

[Second Reprint]
SENATE, No. 3389

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED JUNE 6, 2024

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)
Senator RAJ MUKHERJI
District 32 (Hudson)
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)
Assemblyman ROBERT J. KARABINCHAK
District 18 (Middlesex)
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District 37 (Bergen)

Co-Sponsored by:

Senators Johnson, Timberlake, Greenstein, 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 amended by the General Assembly on December 22, 2025.



(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 ²**【substances】**
17 materials² other than petroleum or petroleum products.

18 “Defects” include ¹**【**, but are not limited to,]¹ hot wheel bearings
19 ¹**【,】 and**¹ hot wheels ¹**【**, defective bearings that are detected through
20 acoustics, dragging equipment, excessive height or weight, shifted
21 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; emergency
25 communications provider; hazardous material response unit; volunteer
26 fire department; duly incorporated fire or first aid company; or
27 volunteer emergency, ambulance, or rescue squad association,
28 organization, or company that provides emergency services for a local
29 unit.]¹

30 “Hazardous ²**【substances】** material²” means ²**【any** Class 1
31 explosives ¹**【as]**¹ categorized in Division 1.1, 1.2, or 1.3, as such
32 terms are defined in 49 C.F.R. s.173.50; any flammable gases as
33 defined in 49 C.F.R. s.173.115(a); any flammable liquids as defined in
34 49 C.F.R. s.173.120(a);]² any ²**【hazardous]**² material ¹**【as]**¹
35 designated by the Secretary of Transportation as hazardous pursuant to
36 ²**【49 U.S.C. s.5103; any high level radioactive waste and spent nuclear**
37 **fuel with the same meanings given to a “type B package” or a “fissile**
38 **material package” as defined in 49 C.F.R. s.173.403; any material**
39 **poisonous by inhalation or material toxic by inhalation as defined in**
40 **49 C.F.R. s.171.8; and any environmentally sensitive chemicals which**
41 **shall include]** the “Hazardous Materials Transportation Act,”
42 Pub.L.93-633 (49 U.S.C. s.5101 et seq.), including², but not ²**【be]**²
43 limited to:

**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:

¹Senate SBA committee amendments adopted November 13, 2025.

²Assembly floor amendments adopted December 22, 2025.

- 1 a. AllylChloride;
- 2 b. Carbon Tetrachloride;
- 3 c. Chlorobenzene;
- 4 d. Chloroform;
- 5 e. O-Dichlorobenzene;
- 6 f. Dichloropropane (Propylene dichloride);
- 7 g. Dichloropropane/Dichloropropene mixture;
- 8 h. Dichloropropene;
- 9 i. Ethyl Chloride;
- 10 j. Ethylene Dibromide;
- 11 k. Ethylene Dibromide and Methyl Bromide mixtures;
- 12 l. Ethylene Dichloride;
- 13 m. Epichlorohydrin;
- 14 n. Methyl Chloroform (1,1,1 Trichloroethane);
- 15 o. Methylene Chloride (Dichloromethane);
- 16 p. Methylene Chloride/Chloroform mixture;
- 17 q. Perchloroethylene (Tetrachloroethylene);
- 18 r. Perchloroethylene/Trichloroethylene mixture; ¹and¹ ²and²
- 19 s. Trichloroethylene ¹;

20 “Local unit” means any county or municipality, or a fire district, or
21 an agency or other instrumentality thereof, or a duly incorporated
22 volunteer fire, ambulance, first aid, emergency, or rescue company or
23 squad¹ ²; and

24 t. any new or emerging hazardous substances, as determined by
25 the commissioner, in consultation with the Commissioner of
26 Environmental Protection, that may be deemed to be environmentally
27 sensitive chemicals, including those identified by the United States
28 Environmental Protection Agency or the United States Department of
29 Transportation¹. “Hazardous material” shall also include any new
30 or emerging hazardous materials, as determined by the commissioner,
31 in consultation with the Commissioner of Environmental Protection,
32 that may be deemed to be environmentally sensitive chemicals,
33 including those identified by the United States Environmental
34 Protection Agency or the United States Department of Transportation².

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

41 “Major facility” shall have the same meaning as set forth in section
42 3 of P.L.1976, c.141 (C.58:10-23.11b).

