

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5605

STATE OF NEW JERSEY

DATED: JUNE 15, 2023

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 5605.

As reported, this bill concerns various railroad safety provisions, including requiring: certain actions to be taken if a high hazard train experiences a discharge, limits on train length, and installation and review of wayside detector systems.

Following a discharge that requires emergency response action, the owner or operator of a high hazard train is required to meet certain milestones at certain time periods.

Under the bill, the owner or operator of a high hazard train is to require at least a two person crew on all high hazard trains. The owner or operator of a high hazard train is to further require that all high hazard trains clearly display the name of the railroad company that owns the high hazard train.

Whenever, on the basis of available information, the Commissioner of Environmental Protection (commissioner) finds that the owner or operator of a high hazard train is in violation of the provisions this bill, or any rule or regulation adopted pursuant thereto, the commissioner may levy a civil administrative penalty or bring an action for a civil penalty. The commissioner is authorized to assess a civil administrative penalty of not more than \$25,000 for each violation, and each day during which each violation continues will constitute an additional, separate, and distinct offense. The owner or operator of a high hazard train that experiences a discharge is also subject to penalty and injunctive relief provisions under the "Spill Compensation and Control Act."

The bill also prohibits any railroad company, including a short line, from operating any train that exceeds 8,500 feet in length on any main line or branch line within the State. Any person or railroad company found to be in violation will be liable for a civil penalty of at least \$500 but not more than \$1,000 per foot over the maximum train length allowed under the bill, though the penalty is increased in instances of gross negligence or repeat violations that cause an imminent hazard of death or injury or has caused death or injury.

In accordance with federal regulations, the commissioner is required to, at least annually, request from the United States Secretary

of Transportation a copy of the most recent bridge inspection report for every bridge owned by a railroad or upon which a railroad is located. The commissioner is required to submit any bridge inspection report, acquired by the Department of Environmental Protection, to the Governor and Legislature.

Under the bill, the Board of Public Utilities (board), in conjunction with the Department of Transportation, is required to work with each railroad company that operates in the State to ensure that wayside detector systems are installed and are operating along railroad tracks on which the railroad operates and to ensure that such systems meet certain standards. If a railroad company refuses to work or otherwise cooperate with the board and the Department of Transportation in good faith, the board and the Department of Transportation are required to investigate the railroad company's safety practices and standards to determine whether the company appears to be in compliance with federal railroad safety standards. If the railroad company does not appear to be in compliance, the board and the Department of Transportation are then required to make a report to the Federal Railroad Administration (administration) detailing the results of the investigation and recommending that the administration take enforcement action in accordance with its authority against the railroad company for the safety violations discovered through the investigation. The bill requires the board and the Department of Transportation to send a copy of the report to the Governor and Legislature.