

SENATE, No. 1614

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Requires electric distribution lines to be located underground in areas affected by severe weather or natural disasters.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning placement of electric distribution lines and
2 supplementing Title 48 of the Revised Statutes.

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

11 “Electric distribution line” means a primary electric voltage line,
12 wire, or cable including supporting structures and appurtenant
13 facilities, which delivers electricity from transformation points on
14 the transmission system to points of connection, which are not
15 considered a transmission line, at a customer's premises.

16 “Electric public utility” means a public utility, as that term is
17 defined in R.S.48:2-13, that transmits and distributes electricity to
18 end users within this State.

19 “Electric transmission line” means electrical line, wire, or cable,
20 including the supporting structures and appurtenant facilities, which
21 transmits electricity from a generating plant to electric distribution
22 lines.

23 “Interruption” means the cessation of electric, water, or gas
24 utility service to one or more customers.

25 “Major catastrophic event” means a natural occurrence arising
26 from conditions beyond the control of the electric public utility,
27 including but not limited to, a thunderstorm, tornado, hurricane,
28 flood, heat wave, snowstorm, ice storm, or an earthquake, which
29 results in: (1) a sustained interruption of utility service to at least 10
30 percent of the customers in an operating area or 10 percent of the
31 customers of a municipality or county located in an operating area;
32 or (2) the declaration of a state of emergency or disaster by the
33 State or by the federal government.

34 “Operating area” means a geographical subdivision of each
35 utility’s service territory.

36
37 2. The board shall initiate a proceeding and shall adopt, after
38 notice and opportunity for public comment and public hearing,
39 standards, consistent with federal law, concerning the location and
40 placement of electric distribution lines in areas affected by major
41 catastrophic events. The standards shall provide that, in operating
42 areas that have been affected by a major catastrophic event, every
43 electric distribution line of an electric public utility installed after
44 the effective date of P.L. , c. (C.) (pending before the
45 Legislature as this bill), or installed, reinstalled, or repaired in
46 response to damage resulting from a major catastrophic event, shall
47 be located underground, wherever feasible, as determined by the
48 board. In adopting the standards, and in the issuance of orders

1 pursuant to the adoption of the standards, the board shall consider
2 applicable federal regulations, industry codes, national electric
3 industry practices, sound engineering judgment, and the ability of
4 an electric public utility to obtain necessary municipal consent,
5 easements, environmental permits, and rights of way.

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7 3. This act shall take effect on the 90th day after the date of
8 enactment.

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11 STATEMENT

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13 This bill requires the Board of Public Utilities (BPU) to adopt
14 standards providing that, in operating areas that have been affected
15 by a major catastrophic event, every electric distribution line of an
16 electric public utility installed after the effective date of the bill, or
17 installed, reinstalled, or repaired in response to damage resulting
18 from a major catastrophic event, is to be located underground,
19 wherever feasible, as determined by the BPU. In adopting the
20 standards, and in the issuance of orders pursuant to the adoption of
21 the standards, the BPU is to consider applicable industry codes,
22 national electric industry practices, sound engineering judgment,
23 and the ability of an electric public utility to obtain necessary
24 municipal consent, easements, environmental permits, and rights of
25 way. A “major catastrophic event” is defined to mean a natural
26 occurrence arising from conditions beyond the control of the
27 electric public utility, including but not limited to, a thunderstorm,
28 tornado, hurricane, flood, heat wave, snowstorm, ice storm, or
29 earthquake which results in: 1) a sustained interruption of electric,
30 water, or gas utility service to at least 10 percent of the customers in
31 an operating area or 10 percent of the customers of a municipality
32 or county located in an operating area; or 2) the declaration of a
33 state of emergency or disaster by the State or by the federal
34 government.