

# ASSEMBLY, No. 3022

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman CLINTON CALABRESE**  
**District 36 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywomen Carter, Speight, Assemblymen Stanley, Wimberly,**  
**Assemblywomen Lopez, Pintor Marin, Quijano and Assemblyman**  
**Karabinchak**

**SYNOPSIS**

Requires entities to remove abandoned lines and certain copper telephone lines and mark information on certain lines.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

3

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 “Abandoned” means any telecommunications or cable line that: (1)  
10 is not terminated at both ends to equipment or to a customer’s  
11 premises; (2) is not maintained in a safe condition; (3) is not intended  
12 for future use; or (4) has not been in operation for a period of at least  
13 24 consecutive months, and the owner of a structure to which the line  
14 is attached has submitted a request for removal of the line pursuant to  
15 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
16 this bill). The term “abandoned” shall not include any line that is  
17 overlashed.

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

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

22 “Copper telephone line” means any above-ground copper  
23 telephone line that has been retired by an incumbent local exchange  
24 telecommunications company in accordance with federal law, if  
25 applicable, and has not been in operation for a period of at least 24  
26 consecutive months. The term “copper telephone line” shall not  
27 include any line that is overlashed.

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

31 “Line” means an above-ground cable or wire attached to a pole,  
32 building, or other structure, used or useful for the provision of any  
33 telecommunications service or cable television service, and shall  
34 include any equipment or facility associated with that line attached to  
35 that pole, building, or other structure.

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

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

44 “Utility” means any “public utility” as defined in R.S.48:2-13, or  
45 “local utility” as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-  
46 4).

1           2. a. Notwithstanding any law, rule, regulation, or order to the  
2 contrary, and in accordance with federal law, if applicable, an entity  
3 owning a line that is abandoned shall either correct the condition  
4 causing the line to be abandoned or remove that line from all points of  
5 attachment, as provided under subsection d. of section 3 of P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill).

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

13           c. (1) Following the effective date of P.L. , c. (C. )  
14 (pending before the Legislature as this bill) and in accordance with  
15 federal law, if applicable, an entity that installs a new line, which line  
16 is attached to a building or structure and owned by the entity, shall  
17 mark the end of the line attached to the building or structure with the  
18 initials of the entity's name, abbreviation of the entity's name,  
19 corporate symbol, or other distinguishing mark or code by which  
20 ownership may be readily and definitely ascertained.

21           (2) When an entity owns or maintains a line that is attached to a  
22 building or structure, which line was installed before the effective date  
23 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
24 and the entity discovers that the line does not contain the markings  
25 specified in paragraph (1) of this subsection, the entity shall mark the  
26 end of the line attached to the building or structure with the initials of  
27 the entity's name, abbreviation of the entity's name, corporate symbol,  
28 or other distinguishing mark or code by which ownership may be  
29 readily and definitely ascertained. Nothing in this subsection shall be  
30 construed to require an entity to affirmatively search for any unmarked  
31 lines.

32  
33           3. a. Beginning 12 months after the effective date of P.L. , c.  
34 (C. ) (pending before the Legislature as this bill), in accordance  
35 with federal law, if applicable, and to the extent permitted under any  
36 applicable pole attachment agreement, the owner of a pole, building,  
37 or other structure to which a suspected abandoned line is attached may  
38 send a request, in accordance with subsection c. of this section, to the  
39 entity owning that line to request removal if the line is found to be  
40 abandoned by the entity.

41           b. Beginning 12 months after the effective date of P.L. ,  
42 c. (C. ) (pending before the Legislature as this bill), any person,  
43 municipality, utility, or corporation in the State may submit a request,  
44 in accordance with subsection c. of this section, to the board for the  
45 removal of any suspected abandoned line, provided that the line is  
46 found to be abandoned by the entity owning the line. Within five  
47 business days after receiving the request, the board shall transmit a  
48 written copy of the request to the entity that owns the line. Nothing in

1 this section shall prevent or prohibit a person, municipality, utility, or  
2 corporation from directly notifying an entity of a suspected abandoned  
3 line.

4 c. (1) Within 10 months after the effective date of P.L. ,  
5 c. (C. ) (pending before the Legislature as this bill), the board  
6 shall prescribe the form and manner in which the owner of a pole,  
7 building, or structure may submit a request, pursuant to subsection a.  
8 of this section, for the removal of a suspected abandoned line. At a  
9 minimum, the board shall allow these requests to be submitted through  
10 the official Internet website of the entity.

