

[First Reprint]

ASSEMBLY, No. 4460

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 3, 2024

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

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District 18 (Middlesex)

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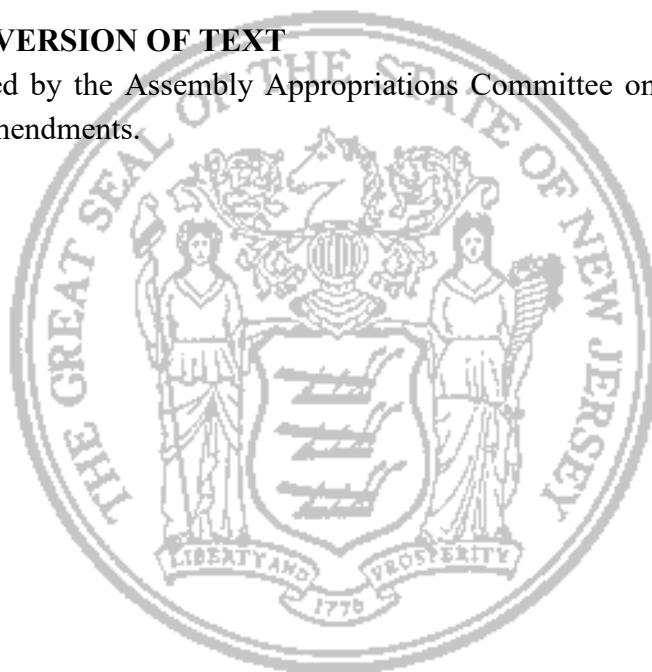
Assemblywoman Haider, Assemblyman Bergen, Assemblywomen Morales, Carter, Drulis, Katz, Assemblymen Verrelli and Inganamort

SYNOPSIS

Provides certain requirements concerning railroad safety.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 18, 2025, with amendments.



(Sponsorship Updated As Of: 12/22/2025)

1 AN ACT concerning railroad safety and supplementing Title 27 of
2 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 “Board” means the Board of Public Utilities.

10 “Branch line” means a secondary railroad track that branches off
11 from a main line.

12 “Commissioner” means the Commissioner of Transportation.

13 “Dangerous hazardous train” means any railroad locomotive
14 propelling a railroad tank car or connection of railroad tank cars
15 transporting 200,000 gallons or more of petroleum or petroleum
16 products or 20,000 gallons or more of hazardous ¹**[substances]**
17 materials¹ other than petroleum or petroleum products.

18 “Defects” include ¹**[**, but are not limited to, ¹**]** hot wheel bearings
19 ¹**[**, ¹**]** and ¹ hot wheels ¹**[**, defective bearings that are detected
20 through acoustics, dragging equipment, excessive height or weight,
21 shifted loads, low hoses, rail temperature, and wheel conditions ¹**]**.

22 “Department” means the Department of Transportation.

23 ¹**[**“Emergency services provider” means a law enforcement
24 agency; emergency medical services unit; fire department;
25 emergency communications provider; hazardous material response
26 unit; volunteer fire department; duly incorporated fire or first aid
27 company; or volunteer emergency, ambulance, or rescue squad
28 association, organization, or company that provides emergency
29 services for a local unit. ¹**]**

30 “Hazardous ¹**[substances]** material¹” means ¹**[**any Class 1
31 explosives as categorized in Division 1.1, 1.2, or 1.3, as such terms
32 are defined in 49 C.F.R. s.173.50; any flammable gases as defined
33 in 49 C.F.R. s.173.115(a); any flammable liquids as defined in 49
34 C.F.R. s.173.120(a); ¹**]** any ¹**[**hazardous ¹**]** material ¹**[**as ¹**]**
35 designated by the Secretary of Transportation as hazardous pursuant
36 to ¹**[**49 U.S.C. s.5103; any high level radioactive waste and spent
37 nuclear fuel with the same meanings given to a “type B package” or
38 a “fissile material package” as defined in 49 C.F.R. s.173.403; any
39 material poisonous by inhalation or material toxic by inhalation as
40 defined in 49 C.F.R. s.171.8; and any environmentally sensitive
41 chemicals which shall include ¹**]** the “Hazardous Materials
42 Transportation Act,” Pub.L.93-633 (49 U.S.C. s.5101 et seq.),
43 including¹, but not ¹**[**be ¹**]** limited to:

- 44 a. AllylChloride;
45 b. Carbon Tetrachloride;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 18, 2025.