43 ²“Owner” or “operator” means, with respect to any dangerous
44 hazardous train, any ¹private¹ person owning the dangerous hazardous
45 train or operating it by lease ¹from a privately owned or public
46 railroad¹, contract, or other form of agreement; ¹provided,¹
47 however, ¹that the¹ ^{“1} owner ^{1”1} or ^{1“1} operator ^{1”1} shall not mean a
48 ¹private¹ person who operates a dangerous hazardous train only for the

1 purposes of positioning or moving railroad tank cars within the
2 confines of a major facility or a ¹private¹ person whose interest in a
3 dangerous hazardous train solely involves the ownership or lease of
4 one or more railroad tank cars without operational authority.]²

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

7 “Railroad” means any form of non-highway ground transportation
8 that runs on rails or electromagnetic guideways, including commuter
9 or other short-haul railroad passenger service in a metropolitan or
10 suburban area, commuter railroad service ^{1,1} and ¹high speed]high-
11 speed¹ ground transportation systems that connect metropolitan areas,
12 without regard to whether those systems use new technologies not
13 associated with traditional railroads. “Railroad” does not include rapid
14 transit operations in an urban area that are not connected to the general
15 railroad system of transportation.

16 ²“Railroad company” means any short line or private person,
17 private company, or private entity owning a dangerous hazardous train
18 or operating a dangerous hazardous train by lease, contract, or other
19 form of agreement. “Railroad company” shall not include a private
20 person who operates a dangerous hazardous train solely for the
21 purposes of positioning or moving railroad tank cars within the
22 confines of a major facility, or whose interest in a dangerous
23 hazardous train solely involves the ownership or lease of one or more
24 railroad tank cars without operational authority.²

25 “Short line” means an independent ²private² railroad company that
26 operates over a relatively short distance.

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

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

37 ²“Wayside detector system program” or “program” means the
38 program established and implemented by the department pursuant to
39 section 6 of P.L. , c. (C.) (pending before the Legislature as
40 this bill) to oversee the installation, maintenance, repair, and operation
41 of wayside detector systems in the State by a railroad company.²

42 2. a. ²[The owner or operator of a dangerous hazardous train]
43 (1) Except as otherwise provided in paragraph (2) of this subsection
44 and in subsection b. of this section, a railroad company² shall require a
45 minimum of two crew members on all dangerous hazardous trains.
46 ¹[The owner or operator of a dangerous hazardous train shall further

1 require that all dangerous hazardous trains clearly display the name of
2 the railroad company that owns the dangerous hazardous train.]¹

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

11 b. ²【The owner or operator of a dangerous hazardous train】 A
12 railroad company² shall not be required to provide a minimum of two
13 crew members on a dangerous hazardous train if:

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

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

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

24 (4) ²【the owner or operator】 a railroad company² is exempted
25 from the two-person crew requirement by the ¹【Commissioner of
26 Transportation】 commissioner¹ due to having not more than 15
27 employees and operating a train at a maximum authorized speed of not
28 more than 15 miles per hour.

29 c. Notwithstanding the exceptions listed in ²【subsection】
30 subsections a. and² b. of this section, ²【the owner or operator of a
31 dangerous hazardous train】 a railroad company² shall require a
32 minimum of two crew members on a dangerous hazardous train when
33 the dangerous hazardous train is transporting:

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

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

45

46 3. a. A railroad company ²【, including a short line,】² operating
47 within this State on any main line or branch line shall not operate, or

1 permit to be operated, on any part of a main line or branch line, any
2 train which exceeds 8,500 feet in length.

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

5 (1) a ~~1~~person or ~~2~~privately owned¹~~1~~² railroad ~~2~~company²
6 violating any provision of this section shall be liable for a civil
7 penalty. Any civil penalty imposed may be collected, and any costs
8 incurred in connection therewith may be recovered, in a summary
9 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
10 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have
11 jurisdiction to enforce the "Penalty Enforcement Law of 1999,"
12 P.L.1999, c.274 (C.2A:58-10 et seq.).