11 (2) Within 10 months after the effective date of P.L. ,  
12 c. (C. ) (pending before the Legislature as this bill), the board  
13 shall prescribe the form and manner in which a person, municipality,  
14 utility, or corporation may submit a request, pursuant to subsection b.  
15 of this section, for the removal of a suspected abandoned line. At a  
16 minimum, the board shall allow these requests to be submitted through  
17 the official Internet website of the board.

18 (3) Within 11 months after the effective date of P.L. ,  
19 c. (C. ) (pending before the Legislature as this bill), the official  
20 Internet website of the board and each entity owning one or more lines  
21 in the State shall provide instructions, in a clear and conspicuous  
22 manner, concerning the submission of the requests to remove  
23 suspected abandoned lines and the rights of customers under P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill).

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

32 e. Within 90 calendar days after the effective date of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), and every 90  
34 calendar days thereafter, the entity shall submit a written report to the  
35 board, which report shall include a description of all notifications,  
36 complaints, and requests received by the entity concerning a suspected  
37 abandoned line since the date on which the entity submitted its most  
38 recent report pursuant to this subsection. For each notification,  
39 complaint, or request, the report shall include:

40 (1) the date on which the entity received the notification,  
41 complaint, or request;

42 (2) the manner in which the notification, complaint, or request  
43 was received;

44 (3) the basis of the entity's determination of whether the line is  
45 abandoned;

46 (4) a description of all actions undertaken by the entity with  
47 respect to the line, including any actions to remove, overlash, or mark  
48 the line, and the dates on which such actions were taken; and

- 1 (5) any other information that may be required by the board.
- 2 f. Beginning 12 months after the effective date of P.L. ,
- 3 c. (C. ) (pending before the Legislature as this bill), and every 12
- 4 months thereafter, each entity shall provide written notice to each
- 5 customer of the entity, which notice shall inform customer, in clear
- 6 and conspicuous language, that the rights of the customer under
- 7 P.L. , c. (C. ) (pending before the Legislature as this bill) can
- 8 be found on the entity's official Internet website. The written notice
- 9 shall be provided in a form and manner approved by the board, except
- 10 that the notice shall be provided to each customer using the same
- 11 method as the entity provides a bill to the customer and in the same
- 12 language as the bill is provided to the customer, and the notice may be
- 13 included as a part of the customer's bill or as an additional notice to
- 14 the customer
- 15
- 16 4. a. If an entity fails to comply with any requirements of section
- 17 2 or 3 of P.L. , c. (C. ) (pending before the Legislature as this
- 18 bill), the entity may be subject to a fine, as set forth in this section,
- 19 which fine shall be enforced by the board.
- 20 b. Before an entity may be subject to a fine under this section, the
- 21 board shall provide the entity with written notice of the alleged
- 22 violation. Within 30 calendar days of receiving the notice, the entity
- 23 shall be permitted to cure the alleged violation or demonstrate that the
- 24 entity has not violated the requirements of section 2 or 3 of P.L. ,
- 25 c. (C. ) (pending before the Legislature as this bill).
- 26 c. If within 30 calendar days of receiving the notice, the entity
- 27 fails to cure the alleged violation or fails to demonstrate that the entity
- 28 has not violated the requirements of section 2 or 3 of P.L. ,
- 29 c. (C. ) (pending before the Legislature as this bill), the board
- 30 may impose a maximum aggregate fine of \$1,000 for each day in
- 31 which the violation exists, beginning on the 31st calendar day after the
- 32 submission of the written notice. In determining whether to impose a
- 33 fine and, if appropriate, in determining the amount of the fine, the
- 34 board may consider the following factors:
- 35 (1) the nature, circumstances, and magnitude of the violations;
- 36 (2) the entity's history of prior violations during the prior three-
- 37 year period;
- 38 (3) any good faith efforts by the entity to cure the violation within
- 39 a reasonable time period following notice; and
- 40 (4) any other considerations that the board may deem appropriate.
- 41
- 42 5. a. Notwithstanding any law, rule, regulation, or order to the
- 43 contrary, but in accordance with federal law, if applicable, an entity
- 44 owning one or more copper telephone lines in this State shall remove
- 45 each copper telephone line from all points of attachment, as provided
- 46 in subsection b. of this section.
- 47 b. (1) Within 12 months after the effective date of P.L. ,
- 48 c. (C. ) (pending before the Legislature as this bill), an entity

1 owning one or more copper telephone lines in the State shall submit a  
2 written plan to the board, as specified in paragraph (3) of this  
3 subsection, for the removal of each copper telephone line owned by  
4 the entity, as of the effective date of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill) . In addition to any other  
6 requirements that the board may deem necessary, the entity shall  
7 remove all such copper telephone lines owned by the entity within 10  
8 years following the submission of the report, except that no less than  
9 10 percent of the copper telephone lines shall be removed during each  
10 year of this period.

