

27:7-44.9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:7-44.9

(Highway projects - relocation of utilities - include in Dept. of Transportation costs)

LAWS OF: 1983

CHAPTER: 283

Bill No: A888

Sponsor(s): Bryant and others

Date Introduced: February 8, 1982

Committee: Assembly: Revenue, Finance and Appropriations

Senate: Revenue, Finance and Appropriations

Amended during passage: No Substituted for S997 (not attached since identical to A888)

Date of Passage: Assembly: June 30, 1983

Senate: July 11, 1983

Date of Approval: July 29, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: Yes ~~No~~

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 888

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Assemblymen BRYANT, MARSELLA, RILEY, Assemblywoman
COSTA and Assemblyman COWAN

(Without Reference)

AN ACT concerning the relocation of public utility facilities as
required for certain highway work and supplementing Title 27
of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. In addition to other powers conferred upon the Commissioner
2 of Transportation by any other law and not in limitation thereof,
3 the commissioner, in connection with the construction, reconstruc-
4 tion, maintenance or operation of any highway project, may make
5 reasonable regulations for the installation, construction, mainte-
6 nance, repair, renewal, relocation and removal of pipes, mains,
7 conduits, cables, wires, towers, poles and other equipment and
8 appliances, herein called "public utility facilities," of any public
9 utility as defined in R. S. 48:2-13, in, on, along, over or under any
10 highway project. Whenever the commissioner determines that it
11 is necessary that public utility facilities which now are, or hereafter
12 may be, located in, on, along, over or under any highway project
13 shall be relocated in the project or should be removed from the
14 project, the public utility owning or operating the facilities shall
15 relocate or remove the same in accordance with the order of the
16 commissioner. The cost and expenses of such relocation or removal,
17 including the cost of installing the facilities in a new location, or
18 new locations, and the cost of any lands, or any rights or interests
19 in lands, and any other rights acquired to accomplish the relocation
20 or removal, shall be ascertained and paid by the commissioner as

21 a part of the cost of the project. In the case of the relocation or
22 removal of facilities, as aforesaid, the public utility owning or
23 operating the same, its successors or assigns, may maintain and
24 operate the facilities, with the necessary appurtenance, in the new
25 location or new locations, for as long a period, and upon the same
26 terms and conditions, as it had the right to maintain and operate
27 the facilities in the former location or locations.

28 As used in this act, "highway project," in addition to its ordinary
29 meaning, means one which is administered and contracted for by
30 the commissioner.

1 2. This act shall take effect immediately.

STATEMENT

This bill authorizes the Commissioner of the Department of Transportation to include the costs associated with the relocation of utility facilities in the overall cost of a highway project when the project is administered and contracted for by the department. It further provides that the department will fully reimburse those utilities whose facilities must be relocated.

The bill gives the department complete control of all components and costs of those projects. This will reduce the overall cost of highway improvements by permitting more effective and efficient project management and engineering. It will also enable the State to participate in additional federal assistance for safety programs involving relocation of utility facilities

Presently, the expense of utility relocations for land service road improvements are financed through the utility's rate structure and are ultimately paid by the utility's rate payers. Enactment of this legislation recognizes that the cost of utility relocation is properly a component of the total cost of highway improvement. These costs should not be paid by the utility rate payer who is already burdened with escalating prices associated with the increased cost of energy, but should come from the same broad State and federal tax base which provides for the highway improvement. A number of other states have already adopted similar legislation.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 888

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

The Assembly Revenue Finance and Appropriations Committee finds the introductory statement a sufficient and concise explanation of the provisions and purpose of this act and concurs therein, reproducing that statement as the committee statement below for the Legislature's record.

"This bill authorizes the Commissioner of the Department of Transportation to include the costs associated with the relocation of utility facilities in the overall cost of a highway project when the project is administered and contracted for by the department. It further provides that the department will fully reimburse those utilities whose facilities must be relocated.