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

22 c. Notwithstanding subsection a. of this section, the
23 commissioner may grant a temporary waiver from the train length
24 limitation in the event of a declared State or federal emergency, natural
25 disaster, or when the commissioner reasonably determines that it is in
26 the public interest to maintain critical freight movement. Upon
27 application by ~~2~~an owner or operator~~1~~² a railroad company² , such
28 waivers shall be granted in writing for a period not to exceed 30 days.
29 A waiver shall only remain in effect for the duration of the declared
30 State or federal emergency, natural disaster, or for the time that the
31 commissioner deems reasonably necessary. However, a waiver shall
32 not extend beyond 30 days without resubmission of a waiver request
33 by ~~2~~an owner or operator~~1~~² a railroad company² and re-approval by
34 the commissioner upon a showing of continued need.¹

35

36 4. Except as provided in section 3 of P.L. , c. (C.)
37 (pending before the Legislature as this bill), the provisions of P.L. ,
38 c. (C.) (pending before the Legislature as this bill) shall not
39 apply to ~~2~~the owner or operator of~~1~~² a railroad company that is² a
40 Class III carrier, as defined by the Surface Transportation Board
41 pursuant to 49 C.F.R. Part 1201 1-1, that operates within a single
42 municipality on not more than 25 total track miles and is engaged in
43 switching or terminal railroad services. Nothing contained herein shall
44 be construed to exempt a major facility from the provisions of the
45 "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-
46 23.11 et seq.).

1 5. ~~2~~【The owner or operator of each privately owned】 ~~A~~² railroad
2 ~~company~~² shall submit a copy of the most recent bridge inspection
3 report generated pursuant to the federal “Fixing America’s Surface
4 Transportation Act,” Pub.L.114-94 for every bridge in this State
5 owned by the ~~2~~【~~privately owned~~¹】² railroad ~~1~~【, or upon which the
6 railroad is located,】¹ ~~2~~company² to the ~~1~~【Commissioner of
7 Transportation】 ~~commissioner~~¹, the Governor and, pursuant to section
8 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature ~~1~~【within 30 days of
9 each inspection¹】.

10

11 ~~2~~【6. a. The ~~1~~【Board of Public Utilities】 department¹ in
12 conjunction with the ~~1~~【New Jersey Department of Transportation】
13 board¹ shall work with each railroad company that operates a train in
14 the State to determine the appropriate type of wayside detector
15 system for a section of track¹ ensure that wayside detector systems are
16 installed and are operating along railroad tracks on which the railroad
17 company operates¹,¹ and ~~1~~【to】¹ ensure that such systems meet ~~1~~【all
18 of】¹ the following standards:

19 (1) the wayside detector systems are properly installed,
20 maintained, repaired, and operational in accordance with the latest
21 guidelines issued by the United States Department of Transportation,
22 the Federal Railroad Administration, and the Association of American
23 Railroads;

24 (2) any expired, non-working, or outdated wayside detector
25 ~~1~~【system】 systems¹,¹ or component parts of a system ¹,¹ are removed
26 and replaced with new parts or ~~1~~【an】¹ entirely new ~~1~~【system】
27 systems¹ that ~~1~~【reflects】 reflect¹ the current best practices and
28 standards of the industry;

29 (3) the railroad company has defined, written standards and
30 training for its employees pertaining to wayside detector system defect
31 alerts, the course of action that employees are required to take to
32 respond to an alert, and appropriate monitoring and responses by the
33 company if employees fail to take the required course of action; and

34 (4) the distance between wayside detector systems is
35 ~~1~~【appropriate】 reasonable¹ when ~~1~~【accounting for】 considering all
36 relevant factors, including, but not limited to:¹ the natural terrain
37 surrounding the railroad track on which the railroad operates ~~1~~【and】¹;¹
38 the safety of the trains, rolling stock, on-track equipment, operators,
39 ~~1~~【and】¹ passengers ~~1~~【,】¹ ; the clarity and accuracy of radio
40 communications; the length of the train; the frequency of the trains;¹
41 and persons and property in the vicinity of the railroad track so that if
42 defects are detected, operators have sufficient time to:

43 (a) respond to the alerts projected by the wayside detector system;
44 (b) stop the train, rolling stock, or on-track equipment, if
45 necessary; and

1 (c) make all necessary repairs or, if repair is impossible at the
2 location, to remove the component parts or equipment that ¹is1 are¹
3 defective.

4 b. If a railroad company ¹unreasonably¹ refuses to work or
5 otherwise cooperate with the board and the department in good faith in
6 accordance with this section, the board and the department shall
7 investigate the railroad company's safety practices and standards. The
8 board and the department shall determine whether the company
9 appears to be in compliance with federal railroad safety standards, as
10 defined in 49 C.F.R. Part 209.

