

[First Reprint]

**ASSEMBLY, No. 4460**

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**STATE OF NEW JERSEY**

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**221st LEGISLATURE**

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INTRODUCED JUNE 3, 2024

**Sponsored by:**

**Assemblyman CLINTON CALABRESE**  
**District 36 (Bergen and Passaic)**  
**Assemblyman ROBERT J. KARABINCHAK**  
**District 18 (Middlesex)**  
**Assemblywoman ELLEN J. PARK**  
**District 37 (Bergen)**

**Co-Sponsored by:**

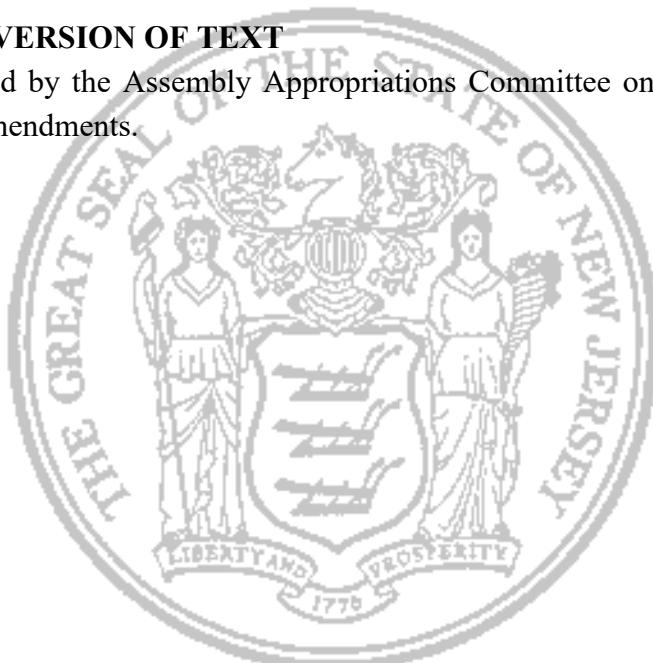
**Assemblywoman Haider, Assemblyman Bergen, Assemblywomen Morales,  
Carter, Drulis, Katz, Assemblymen Verrelli and Inganamort**

**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[subststances]**  
17 materials<sup>1</sup> other than petroleum or petroleum products.

18      “Defects” include **1[**, but are not limited to, **1]** hot wheel bearings  
19 **1[,] and**<sup>1</sup> 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[subststances]** material<sup>1</sup>” 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 including<sup>1</sup>, 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:**

**<sup>1</sup>Assembly 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     ~~“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 Transportation<sup>1</sup>.

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     ~~“Owner” or “operator” means, with respect to any dangerous~~  
37       
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.]~~<sup>1</sup>

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<sup>1,1</sup>  
3 and ~~1~~ high speed high-speed<sup>1</sup> 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.<sup>1</sup>

18 “Short line” means an independent ‘private’<sup>1</sup> 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.<sup>1</sup>

38  
39 2. a. ~~1~~ 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 company<sup>1</sup> 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.~~1~~

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 train<sup>1</sup>.

7       b. ~~1~~The owner or operator of a dangerous hazardous train A  
8       railroad company<sup>1</sup> 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 company<sup>1</sup> is exempted  
21      from the two-person crew requirement by the ~~1~~Commissioner of  
22      Transportation commissioner<sup>1</sup> 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 subsections a. and<sup>1</sup> b. of this section, ~~1~~the owner or operator of a  
26      dangerous hazardous train a railroad company<sup>1</sup> shall require a  
27      minimum of two crew members on a dangerous hazardous train  
28      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 ~~1~~one or more<sup>1</sup>  
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~~L, including a short line,J<sup>1</sup> 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~~<sup>1</sup> railroad ~~1~~<sup>company</sup><sup>1</sup> 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~~<sup>1</sup> per foot exceeding ~~1~~<sup>1</sup> if the train exceeds<sup>1</sup> the  
11 maximum train length provided in subsection a. of this section;  
12 ~~1~~<sup>1</sup> provided that ~~1~~<sup>1</sup> however<sup>1</sup>, when a grossly negligent violation or a  
13 pattern of repeated violations has caused an imminent hazard of  
14 death or injury to individuals ~~1~~<sup>1</sup> 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. ~~1~~<sup>1</sup> Each 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.<sup>1</sup>

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~~<sup>1</sup> the owner or operator of ~~1~~<sup>1</sup> a railroad company  
36 that is<sup>1</sup> 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~~<sup>1</sup> The owner or operator of each privately owned ~~1~~<sup>1</sup> A<sup>1</sup>  
45 railroad ~~1~~<sup>1</sup> company<sup>1</sup> 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~~<sup>1</sup>, or upon which the

1 railroad is located,] company<sup>1</sup> to the <sup>1</sup>[Commissioner of  
2 Transportation] commissioner<sup>1</sup>, the Governor and, pursuant to  
3 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature <sup>1</sup>within  
4 30 days of each inspection<sup>1</sup>

5

6 <sup>1</sup>[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.]<sup>1</sup>

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.<sup>1</sup>

28  
29       7. <sup>1</sup>【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 department<sup>1</sup>.

19

20       ~~'~~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.]<sup>1</sup>

29

30       ~~'~~9. 8. a. The ~~'~~Department of Transportation department<sup>1</sup>  
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 ~~'~~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)<sup>1</sup> within 18 months after the effective date of ~~'~~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     freight<sup>1</sup>.

5     ~~'[b.] d.'~~<sup>1</sup> The ~~'[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    board<sup>1</sup>.

15

16     ~~'[10.] 9.'~~<sup>1</sup> 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     ~~'[11.] 10.'~~<sup>1</sup> This act shall take effect immediately.