- 1 c. Chlorobenzene;
- 2 d. Chloroform;
- 3 e. O-Dichlorobenzene;
- 4 f. Dichloropropane (Propylene dichloride);
- 5 g. Dichloropropane/Dichloropropene mixture;
- 6 h. Dichloropropene;
- 7 i. Ethyl Chloride;
- 8 j. Ethylene Dibromide;
- 9 k. Ethylene Dibromide and Methyl Bromide mixtures;
- 10 l. Ethylene Dichloride;
- 11 m. Epichlorohydrin;
- 12 n. Methyl Chloroform (1,1,1 Trichloroethane);
- 13 o. Methylene Chloride (Dichloromethane);
- 14 p. Methylene Chloride/Chloroform mixture;
- 15 q. Perchloroethylene (Tetrachloroethylene);
- 16 r. Perchloroethylene/Trichloroethylene mixture; and
- 17 s. Trichloroethylene.

18 ¹“Local unit” means any county or municipality, or a fire
19 district, or an agency or other instrumentality thereof, or a duly
20 incorporated volunteer fire, ambulance, first aid, emergency, or
21 rescue company or squad. “Hazardous material” shall also include
22 any new or emerging hazardous materials, as determined by the
23 commissioner, in consultation with the Commissioner of
24 Environmental Protection, that may be deemed to be
25 environmentally sensitive chemicals, including those identified by
26 the United States Environmental Protection Agency or the United
27 States Department of Transportation¹.

28 “Main line” means a Class I railroad, as documented in current
29 timetables filed by the Class I railroad with the Federal Railroad
30 Administration, over which 5,000,000 or more gross tons of
31 railroad traffic is transported annually. “Main line” includes
32 railroads used for regularly scheduled intercity or commuter rail
33 passenger service, or both.

34 “Major facility” shall have the same meaning as set forth in
35 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

36 ¹“Owner” or “operator” means, with respect to any dangerous
37 hazardous train, any person owning the dangerous hazardous train
38 or operating it by lease, contract, or other form of agreement;
39 provided, however, that the owner or operator shall not mean a
40 person who operates a dangerous hazardous train only for the
41 purposes of positioning or moving railroad tank cars within the
42 confines of a major facility or a person whose interest in a
43 dangerous hazardous train solely involves the ownership or lease of
44 one or more railroad tank cars without operational authority.¹

45 “Petroleum” or “petroleum products” shall have the same
46 meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-
47 23.11b).

48 “Railroad” means any form of non-highway ground
49 transportation that runs on rails or electromagnetic guideways,

1 including commuter or other short-haul railroad passenger service
2 in a metropolitan or suburban area, commuter railroad service ¹,¹
3 and ¹**“high speed”** high-speed¹ ground transportation systems that
4 connect metropolitan areas, without regard to whether those
5 systems use new technologies not associated with traditional
6 railroads. “Railroad” does not include rapid transit operations in an
7 urban area that are not connected to the general railroad system of
8 transportation.

9 ¹“Railroad company” means any short line or private person,
10 private company, or private entity owning a dangerous hazardous
11 train or operating a dangerous hazardous train by lease, contract, or
12 other form of agreement. “Railroad company” shall not include a
13 private person who operates a dangerous hazardous train solely for
14 the purposes of positioning or moving railroad tank cars within the
15 confines of a major facility, or whose interest in a dangerous
16 hazardous train solely involves the ownership or lease of one or
17 more railroad tank cars without operational authority.¹

18 “Short line” means an independent ¹private¹ railroad company
19 that operates over a relatively short distance.

20 “Train” means one or more locomotives coupled with or without
21 cars, requiring an air brake test in accordance with either 49 C.F.R.
22 Part 232 or 49 C.F.R. Part 238, except during switching operations
23 or where the operation is that of classifying and assembling rail cars
24 within a railroad yard for the purpose of making or breaking up
25 trains. “Train” includes a single locomotive, multiple locomotives
26 coupled together, and one or more locomotives coupled with one or
27 more cars.

28 “Wayside detector system” means an electronic device or a
29 series of connected devices that scan passing trains, rolling stock,
30 on-track equipment, and their component equipment and parts for
31 defects.

