ASSEMBLY, No. 2778

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman NANCY J. PINKIN
District 18 (Middlesex)

SYNOPSIS

Requires public utilities and cable television companies to notify certain entities prior to removing mature trees.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain tree removal by public utilities and cable television companies and supplementing Title 48 of the Revised Statutes.

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

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

"County shade tree commission" means a board of shade tree commissioners established pursuant to R.S.40:37-1.

"Cable television company" shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

"Certified tree expert" means a person certified as a Certified Tree Expert by the Board of Tree Experts in the Department of Environmental Protection.

"Mature tree" means a tall perennial woody plant with a main trunk and branches forming a distinct elevated crown and deemed as reaching maturity by a certified tree expert.

"Municipal shade tree commission" means a shade tree commission established pursuant to R.S.40:64-1.

"Public utility" means a public utility, as defined in R.S.48:2-13, that operates an electric distribution or telephone system within this State.

"Right-of-way" means less than fee interest in property, which gives a public utility or cable television company a limited right to use the land owned by another person or entity, typically memorialized in an easement, and includes the parcel of land for which a cable television company or public utility holds a right-of-way or easement.

"Shade tree commission" means a county shade tree commission and a municipal shade tree commission.

2. a. Notwithstanding the provisions of any law, rule, regulation, or order to the contrary, a public utility or cable television company that intends to remove a mature tree in a right-of-way along any public road, street, or highway, shall notify, in writing, the property owner, municipal clerk, and chair of a shade tree commission, as appropriate, where the mature tree stands, no less than five calendar days prior to its intention to remove the mature tree to protect or maintain any structures or fixtures, necessary for the provision of electric distribution or telecommunications service. The written notification shall occur by certified or registered mail addressed to the property owner at the property owner's address as shown by the assessment records of the municipality in which the property is situate.

b. A public utility or cable television company that removes a mature tree to protect or maintain any structures or fixtures,

necessary for the provision of electric distribution or telecommunications service shall replace the mature tree with another tree in a manner consistent with the provisions of section 2 of P.L.1993, c.106 (C.13:1L-14.2).

c. The provisions of subsection a. of this section shall not apply to an emergency condition resulting from natural forces or human activities beyond the control of the public utility or cable television company, or which pose an imminent or existing threat of loss of electric distribution or telecommunications service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility or cable television company to prevent bodily harm or substantial property damage from occurring.

3. The board shall adopt pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the provisions of P.L. c. (C.) (pending before the Legislature as this bill).

4. This act shall take effect immediately.

STATEMENT

This bill requires a public utility or cable television company that intends to remove a “mature tree,” as that term is defined in the bill, in a right-of-way along any public road, street, or highway, to notify, in writing, the property owner, municipal clerk, and chair of a shade tree commission, as appropriate, where the mature tree stands, no less than five calendar days prior to its intention to remove the mature tree to protect or maintain any structures or fixtures, necessary for the provision of electric distribution or telecommunications service.

A public utility or cable television company that removes a mature tree to protect or maintain any structures or fixtures, necessary for the provision of electric distribution or telecommunications service is to replace the mature tree with another tree in a manner consistent with current law.

The bill exempts a public utility and cable television company from the notification requirements if an emergency condition exists resulting from natural forces or human activities beyond the control of the public utility or cable television company, or which pose an imminent or existing threat of loss of electric distribution or telecommunications service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility or cable television company to prevent bodily harm or substantial property damage from occurring.