ASSEMBLY, No. 4094

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)

SYNOPSIS

Permits municipality to charge public utility fee to cover full cost of traffic control services that municipality deemed necessary due to emergency work performed by public utility.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 12/16/2021)

AN ACT concerning certain emergency work performed by public utilities 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):

"Base rate case" shall have the same meaning as provided in section 2 of P.L.1995, c.180 (C.48:2-21.25).

"Board" means the Board of Public Utilities or its successor agency.

"Emergency work" means any work performed by a public utility during an emergency in a public right-of-way that is not pre-scheduled or planned.

"Public utility" shall have the same meaning as provided for that term in R.S.48:2-13.

2. a. Whenever a municipality determines that the services of its police department are necessary to direct traffic around emergency work performed by a public utility, the municipality shall be permitted to charge the public utility a fee to cover the full costs associated with the provision of its police department's traffic control services. The board shall resolve any dispute between a municipality and a public utility that may arise under this subsection, as determined by the board.

b. Any fee paid by a public utility to a municipality for the provision of a municipality's traffic control services pursuant to subsection a. of this section shall be recoverable in a base rate case.

3. This act shall take effect immediately.

STATEMENT

This bill provides that whenever a municipality determines that the services of its police department are necessary to direct traffic around emergency work performed by a public utility, the municipality shall be permitted to charge the public utility a fee to cover the full costs associated with the provision of its police department's traffic control services. The Board of Public Utilities (board) is to resolve any dispute between a municipality and a public utility that may arise under the bill's provisions, as determined by the board. Any fee paid by a public utility to a municipality for the provision of a municipality's traffic control services pursuant to the bill's provisions is to be recoverable in the public utility's base rate case.

Under the bill, "emergency work" is defined to mean any work performed by a public utility in a public right-of-way that is not pre-scheduled or planned and must be completed immediately due to public safety or reliability issues.

Currently, municipalities are left to foot the bill for traffic control services that are provided as a result of emergency work performed by public utilities, even if the emergency work is performed on a county or State road. Municipalities must often pay their police officers overtime pay for providing traffic control around the emergency work. Municipalities are in turn forced to raise property taxes on residents to pay for these additional costs. By requiring public utilities to pay municipalities for traffic control services, the sponsor's intent is to lower the property tax burden on residents throughout the State.

Further, an increasing number of property owners have discontinued landline phone service for cellular phones. By requiring public utilities to pay municipalities for traffic control services in the event that a telephone pole requires replacement due to a traffic accident, the cost of which is recoverable in a base rate case, the cost for traffic control services is appropriately charged to landline phone customers and not property owners who have discontinued landline phone service.