32 ¹“Wayside detector system program” or “program” means the
33 program established and implemented by the department pursuant
34 to section 6 of P.L. , c. (C.) (pending before the Legislature
35 as this bill) to oversee the installation, maintenance, repair, and
36 operation of wayside detector systems in the State by a railroad
37 company.¹

38
39 2. a. ¹**“The owner or operator of a dangerous hazardous train”**
40 (1) Except as otherwise provided in paragraph (2) of this subsection
41 and in subsection b. of this section, a railroad company¹ shall
42 require a minimum of two crew members on all dangerous
43 hazardous trains. ¹**“The owner or operator of a dangerous**
44 **hazardous train shall further require that all dangerous hazardous**
45 **trains clearly display the name of the railroad company that owns**
46 **the dangerous hazardous train.”**

47 (2) If a dangerous hazardous train originates its operation
48 outside of the State without a minimum of two crew members

1 aboard, the dangerous hazardous train may continue operating
2 through the State without a minimum of two crew members aboard.
3 However, if the dangerous hazardous train makes a stop within the
4 State to add or reduce the number of train cars, the dangerous
5 hazardous train shall not resume its operation until at least two crew
6 members are aboard the dangerous hazardous train¹.

7 b. ¹**【The owner or operator of a dangerous hazardous train】** A
8 railroad company¹ shall not be required to provide a minimum of
9 two crew members on a dangerous hazardous train if:

10 (1) the train is using a locomotive or a group of locomotives to
11 assist another train that has incurred mechanical failure or lacks the
12 power to traverse difficult terrain, including traveling to or from a
13 location where assistance is provided;

14 (2) the train is a tourist, scenic, historic, or excursion operation
15 that is not part of the general railroad system of transportation;

16 (3) the train is a locomotive not attached to railcars, is located
17 inside a rail yard, and is being moved between tracks in order to
18 keep the train organized and on schedule or is being moved to or
19 from a maintenance shop; or

20 (4) ¹**【the owner or operator】** a railroad company¹ is exempted
21 from the two-person crew requirement by the ¹**【Commissioner of**
22 **Transportation】** commissioner¹ due to having not more than 15
23 employees and operating a train at a maximum authorized speed of
24 not more than 15 miles per hour.

25 c. Notwithstanding the exceptions listed in ¹**【subsection】**
26 subsections a. and¹ b. of this section, ¹**【the owner or operator of a**
27 **dangerous hazardous train】** a railroad company¹ shall require a
28 minimum of two crew members on a dangerous hazardous train
29 when the dangerous hazardous train is transporting:

30 (1) one or more loaded freight cars containing any material
31 poisonous by inhalation as defined in 49 C.F.R. s.171.8, including
32 anhydrous ammonia (UN1005) and ammonia solutions (UN 3318);
33 or

34 (2) 10 or more loaded freight cars or freight cars loaded with
35 bulk packaging as defined in 49 C.F.R. s.171.8 or ¹one or more¹
36 intermodal portable tanks containing any combination of these
37 materials or any Division 2.1 flammable gases as defined in 49
38 C.F.R. s.173.115(a), Class 3 flammable liquids as defined in 49
39 C.F.R. s.173.120(a), Class 1 explosives categorized in Division 1.1
40 or 1.2 as such terms are defined in 49 C.F.R. s.173.50, or hazardous
41 substances listed in 49 C.F.R. s.173.31(f)(2).
42

43 3. a. A railroad company ¹**【**, including a short line,**】**¹ operating
44 within this State on any main line or branch line shall not operate,
45 or permit to be operated, on any part of a main line or branch line,
46 any train which exceeds 8,500 feet in length.

47 b. Notwithstanding section 4 of P.L. , c. (C.) (pending
48 before the Legislature as this bill):

1 (1) a ¹~~["person or"]~~¹ railroad ¹company¹ violating any provision
2 of this section shall be liable for a civil penalty. Any civil penalty
3 imposed may be collected, and any costs incurred in connection
4 therewith may be recovered, in a summary proceeding pursuant to
5 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
6 10 et seq.). The Superior Court shall have jurisdiction to enforce
7 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-
8 10 et seq.).

9 (2) the amount of the civil penalty shall be at least \$500 but not
10 more than \$1,000 ¹~~["per foot exceeding"]~~ if the train exceeds¹ the
11 maximum train length provided in subsection a. of this section;
12 ¹~~["provided that"]~~ however¹, when a grossly negligent violation or a
13 pattern of repeated violations has caused an imminent hazard of
14 death or injury to individuals ¹₂¹ or has caused death or injury, the
15 amount of the civil penalty shall not be more than \$250,000,
16 regardless of the length of the train. ¹Each day the violation
17 continues shall constitute a separate and distinct violation.

