

# SENATE, No. 835

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Passaic)**

**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**

Introduced Pending Technical Review by Legislative Counsel.



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 rules and regulations, pursuant to  
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
43 1 et seq.) and consistent with federal law, requiring each electric  
44 public utility to submit to the board a plan for the electric public  
45 utility's response to a major emergency event. The board's rules  
46 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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37 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.