11 c. If the board and the department determine that a railroad
12 company does not appear to be in compliance with the applicable
13 federal standards pursuant to subsection b. of this section, the board
14 and the department shall:

15 (1) make a report to the Federal Railroad Administration within 60
16 days of making the determination pursuant to subsection b. of this
17 section. The report shall detail the results of the investigation and
18 recommend that the administration take enforcement action against the
19 railroad company ¹1 in accordance with ¹its1 the administration's¹
20 authority ¹1 for the safety violations discovered through the
21 investigation; and

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

24 ¹d. The board, in collaboration with the department, shall develop
25 and administer a funding assistance program for railroad companies
26 operating within the State to support compliance with the installation
27 and maintenance requirements set forth in subsection a. of this section.
28 At a minimum, the funding assistance program shall:

29 ¹(1) prioritize assistance based on a risk assessment that considers:
30 (a) the volume and frequency of dangerous hazardous train traffic
31 on a given route;

32 ¹(b) the railroad's proximity to densely populated communities or
33 environmentally sensitive areas, as determined by the board and the
34 department, in consultation with the New Jersey Department of
35 Environmental Protection;

36 ¹(c) the railroad's accident or derailment history;

37 ¹(d) existing gaps in detection coverage;

38 ¹(e) the financial capacity of the railroad owner or operator; and

39 ¹(f) whether the railroad is classified as a short line railroad;

40 ¹(2) provide grants, reimbursements, or technical assistance to
41 cover eligible costs related to the acquisition, installation,
42 modernization, and maintenance of wayside detector systems;

43 ¹(3) establish clear application procedures, deadlines, and
44 documentation requirements;

45 ¹(4) require that the funding assistance program recipients submit
46 annual reports to the department and the board detailing expenditures,
47 system performance, and maintenance activities; and

1 (5) be subject to audit by the State Auditor or other appropriate
2 oversight body to ensure compliance and fiscal integrity.¹²

3

4 ²6. a. Within one year following the enactment of P.L. ,
5 c. (C.) (pending before the Legislature as this bill), the
6 department shall establish a wayside detector system program in which
7 the department shall work with each railroad company that operates a
8 dangerous hazardous train in the State to:

9 (1) determine the appropriate type of wayside detector system for a
10 section of track under the control or ownership of the railroad
11 company or along railroad tracks on which the railroad company
12 operates and ensure that wayside detector systems are installed by the
13 railroad company; and

14 (2) ensure that each wayside detector system installed pursuant to
15 this section shall consider all relevant factors, including, but not
16 limited to: the natural terrain surrounding the railroad track on which
17 the railroad company operates; the safety of the trains; rolling stock;
18 on-track equipment; operators and passengers; the clarity and accuracy
19 of radio communications; the length of the train; the frequency of the
20 trains; and persons and property in the vicinity of the railroad track so
21 that if defects are detected, operators have sufficient time to:

22 (a) respond to the alerts projected by the wayside detector system;
23 (b) stop the train, rolling stock, or on-track equipment, if
24 necessary; and

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

28 b. The department shall determine the standards and requirements
29 for the inspection, maintenance, repair, and replacement of wayside
30 detector systems installed pursuant to this section.

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

34 d. Each railroad company required by the department to
35 participate in the program shall submit to the department in the time,
36 form, and manner prescribed by the department, the written standards
37 and training for the railroad company's employees pertaining to
38 wayside detector systems, which written standards shall include, but
39 not be limited to: defect alerts and the course of action that employees
40 are required to take to respond to an alert; appropriate monitoring and
41 responses by the railroad company if employees fail to take the
42 required course of action; and any other requirements imposed by the
43 department.

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

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

48 (b) ensure that each wayside detector system installed by the
49 railroad company is operational and complies with the latest guidelines

1 issued by the United States Department of Transportation, the Federal
2 Railroad Administration, and the Association of American Railroads;

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

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

10 (2) When more than one railroad company or entity share
11 responsibility for the inspection, maintenance, repair, and replacement
12 of wayside detector systems installed pursuant to this section, the
13 department shall provide written notice to each railroad company or
14 entity, as applicable, which notice shall indicate the railroad company
15 or entity that shall be responsible for the submission of the written
16 report required under subparagraph (d) of paragraph (1) of this
17 subsection for the wayside detector system.