18 c. Notwithstanding subsection a. of this section, the
19 commissioner may grant a temporary waiver from the train length
20 limitation in the event of a declared State or federal emergency,
21 natural disaster, or when the commissioner reasonably determines
22 that it is in the public interest to maintain critical freight movement.
23 Upon application by a railroad company, such waivers shall be
24 granted in writing for a period not to exceed 30 days. A waiver
25 shall only remain in effect for the duration of the declared State or
26 federal emergency, natural disaster, or for the time that the
27 commissioner deems reasonably necessary. However, a waiver
28 shall not extend beyond 30 days without resubmission of a waiver
29 request by a railroad company and re-approval by the commissioner
30 upon a showing of continued need.¹

31
32 4. Except as provided in section 3 of P.L. , c. (C.)
33 (pending before the Legislature as this bill), the provisions of
34 P.L. , c. (C.) (pending before the Legislature as this bill)
35 shall not apply to ¹~~["the owner or operator of"]~~ a railroad company
36 that is¹ a Class III carrier, as defined by the Surface Transportation
37 Board pursuant to 49 C.F.R. Part 1201.1-1, that operates within a
38 single municipality on not more than 25 total track miles and is
39 engaged in switching or terminal railroad services. Nothing
40 contained herein shall be construed to exempt a major facility from
41 the provisions of the "Spill Compensation and Control Act,"
42 P.L.1976, c.141 (C.58:10-23.11 et seq.).

43
44 5. ¹~~["The owner or operator of each privately owned"]~~ A¹
45 railroad ¹company¹ shall submit a copy of the most recent bridge
46 inspection report generated pursuant to the federal "Fixing
47 America's Surface Transportation Act," Pub.L.114-94 for every
48 bridge in this State owned by the railroad ¹~~["],~~ or upon which the

1 railroad is located,] company¹ to the ¹【Commissioner of
2 Transportation】 commissioner¹, the Governor and, pursuant to
3 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature ¹within
4 30 days of each inspection¹

5
6 ¹【6.a. The Board of Public Utilities in conjunction with the New
7 Jersey Department of Transportation shall work with each railroad
8 company that operates a train in the State to ensure that wayside
9 detector systems are installed and are operating along railroad
10 tracks on which the railroad company operates and to ensure that
11 such systems meet all of the following standards:

12 (1) the wayside detector systems are properly installed,
13 maintained, repaired, and operational in accordance with the latest
14 guidelines issued by the United States Department of
15 Transportation, the Federal Railroad Administration, and the
16 Association of American Railroads;

17 (2) any expired, non-working, or outdated wayside detector
18 system or component parts of a system are removed and replaced
19 with new parts or an entirely new system that reflects the current
20 best practices and standards of the industry;

21 (3) the railroad company has defined, written standards and
22 training for its employees pertaining to wayside detector system
23 defect alerts, the course of action that employees are required to
24 take to respond to an alert, and appropriate monitoring and
25 responses by the company if employees fail to take the required
26 course of action; and

27 (4) the distance between wayside detector systems is appropriate
28 when accounting for the natural terrain surrounding the railroad
29 track on which the railroad operates and the safety of the trains,
30 rolling stock, on-track equipment, operators, passengers, and
31 persons and property in the vicinity of the railroad track so that if
32 defects are detected, operators have sufficient time to:

33 (a) respond to the alerts projected by the wayside detector
34 system;

35 (b) stop the train, rolling stock, or on-track equipment, if
36 necessary; and

37 (c) make all necessary repairs or, if repair is impossible at the
38 location, to remove the component parts or equipment that is
39 defective.

40 b. If a railroad company refuses to work or otherwise cooperate
41 with the board and the department in good faith in accordance with
42 this section, the board and the department shall investigate the
43 railroad company's safety practices and standards. The board and
44 the department shall determine whether the company appears to be
45 in compliance with federal railroad safety standards, as defined in
46 49 C.F.R. Part 209.