11 (2) Within three years after the submission of the written plan  
12 required under paragraph (1) of this subsection, and every three years  
13 thereafter, an entity owning one or more copper telephone lines in the  
14 State shall submit a written plan to the board, as specified in paragraph  
15 (3) of this subsection, for the removal of any copper telephone line  
16 discovered by the entity after the date on which the entity last  
17 submitted a written plan to the board pursuant to this subsection. In  
18 addition to any other requirements that the board may deem necessary,  
19 the entity shall remove all such copper telephone lines owned by the  
20 entity within 10 years following the submission of the report, except  
21 that no less than 10 percent of the copper telephone lines shall be  
22 removed during each year of this period.

23 (3) Within six months after the effective date of P.L. ,  
24 c. (C. ) (pending before the Legislature as this bill), the board  
25 shall specify the information that each entity shall include in the  
26 written plans submitted pursuant to this subsection, as well as the  
27 form and manner in which each entity shall submit the written  
28 plans. Thereafter, the board may update, as necessary, the  
29 information that shall be included in the written plans and the form  
30 and manner in which the written plans shall be submitted.

31 c. If an entity fails to comply with any requirements of this  
32 section, the board may subject the entity to a fine, after notice, hearing,  
33 and opportunity is provided to the entity for corrective or remedial  
34 action, in such amounts as the board deems appropriate, not to exceed  
35 a maximum aggregate fine of \$1,000 per day.

36  
37 6. During the course of the employee's employment, each  
38 employee of an entity who is responsible for installing lines or  
39 responding to service calls shall have an affirmative duty to report  
40 any line that the employee reasonably suspects to be abandoned and  
41 which line is attached to a pole or structure in which the employee  
42 encounters during the normal course of installing lines or  
43 responding to service calls. If the employee of an entity who is  
44 responsible for installing lines or responding to service calls  
45 discovers an abandoned line during the normal course of the  
46 employee's work, the employee shall have an affirmative duty to  
47 either remove the abandoned line, if authorized by the entity, or  
48 report the abandoned line to the entity for further action. Within 90

1 calendar days of receiving the report, the entity shall transmit a  
2 copy of the report to the board.

3  
4 7. The board may promulgate rules and regulations, pursuant to  
5 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
6 et seq.), to implement the provisions of P.L. , c. (C. )  
7 (pending before the Legislature as this bill) for entities under its  
8 jurisdiction, as applicable. The board may be assisted, as  
9 appropriate, by other participating agencies, departments, boards,  
10 and authorities, including the Office of Information Technology, in  
11 the promulgation of such rules and regulations as the board deems  
12 necessary.

13  
14 8. This act shall take effect immediately, but shall remain  
15 inoperative for 90 days from the date of enactment.

16  
17  
18 STATEMENT

19  
20 This bill establishes several requirements concerning the  
21 maintenance and removal of certain telecommunications and cable  
22 lines, including the removal or correction of abandoned lines, the  
23 removal of copper telephone lines, and the marking of new and  
24 existing lines.

25  
26 *Removal of Abandoned Lines*

27 The bill requires certain entities, including utilities, corporations,  
28 municipalities, and persons that own above-ground  
29 telecommunications or cable lines that are found to be abandoned,  
30 to either correct the condition that causes the line to be abandoned  
31 or remove the abandoned line from all points of attachment after  
32 receiving a request for removal submitted in accordance this bill.  
33 The bill also provides that when an entity ceases to do business in  
34 this State, the entity would be required to remove its lines from all  
35 points of attachment, except for any lines for which ownership was  
36 transferred to another entity and which is not otherwise deemed to  
37 be abandoned.

38 Under the bill, the owner of a pole, building, or other structure to  
39 which a suspected abandoned line is attached may submit a request  
40 for removal to the entity owning the line. The bill also permits any  
41 person, municipality, utility, or corporation to submit a request for  
42 removal of a suspected abandoned line to the Board of Public  
43 Utilities (BPU), which request would be transmitted to the entity  
44 that owns the line within five business days. In either case, the bill  
45 requires the BPU to prescribe the form and manner for the  
46 submission of these requests, except that the bill requires the BPU  
47 to allow these requests to be submitted through the official Internet  
48 websites of the entities and BPU, respectively.

