership of the employer, or in the case of the employee of a subcontractor, under the ownership of the entity for whom the subcontractor is engaged in work, and that the

employee reasonably suspects to be abandoned, which line is attached to a pole or structure which the employee encounters during the normal course of installing lines or responding to service calls. If the employee of an entity who is responsible for installing lines or responding to service calls discovers an abandoned line during the normal course of the employee's work, the employee shall have an affirmative duty to either remove the abandoned line, if authorized by the entity, or report the abandoned line to the entity for further action.

C.48:3-127 Rules, regulations.

6. The board may promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of P.L.2023, c.293 (C.48:3-122 et seq.) for entities under its jurisdiction, as applicable. The board may be assisted, as appropriate, by other participating agencies, departments, boards, and authorities, including the Office of Information Technology, in the promulgation of such rules and regulations as the board deems necessary.

7. This act shall take effect immediately, but shall remain inoperative for 90 days from the date of enactment.

Approved January 16, 2024.