47 c. If the board and the department determine that a railroad
48 company does not appear to be in compliance with the applicable

1 federal standards pursuant to subsection b. of this section, the board
2 and the department shall:

3 (1) make a report to the Federal Railroad Administration within
4 60 days of making the determination pursuant to subsection b. of
5 this section. The report shall detail the results of the investigation
6 and recommend that the administration take enforcement action
7 against the railroad company in accordance with its authority for the
8 safety violations discovered through the investigation; and

9 (2) send a copy of the report to the Governor and, pursuant to
10 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.】¹

11
12 ¹6. a. Within one year following the enactment of P.L. ,
13 c. (C.) (pending before the Legislature as this bill), the
14 department shall establish a wayside detector system program in
15 which the department shall work with each railroad company that
16 operates a dangerous hazardous train in the State to:

17 (1) determine the appropriate type of wayside detector system
18 for a section of track under the control or ownership of the railroad
19 company or along railroad tracks on which the railroad company
20 operates and ensure that wayside detector systems are installed by
21 the railroad company; and

22 (2) ensure that each wayside detector system installed pursuant
23 to this section shall consider all relevant factors, including, but not
24 limited to: the natural terrain surrounding the railroad track on
25 which the railroad company operates; the safety of the trains;
26 rolling stock; on-track equipment; operators and passengers; the
27 clarity and accuracy of radio communications; the length of the
28 train; the frequency of the trains; and persons and property in the
29 vicinity of the railroad track so that if defects are detected,
30 operators have sufficient time to:

31 (a) respond to the alerts projected by the wayside detector
32 system;

33 (b) stop the train, rolling stock, or on-track equipment, if
34 necessary; and

35 (c) make all necessary repairs or, if repair is impossible at the
36 location, to remove the component parts or equipment that are
37 defective.

38 b. The department shall determine the standards and
39 requirements for the inspection, maintenance, repair, and
40 replacement of wayside detector systems installed pursuant to this
41 section.

42 c. The department may require each railroad company that
43 operates a dangerous hazardous train in the State to participate in
44 the wayside detector system program.

45 d. Each railroad company required by the department to
46 participate in the program shall submit to the department in the
47 time, form, and manner prescribed by the department, the written
48 standards and training for the railroad company's employees
49 pertaining to wayside detector systems, which written standards

1 shall include, but not be limited to: defect alerts and the course of
2 action that employees are required to take to respond to an alert;
3 appropriate monitoring and responses by the railroad company if
4 employees fail to take the required course of action; and any other
5 requirements imposed by the department.

6 e. (1) The railroad company participating in the program shall:

7 (a) inspect, maintain, and repair the wayside detector systems in
8 a manner consistent with the standards set by the department
9 pursuant to subsection b. of this section;

10 (b) ensure that each wayside detector system installed by the
11 railroad company is operational and complies with the latest
12 guidelines issued by the United States Department of
13 Transportation, the Federal Railroad Administration, and the
14 Association of American Railroads;

15 (c) ensure that any expired, non-working, or outdated wayside
16 detector systems or component parts of a system are removed and
17 replaced with new parts or entirely new systems that reflect the
18 current best practices and standards of the industry; and

19 (d) submit a written report to the department, in the time, form,
20 and manner prescribed by the department and in accordance with
21 any applicable requirements of the program.

22 (2) When more than one railroad company or entity share
23 responsibility for the inspection, maintenance, repair, and
24 replacement of wayside detector systems installed pursuant to this
25 section, the department shall provide written notice to each railroad
26 company or entity, as applicable, which notice shall indicate the
27 railroad company or entity that shall be responsible for the
28 submission of the written report required under subparagraph (d) of
29 paragraph (1) of this subsection for the wayside detector system.

30 f. If a railroad company unreasonably refuses to work or
31 otherwise cooperate with the department in good faith in
32 accordance with this section, the department shall investigate the
33 railroad company's safety practices and standards. The department
34 shall determine whether the railroad company appears to comply
35 with federal railroad safety standards, as defined in 49 C.F.R. Part
36 209.