1        Within 30 calendar days after receiving a request to remove a  
2        suspected abandoned line, the bill requires each entity to investigate  
3        and determine whether the line is abandoned. If the line is deemed  
4        to be abandoned, the bill requires the entity to either correct the  
5        condition causing the line to be abandoned or remove the line from  
6        all points of attachment within 30 calendar days. Under the bill, an  
7        abandoned line would include any above-ground  
8        telecommunications or cable line that: (1) is not terminated at both  
9        ends to equipment or to a customer's premises; (2) is not  
10       maintained in a safe condition; (3) is not intended for future use; or  
11       (4) has not been in operation for a period of at least 24 consecutive  
12       months, and the owner of a structure to which the line is attached  
13       has submitted a request for removal of the line. However, the bill  
14       provides that any line that is overlashed would not be deemed to be  
15       abandoned.

16       Additionally, the bill requires each entity to submit a written  
17       report to the BPU every 90 calendar days beginning after the  
18       effective date of the bill, which report is required to describe all  
19       notifications, complaints, and requests received by the entity  
20       concerning a suspected abandoned line. The bill also requires each  
21       entity to provide annual written notice to its customers concerning  
22       the provisions of the bill and including an explanation of the  
23       processes through which the customer may submit a request for  
24       removal of a suspected abandoned line. The bill requires the BPU  
25       to prescribe a form and manner for the provision of this notice,  
26       except that the notice would be provided to each customer using the  
27       same method as the entity provides a bill to the customer, and the  
28       notice would be made available in both English and Spanish.

29       This bill also provides that during the course of the employee's  
30       employment, each employee of an entity who is responsible for  
31       installing lines or providing service calls or in-person technical  
32       assistance would have an affirmative duty to investigate any line  
33       owned by the entity to determine whether the line is abandoned. If  
34       the employee of an entity discovers an abandoned line during the  
35       course of the employee's employment, the employee would be  
36       required to either remove the abandoned line, if authorized by the  
37       entity, or report the abandoned line to the entity for further action.  
38       Within 90 calendar days of receiving the report, the entity would be  
39       required to transmit a copy of the report to the BPU.

40

#### 41       *Marking of Entity Lines*

42       The bill provides that when an entity installs certain new lines,  
43       which lines are attached to a building or structure and owned by the  
44       entity, the entity would be required to mark certain information on  
45       the end of the line that is attached to the building or structure. This  
46       information would include the initials of the entity's name,  
47       abbreviation of the entity's name, corporate symbol, or other  
48       distinguishing mark or code by which ownership may be readily



1 and definitely ascertained. The bill also provides that when an  
2 entity owns or maintains an existing line that is attached to a  
3 building or structure, which line was installed before the effective  
4 date of the bill and does not contain the marking required under the  
5 bill, the entity would be required to mark this information on the  
6 end of the line that is attached to the building or structure after the  
7 entity discovers that the line does not contain the markings.

8

9 *Penalty Provisions*

10 Under the bill, an entity that fails to comply with the  
11 requirements of the bill concerning the removal of abandoned lines  
12 or the marking of lines may be subject to a fine after the BPU has  
13 submitted a written notice of an alleged violation to the entity.  
14 Specifically, the bill provides that if the entity fails to cure the  
15 alleged violation within 30 calendar days after receiving the notice,  
16 the BPU may impose a fine of \$100 for each day in which the  
17 violation exists, beginning on the 31st calendar day after the  
18 submission of the notice. The bill also sets forth various factors  
19 that the BPU may consider when determining whether to impose a  
20 fine, and if appropriate, the amount of the fine.

21

22 *Removal of Copper Telephone Lines*

23 The bill requires any entity owning one or more above-ground  
24 copper telephone lines, which lines are no longer in operation, to  
25 remove the lines from all points of attachment. Specifically, the bill  
26 requires each entity to submit a written plan to the BPU, within 12  
27 months after the effective date of the bill, for the removal of all  
28 copper telephone lines. At a minimum, the bill requires each entity  
29 to remove all copper telephone lines owned by the entity within 10  
30 years following the submission of the plan, except that no less than  
31 10 percent of the lines may be removed during any year of this  
32 period. If an entity fails to comply with any requirements of the bill  
33 concerning the removal of copper telephone lines, the bill provides  
34 that the entity may be subject to a fine, in such amounts as the BPU  
35 deems appropriate.