18 f. If a railroad company unreasonably refuses to work or
19 otherwise cooperate with the department in good faith in accordance
20 with this section, the department shall investigate the railroad
21 company's safety practices and standards. The department shall
22 determine whether the railroad company appears to comply with
23 federal railroad safety standards, as defined in 49 C.F.R. Part 209.

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

27 (1) make a report to the Federal Railroad Administration within 60
28 days of making the determination pursuant to subsection f. of this
29 section. The report shall detail the results of the investigation and
30 recommend that the Federal Railroad Administration take enforcement
31 action against the railroad company, in accordance with the Federal
32 Railroad Administration's authority, for the safety violations
33 discovered through the investigation; and

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

36 h. The department shall develop and administer a funding
37 assistance program for railroad companies operating within the State
38 to support compliance with the installation and maintenance
39 requirements set forth in subsection a. of this section. At a minimum,
40 the funding assistance program shall:

41 (1) prioritize assistance based on a risk assessment that considers:
42 (a) the volume and frequency of dangerous hazardous train traffic
43 on a given route;

44 (b) the railroad's proximity to densely populated communities or
45 environmentally sensitive areas, as determined by the department, in
46 consultation with the New Jersey Department of Environmental
47 Protection;

48 (c) the railroad's accident or derailment history;
49 (d) existing gaps in detection coverage;

1 (e) the financial capacity of the railroad company; and
2 (f) whether the railroad is classified as a short line;
3 (2) provide grants, reimbursements, or technical assistance to
4 cover eligible costs related to the acquisition, installation,
5 modernization, and maintenance of wayside detector systems;
6 (3) establish clear application procedures, deadlines, and
7 documentation requirements;
8 (4) require that the funding assistance program recipients submit
9 annual reports to the department detailing expenditures, system
10 performance, and maintenance activities; and
11 (5) be subject to audit by the State Auditor or other appropriate
12 oversight body to ensure compliance and fiscal integrity.²

13

14 7. ¹【All non-profit labor organizations representing a class or
15 craft of employees of rail carriers or rail carrier contractor officials
16 shall be permitted to enter onto railroad property to assist in inspecting
17 for safety hazards and shall be permitted to identify alleged safety
18 hazards, including any potential violation of a State regulation or a
19 Federal Railroad Administration regulation】

20 a. As used in this section:

21 “Labor representative” or “representative” means a member of a
22 non-profit labor organization.

23 “Non-profit labor organization” means a non-profit labor
24 organization that represents a class or craft of employees of rail
25 carriers or rail carrier contractor officials.

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

28 b. A labor representative who has been designated by a non-profit
29 labor organization as an inspector with relevant knowledge and
30 experience with hazards on railroad property shall be permitted to
31 enter the property of a privately owned railroad to inspect for safety
32 hazards pursuant to State and federal regulations. The ²【owner or
33 operator may】 railroad company shall be permitted to² designate a
34 railroad company employee to accompany the labor representative at
35 all times on the privately owned railroad property.

36 c. Notwithstanding subsection b. of this section, ²【an owner or
37 operator】 a railroad company² may deny a request by a labor
38 representative to enter the property of the privately owned railroad no
39 more than twice in a calendar year for bona fide business reasons,
40 including workforce shortages, temporary railroad closures due to
41 scheduled maintenance or emergency repairs, or extreme weather
42 conditions. ²However, if a railroad company denies a request by a
43 labor representative to enter the property pursuant to this subsection,
44 the railroad company shall promptly coordinate with the labor
45 representative to arrange for the labor representative to enter the
46 property on a later date.²

1 d. Notwithstanding subsection b. of this section, ²an owner or
2 operator】a railroad company² may deny a labor representative access
3 to areas of the property of a privately owned railroad:

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

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

9 e. While on the premises of a privately owned railroad pursuant
10 to subsection b. of this section, a labor representative shall carry valid
11 photo identification and written authorization issued by the non-profit
12 labor organization, which identification and authorization shall be
13 presented upon the request of ²the owner or operator of the】a²
14 railroad ²property】 company² or any law enforcement officer with
15 jurisdiction over the property.

16 f. ²(1)² A labor representative acting in good faith and without
17 gross negligence or willful misconduct shall be immune from civil
18 liability for actions undertaken while on the property of the privately
19 owned railroad.