37 g. If the department determines that a railroad company does
38 not appear to comply with the applicable federal standards pursuant
39 to subsection f. of this section, the department shall:

40 (1) make a report to the Federal Railroad Administration within
41 60 days of making the determination pursuant to subsection f. of
42 this section. The report shall detail the results of the investigation
43 and recommend that the Federal Railroad Administration take
44 enforcement action against the railroad company, in accordance
45 with the Federal Railroad Administration's authority, for the safety
46 violations discovered through the investigation; and

47 (2) send a copy of the report to the Governor and, pursuant to
48 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

1 h. The department shall develop and administer a funding
2 assistance program for railroad companies operating within the
3 State to support compliance with the installation and maintenance
4 requirements set forth in subsection a. of this section. At a
5 minimum, the funding assistance program shall:

6 (1) prioritize assistance based on a risk assessment that
7 considers:

8 (a) the volume and frequency of dangerous hazardous train
9 traffic on a given route;

10 (b) the railroad's proximity to densely populated communities
11 or environmentally sensitive areas, as determined by the
12 department, in consultation with the New Jersey Department of
13 Environmental Protection;

14 (c) the railroad's accident or derailment history;

15 (d) existing gaps in detection coverage;

16 (e) the financial capacity of the railroad company; and

17 (f) whether the railroad is classified as a short line;

18 (2) provide grants, reimbursements, or technical assistance to
19 cover eligible costs related to the acquisition, installation,
20 modernization, and maintenance of wayside detector systems;

21 (3) establish clear application procedures, deadlines, and
22 documentation requirements;

23 (4) require that the funding assistance program recipients submit
24 annual reports to the department detailing expenditures, system
25 performance, and maintenance activities; and

26 (5) be subject to audit by the State Auditor or other appropriate
27 oversight body to ensure compliance and fiscal integrity.¹

28
29 7. ¹**【All non-profit labor organizations representing a class or**
30 craft of employees of rail carriers or rail carrier contractor officials
31 shall be permitted to enter onto railroad property to assist in
32 inspecting for safety hazards and shall be permitted to identify
33 alleged safety hazards, including any potential violation of a State
34 regulation or a Federal Railroad Administration regulation】

35 a. As used in this section:

36 “Labor representative” or “representative” means a member of a
37 non-profit labor organization.

38 “Non-profit labor organization” means a non-profit labor
39 organization that represents a class or craft of employees of rail
40 carriers or rail carrier contractor officials.

41 “Trade secret” means the same as that term is defined in section
42 2 of P.L.2011, c.161 (C.56:15-2).

43 b. A labor representative who has been designated by a non-
44 profit labor organization as an inspector with relevant knowledge
45 and experience with hazards on railroad property may enter the
46 property of a privately owned railroad to inspect for safety hazards
47 pursuant to State and federal regulations. The railroad company
48 shall be permitted to designate a railroad company employee to

1 accompany the labor representative at all times on the privately
2 owned railroad property.

3 c. Notwithstanding subsection b. of this section, a railroad
4 company may deny a request by a labor representative to enter the
5 property of the privately owned railroad no more than twice in a
6 calendar year for bona fide business reasons, including workforce
7 shortages, temporary railroad closures due to scheduled
8 maintenance or emergency repairs, or extreme weather conditions.
9 However, if a railroad company denies a request by a labor
10 representative to enter the property pursuant to this subsection, the
11 railroad company shall promptly coordinate with the labor
12 representative to arrange for the labor representative to enter the
13 property on a later date.

14 d. Notwithstanding subsection b. of this section, a railroad
15 company may deny a labor representative access to areas of the
16 property of a privately owned railroad:

17 (1) as necessary to protect against the unauthorized disclosure of
18 the railroad company's trade secrets, proprietary information, or
19 confidential information; or

20 (2) that are unrelated to any pending or existing contracts
21 between the railroad company and the non-profit labor organization.

22 e. While on the premises of a privately owned railroad
23 pursuant to subsection b. of this section, a labor representative shall
24 carry valid photo identification and written authorization issued by
25 the non-profit labor organization, which identification and
26 authorization shall be presented upon the request of a railroad
27 company or any law enforcement officer with jurisdiction over the
28 property.

29 f. (1) A labor representative acting in good faith and without
30 gross negligence or willful misconduct shall be immune from civil
31 liability for actions undertaken while on the property of the
32 privately owned railroad.

33 (2) A railroad company shall not be permitted to bring a claim
34 against a labor representative alleging an act of trespass upon the
35 railroad property during an inspection conducted pursuant to this
36 section.

37 (3) An employee of a privately owned railroad shall not be
38 subject to disciplinary action by the privately owned railroad for
39 any State or federal railroad safety violations identified during an
40 inspection conducted pursuant to this section.

