

SENATE, No. 2948

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 21, 2020

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Requires electric public utilities to provide training, equipment, indemnity, and reimbursement to certain municipal employees for moving and securing detached, above-ground distribution lines impeding vehicular traffic during lengthy power outages.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain electric public utility operations 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:

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

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 "Major emergency event" means a natural or humanly caused
20 occurrence arising from conditions beyond the control of the
21 electric public utility, including but not limited to, a thunderstorm,
22 earthquake, tornado, hurricane, flood, heat wave, snowstorm, or ice
23 storm, which results in: a. a sustained service interruption to at least
24 five percent of the customers within an operating area or at least
25 five percent of the utility's customers within a municipality or
26 county located in an operating area; or b. the declaration of a state
27 of emergency or disaster by the State or by the federal government.

28 "Municipal emergency management coordinator" or
29 "coordinator" means the person appointed pursuant to section 8 of
30 P.L.1953, c.438 (C.App.A:9-40.1).

31 "Operating area" means a defined geographical service territory
32 where an electric public utility distributes electricity to end users as
33 approved by the board.

34 "Service interruption" means the cessation of electric public
35 utility service by one or more customers.

36 "Transmission line" means an electrical line, wire, or cable,
37 including the supporting structures and appurtenant facilities, which
38 transmits electricity from a generating plant to electric distribution
39 lines with a rating usually exceeding 69 kilovolts.

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41 2. a. The board shall adopt, pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and,
43 consistent with federal law, rules, and regulations requiring each
44 electric public utility to submit to the board a plan for the electric
45 public utility's response to a major emergency event. The board's
46 rules and regulations shall require the electric public utility to:

47 (1) Properly train each municipal emergency management
48 coordinator and any public works employee or other employee of a

1 municipality designated by the governing body of a municipality
2 located within the electric public utility's operating area, to receive
3 the necessary certification under any applicable industry code or
4 national electric industry practice, to move a disconnected, above-
5 ground distribution line impeding vehicular traffic and protect the
6 line from doing harm to life or property, and to provide those
7 designated municipal employees with any necessary equipment to
8 move and protect the distribution line and communicate on a real-
9 time, two-way basis, with the electric public utility, until an electric
10 public utility employee reattaches the distribution line;

11 (2) Indemnify, and if requested by the municipality, defend the
12 municipality and those designated municipal employees against all
13 claims made by any person for injuries or damages that may be
14 caused or sustained by those designated municipal employees,
15 during the course, or as a result, of moving a disconnected, above-
16 ground distribution line impeding vehicular traffic and protecting
17 the line from doing harm to life or property; and

18 (3) Reimburse a municipality, as applicable, at a rate of no less
19 than half of those designated municipal employees' hourly wage
20 rate, or the cost of the provision of services by any employee who is
21 a volunteer equal to the rate for volunteer services under any
22 applicable assistance program administered by the federal
23 government, for the amount of time spent by the those designated
24 municipal employees in moving and protecting the distribution line.

25 b. Any plan submitted by an electric public utility shall be
26 subject to board review and approval. In the event that the board
27 disapproves a plan, the board shall provide, in writing, the electric
28 public utility its reasons for disapproval. If the board fails to
29 approve or disapprove of the plan within 60 days of receipt of the
30 plan, it shall be considered approved by the board. Each electric
31 public utility shall file a copy of an approved plan with the board.

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33 3. This act shall take effect immediately, but remain
34 inoperative for 60 days following the date of enactment.

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STATEMENT

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39 This bill requires an electric public utility (utility) to submit to
40 the Board of Public Utilities (board) a plan for the utility's response
41 to a major emergency event, which shall require the utility to: 1)
42 properly train each municipal emergency management coordinator
43 (coordinator) and any public works employee, or other employee of
44 a municipality designated by the governing body of a municipality
45 located within the utility's operating area, to receive the necessary
46 certification under any applicable industry code or national electric
47 industry practice, to move a disconnected, above-ground
48 distribution line impeding vehicular traffic and protect the line from

1 doing harm to life or property, and to provide those municipal
2 employees with any necessary equipment to move and protect the
3 distribution line and communicate on a real-time, two-way basis,
4 with the utility, until a utility employee reattaches the distribution
5 line; 2) indemnify, and if requested by the municipality, defend the
6 municipality and those designated municipal employees against all
7 claims made by any person for injuries or damages that may be
8 caused or sustained by those designated municipal employees,
9 during the course, or as a result, of moving a disconnected, above-
10 ground distribution line impeding vehicular traffic and protecting
11 the line from doing harm to life or property; and 3) reimburse a
12 municipality, as applicable, at a rate of no less than half of those
13 designated municipal employees' hourly wage rate, or the cost of
14 the provision of services by any employee who is a volunteer equal
15 to the rate for volunteer services under any applicable assistance
16 program administered by the federal government, for the amount of
17 time spent by the those designated municipal employees in moving
18 and protecting the distribution line.

19 The bill requires any plan submitted by a utility to be subject to
20 board review and approval. In the event that the board disapproves
21 a plan, the board shall provide the utility, in writing, its reasons for
22 disapproval. If the board fails to approve or disapprove of the plan
23 within 60 days of receipt of the plan, it shall be considered
24 approved by the board. Each utility shall file a copy of an approved
25 plan with the board.