The bill gives the department complete control of all components and costs of those projects. This will reduce the overall cost of highway improvements by permitting more effective and efficient project management and engineering. It will also enable the State to participate in additional federal assistance for safety programs involving relocation of utility facilities.

Presently, the expense of utility relocations for land service road improvements are financed through the utility's rate structure and are ultimately paid by the utility's rate payers. Enactment of this legislation recognizes that the cost of utility relocation is properly a component of the total cost of highway improvement. These costs should not be paid by the utility rate payer who is already burdened with escalating prices associated with the increased cost of energy, but should come from the same broad State and federal tax base which provides for the highway improvement. A number of other states have already adopted similar legislation."

FISCAL IMPACT:

The fiscal note on this bill indicates an estimated additional annual cost for highway facilities equivalent to 1% of construction cost. The committee offers the observation that the cost estimate reflects costs which would otherwise be reflected in utility bills. The principal behind this bill is to shift utility relocation costs from utility rate payers to highway project costs.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 888

STATE OF NEW JERSEY

DATED: JULY 11, 1983

Assembly Bill No. 888 authorizes the Commissioner of the Department of Transportation to include the costs associated with the relocation of utility facilities in the overall cost of a highway project when the project is administered and contracted for by the department. It further provides that the department will fully reimburse those utilities whose facilities must be relocated.

Presently, the expense of utility relocations for land service road improvements are financed through the utility's rate structure and are ultimately paid by the utility's rate payers. Enactment of this legislation recognizes the cost of utility relocation as a component of the total cost of highway improvement.

The fiscal note on the bill indicates that the Department of Transportation estimates additional State costs as follows:

FY 1984	\$1,744,000.00
FY 1985	\$1,901,000.00

FISCAL NOTE TO
ASSEMBLY, No. 888

STATE OF NEW JERSEY

DATED: JULY 30, 1982

Assembly Bill No. 888, of 1982, would authorize the Commissioner of the Department of Transportation (DOT) to include the costs associated with the relocation of utility facilities in the overall cost of a highway project when the project is administered and contracted for by the department. It further provides that the DOT will fully reimburse those utilities whose facilities must be relocated.

The DOT estimates additional State costs as follows:

FY 1983	\$1,600,000.00
FY 1984	\$1,744,000.00
FY 1985	\$1,901,000.00

The estimates are based on contract awards of approximately \$150 million per year. Although enactment of this bill will result in a diversion of construction funds from lower priority projects, the ultimate result may be the elimination of construction delays and the increased costs due to inflation which are associated with these delays. Additionally, administrative costs due to litigation and utility relocation negotiations will probably be avoided.

The Office of Legislative Services concurs and notes that while this will add directly 1% to the contract cost, annual contract awards fluctuate significantly from the \$150 million assumption.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

FRIDAY, JULY 29, 1983

Governor Thomas H. Kean today signed legislation to increase the number of Judges of the Juvenile and Domestic Relations Court in Monmouth, Morris and Passaic counties.

The bill, A-3548, was sponsored by Assemblyman Joseph Palaia, R-Monmouth.

Under the bill, the number of such judges would be increased from two to four in Morris and Passaic counties and from four to six in Monmouth.

The Governor also signed the following bills:

A-3074, sponsored by Assemblyman Wayne Bryant, D-Camden, to authorize county sheriffs to appoint a chief warrant officer for a term of one year without the person taking a Civil Service test.

A-888, also sponsored by Bryant, to include the cost of relocating utility facilities in the overall cost of highway projects when the project is administered and contracted for by the Department of Transportation.

A-1899, sponsored by Assemblyman Thomas Cowan, D-Hudson, to require drivers to use headlights in rain, fog, smoke or other unfavorable atmospheric conditions when it is impossible to discern persons or vehicles at a distance of 500 feet.

A-1834, sponsored by Assemblywoman Catherine Costa, D-Burlington, to establish a three-year respite care demonstration program to assist families who care for frail or severely disabled adult relatives in their homes. \$200,000 has been appropriated in the budget for the program.