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

24 ²(3) An employee of a privately owned railroad shall not be subject
25 to disciplinary action by the privately owned railroad for any State or
26 federal railroad safety violations identified during an inspection
27 conducted pursuant to this section.²

28 g. ²【An owner or operator】 A railroad company² may require a
29 labor representative to execute nondisclosure agreements to protect
30 trade secrets or confidential information viewed during an inspection,
31 except as necessary to report hazardous conditions or violations to
32 State or federal regulatory agencies¹.

33 ²h. (1) An officer, employee, or agent of the department, at
34 reasonable times and in a reasonable manner, may enter and inspect
35 railroad equipment, facilities, rolling stock, operations, and relevant
36 records. The railroad company may designate an employee to
37 accompany the officer, employee, or agent of the department at all
38 times on the privately owned railroad property. The officer, employee,
39 or agent of the department shall carry valid photo identification and
40 written authorization issued by the department, which identification
41 and authorization shall be presented upon the request of an employee
42 of the railroad company or any law enforcement officer with
43 jurisdiction over the property.

44 (2) In the course of conducting inspections and related safety
45 investigations pursuant to paragraph (1) of this subsection, the
46 department may take actions the department deems necessary,
47 including:

1 (a) generating reports, issuing subpoenas, requiring the production
2 of records, taking depositions, and prescribing recordkeeping and
3 reporting requirements; and

4 (b) delegating the inspection, examination, and testing of railroad
5 equipment, facilities, rolling stock, operations, and persons to either a
6 qualified public entity or qualified person, as determined by the
7 department.²

8

9 1[8. The New Jersey Department of Transportation shall assist
10 non-profit labor organizations representing a class or craft of
11 employees of rail carriers or rail carrier contractors and local
12 emergency services providers to apply for federal infrastructure
13 safety grants, including grants available under the Consolidated
14 Rail Infrastructure Safety Improvements (CRISI) Program pursuant
15 to 49 U.S.C. s.22907 and any “Inflation Reduction Act of 2022,”
16 Pub.L.117-169 program that may provide funding for these
17 applicants.]¹

18

19 1[9] 8¹. a. The 1[Department of Transportation] department¹
20 shall adopt rules and regulations pursuant to the “Administrative
21 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
22 purposes of 1[sections 2 through 5 and sections 7 and 8 of this act]
23 P.L. , c. (C.) (pending before the Legislature as this bill)¹
24 within 18 months after the effective date of 1[this act] P.L. ,
25 c. (C.) (pending before the Legislature as this bill)¹.

26 b. 2Within one year after the enactment of P.L. , c. (C.)
27 (pending before the Legislature as this bill), the department shall
28 promulgate rules and regulations requiring railroad companies
29 operating within the State to install and maintain wayside detector
30 systems along railroad tracks.

31 c. Notwithstanding any law, rule, or regulation to the contrary,
32 the department shall implement the provisions of 49 C.F.R. Part 239
33 concerning emergency response, which provisions shall apply to all
34 railroad companies operating within the State moving either
35 passengers or freight. The department, within 30 days after a proposed
36 major substantive change to the provisions of 49 C.F.R. Part 239 that,
37 if adopted, would necessitate a corresponding substantive change to
38 the implementation of the provisions of 49 C.F.R. Part 239 adopted
39 pursuant to this section, shall provide written notice and a summary of
40 the proposed substantive change to all railroads operating within the
41 State moving either passengers or freight.

42 d. 2 The 1[Board of Public Utilities in conjunction with the
43 Department of Transportation shall adopt rules and regulations
44 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
45 (C.52:14B-1 et seq.), to effectuate the purposes of section 6 of this act
46 within 18 months after the effective date of this act] department shall
47 coordinate with the board through a memorandum of understanding to
48 ensure alignment of regulatory activities where railroad safety

1 initiatives intersect with utility infrastructure, grade crossings, or
2 energy-related systems under the jurisdiction of the board¹.

3

4 ¹**[10.] 9.**¹ If any provision of P.L. , c. (C.) (pending
5 before the Legislature as this bill) or its application to any person or
6 circumstance is held invalid, the invalidity shall not affect any other
7 provision or application of P.L. , c. (C.) (pending before
8 the Legislature as this bill) which can be given effect without the
9 invalid provision or application, and to this end the provisions of
10 P.L. , c. (C.) (pending before the Legislature as this bill)
11 are severable.

12

13 ¹**[11.] 10.**¹ This act shall take effect immediately