41 g. A railroad company may require a labor representative to
42 execute nondisclosure agreements to protect trade secrets or
43 confidential information viewed during an inspection, except as
44 necessary to report hazardous conditions or violations to State or
45 federal regulatory agencies.

46 h. (1) An officer, employee, or agent of the department, at
47 reasonable times and in a reasonable manner, may enter and inspect
48 railroad equipment, facilities, rolling stock, operations, and relevant
49 records. The railroad company may designate an employee to

1 accompany the officer, employee, or agent of the department at all
2 times on the privately owned railroad property. The officer,
3 employee, or agent of the department shall carry valid photo
4 identification and written authorization issued by the department,
5 which identification and authorization shall be presented upon the
6 request of an employee of the railroad company or any law
7 enforcement officer with jurisdiction over the property.

8 (2) In the course of conducting inspections and related safety
9 investigations pursuant to paragraph (1) of this subsection, the
10 department may take actions the department deems necessary,
11 including:

12 (a) generating reports, issuing subpoenas, requiring the
13 production of records, taking depositions, and prescribing
14 recordkeeping and reporting requirements; and

15 (b) delegating the inspection, examination, and testing of
16 railroad equipment, facilities, rolling stock, operations, and persons
17 to either a qualified public entity or qualified person, as determined
18 by the department¹.

19
20 ¹**[8. The New Jersey Department of Transportation shall assist**
21 **non-profit labor organizations representing a class or craft of**
22 **employees of rail carriers or rail carrier contractors and local**
23 **emergency services providers to apply for federal infrastructure**
24 **safety grants, including grants available under the Consolidated**
25 **Rail Infrastructure Safety Improvements (CRISI) Program pursuant**
26 **to 49 U.S.C. s.22907 and any “Inflation Reduction Act of 2022,”**
27 **Pub.L.117-169 program that may provide funding for these**
28 **applicants.]**¹

29
30 ¹**[9.]** 8.¹ a. The ¹**[Department of Transportation]** department
31 shall adopt rules and regulations pursuant to the “Administrative
32 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate
33 the purposes of ¹**[sections 2 through 5 and sections 7 and 8 of this**
34 act] P.L. , c. (C.) (pending before the Legislature as this
35 bill)¹ within 18 months after the effective date of ¹**[this act]** P.L. ,
36 c. (C.) (pending before the Legislature as this bill).

37 b. Within one year after the enactment of P.L. , c. (C.)
38 (pending before the Legislature as this bill), the department shall
39 promulgate rules and regulations requiring railroad companies
40 operating within the State to install and maintain wayside detector
41 systems along railroad tracks.

42 c. Notwithstanding any law, rule, or regulation to the contrary,
43 the department shall implement the provisions of 49 C.F.R. Part 239
44 concerning emergency response, which provisions shall apply to all
45 railroad companies operating within the State moving either
46 passengers or freight. The department, within 30 days after a
47 proposed major substantive change to the provisions of 49 C.F.R.
48 Part 239 that, if adopted, would necessitate a corresponding
49 substantive change to the implementation of the provisions of 49

1 C.F.R. Part 239 adopted pursuant to this section, shall provide
2 written notice and a summary of the proposed substantive change to
3 all railroads operating within the State moving either passengers or
4 freight¹.

5 ¹**[b.] d.**¹ The ¹**[Board of Public Utilities in conjunction with**
6 **the Department of Transportation shall adopt rules and regulations**
7 **pursuant to the “Administrative Procedure Act,” P.L.1968, c.410**
8 **(C.52:14B-1 et seq.), to effectuate the purposes of section 6 of this**
9 **act within 18 months after the effective date of this act]** department
10 shall coordinate with the board through a memorandum of
11 understanding to ensure alignment of regulatory activities where
12 railroad safety initiatives intersect with utility infrastructure, grade
13 crossings, or energy-related systems under the jurisdiction of the
14 board¹.

15
16 ¹**[10.] 9.**¹ If any provision of P.L. , c. (C.) (pending
17 before the Legislature as this bill) or its application to any person or
18 circumstance is held invalid, the invalidity shall not affect any other
19 provision or application of P.L. , c. (C.) (pending before
20 the Legislature as this bill) which can be given effect without the
21 invalid provision or application, and to this end the provisions of
22 P.L. , c. (C.) (pending before the Legislature as this bill)
23 are severable.

24
25 ¹**[11.] 10.**¹ This act shall take effect immediately.