

Title 27.
Subtitle 7.
Chapter 24A.
(New)
Transportation of
Hazardous
Material
§§1-8
C.27:24A-1
to 27:24A-8
§9
Note

P.L. 2025, CHAPTER 300, *approved January 20, 2026*
Senate, No. 3389 (*Third Reprint*)

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**[**,] and¹ 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 conditions¹].
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,

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.
³Senate amendments adopted in accordance with Governor's recommendations January 12, 2026.

organization, or company that provides emergency services for a local unit.]¹

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

- a. AllylChloride;
- b. Carbon Tetrachloride;
- c. Chlorobenzene;
- d. Chloroform;
- e. O-Dichlorobenzene;
- f. Dichloropropane (Propylene dichloride);
- g. Dichloropropane/Dichloropropene mixture;
- h. Dichloropropene;
- i. Ethyl Chloride;
- j. Ethylene Dibromide;
- k. Ethylene Dibromide and Methyl Bromide mixtures;
- l. Ethylene Dichloride;
- m. Epichlorohydrin;
- n. Methyl Chloroform (1,1,1 Trichloroethane);
- o. Methylene Chloride (Dichloromethane);
- p. Methylene Chloride/Chloroform mixture;
- q. Perchloroethylene (Tetrachloroethylene);
- r. Perchloroethylene/Trichloroethylene mixture; ¹[and]¹ ²and²
- s. Trichloroethylene ¹[.

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

t. any new or emerging hazardous substances, as determined by the commissioner, in consultation with the Commissioner of Environmental Protection, that may be deemed to be environmentally sensitive chemicals, including those identified by the United States Environmental Protection Agency or the United States Department of Transportation¹. “Hazardous material” shall also include any new or emerging hazardous materials, as determined by the commissioner, in consultation with the Commissioner of Environmental Protection, that may be deemed to be environmentally sensitive chemicals, including

1 those identified by the United States Environmental Protection Agency
2 or the United States Department of Transportation².

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

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

11 ²“Owner” or “operator” means, with respect to any dangerous
12 hazardous train, any ¹private¹ person owning the dangerous hazardous
13 train or operating it by lease ¹from a privately owned or public
14 railroad¹, contract, or other form of agreement; ¹provided,¹
15 however, ¹that the ¹owner ¹or ¹operator ¹shall not mean a
16 ¹private¹ person who operates a dangerous hazardous train only for the
17 purposes of positioning or moving railroad tank cars within the
18 confines of a major facility or a ¹private¹ person whose interest in a
19 dangerous hazardous train solely involves the ownership or lease of
20 one or more railroad tank cars without operational authority.²

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

23 “Railroad” means any form of non-highway ground transportation
24 that runs on rails or electromagnetic guideways, including commuter
25 or other short-haul railroad passenger service in a metropolitan or
26 suburban area, commuter railroad service ¹,¹ and ¹high speed¹ high-
27 speed¹ ground transportation systems that connect metropolitan areas,
28 without regard to whether those systems use new technologies not
29 associated with traditional railroads. “Railroad” does not include rapid
30 transit operations in an urban area that are not connected to the general
31 railroad system of transportation.

32 ²“Railroad company” means any short line or private person,
33 private company, or private entity owning a dangerous hazardous train
34 or operating a dangerous hazardous train by lease, contract, or other
35 form of agreement. “Railroad company” shall not include a private
36 person who operates a dangerous hazardous train solely for the
37 purposes of positioning or moving railroad tank cars within the
38 confines of a major facility, or whose interest in a dangerous
39 hazardous train solely involves the ownership or lease of one or more
40 railroad tank cars without operational authority.²

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

43 “Train” means one or more locomotives coupled with or without
44 cars, requiring an air brake test in accordance with either 49 C.F.R.
45 Part 232 or 49 C.F.R. Part 238, except during switching operations or
46 where the operation is that of classifying and assembling rail cars
47 within a railroad yard for the purpose of making or breaking up trains.

1 “Train” includes a single locomotive, multiple locomotives coupled
2 together, and one or more locomotives coupled with one or more cars.

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

6 ²“Wayside detector system program” or “program” means the
7 program established and implemented by the department pursuant to
8 section ³[6] ⁵ of P.L. , c. (C.) (pending before the
9 Legislature as this bill) to oversee the installation, maintenance, repair,
10 and operation of wayside detector systems in the State by a railroad
11 company.²

12
13 2. a. ²【The owner or operator of a dangerous hazardous train】
14 (1) Except as otherwise provided in paragraph (2) of this subsection
15 and in subsection b. of this section, a railroad company² shall require a
16 minimum of two crew members on all dangerous hazardous trains.
17 ¹【The owner or operator of a dangerous hazardous train shall further
18 require that all dangerous hazardous trains clearly display the name of
19 the railroad company that owns the dangerous hazardous train.】¹

20 ²(2) If a dangerous hazardous train originates its operation outside
21 of the State without a minimum of two crew members aboard, the
22 dangerous hazardous train may continue operating through the State
23 without a minimum of two crew members aboard. However, if the
24 dangerous hazardous train makes a stop within the State to add or
25 reduce the number of train cars, the dangerous hazardous train shall
26 not resume its operation until at least two crew members are aboard
27 the dangerous hazardous train.²

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

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

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

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

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

46 c. Notwithstanding the exceptions listed in ²【subsection】
47 subsections a. and² b. of this section, ²【the owner or operator of a

1 dangerous hazardous train¹ a railroad company² shall require a
2 minimum of two crew members on a dangerous hazardous train when
3 the dangerous hazardous train is transporting:

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

7 (2) 10 or more loaded freight cars or freight cars loaded with bulk
8 packaging as defined in 49 C.F.R. s.171.8 or ¹one or more¹ intermodal
9 portable tanks containing any combination of these materials or any
10 Division 2.1 flammable gases as defined in 49 C.F.R. s.173.115(a),
11 Class 3 flammable liquids as defined in 49 C.F.R. s.173.120(a), Class
12 1 explosives categorized in Division 1.1 or 1.2 as such terms are
13 defined in 49 C.F.R. s.173.50, or hazardous substances listed in 49
14 C.F.R. s.173.31(f)(2).

15 ³[3. a. A railroad company ²], including a short line,² operating
16 within this State on any main line or branch line shall not operate, or
17 permit to be operated, on any part of a main line or branch line, any
18 train which exceeds 8,500 feet in length.

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

21 (1) a ¹[person or] ²[privately owned¹]² railroad ²company²
22 violating any provision of this section shall be liable for a civil
23 penalty. Any civil penalty imposed may be collected, and any costs
24 incurred in connection therewith may be recovered, in a summary
25 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
26 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have
27 jurisdiction to enforce the "Penalty Enforcement Law of 1999,"
28 P.L.1999, c.274 (C.2A:58-10 et seq.).

29 (2) the amount of the civil penalty shall be at least \$500 but not
30 more than \$1,000 ¹[per foot exceeding] if the train exceeds¹ the
31 maximum train length provided in subsection a. of this section;
32 ¹[provided that] however¹, when a grossly negligent violation or a
33 pattern of repeated violations has caused an imminent hazard of death
34 or injury to individuals ¹, ¹ or has caused death or injury, the amount of
35 the civil penalty shall not be more than \$250,000, regardless of the
36 length of the train. ¹Each day the violation continues shall constitute a
37 separate and distinct violation.

38 c. Notwithstanding subsection a. of this section, the
39 commissioner may grant a temporary waiver from the train length
40 limitation in the event of a declared State or federal emergency, natural
41 disaster, or when the commissioner reasonably determines that it is in
42 the public interest to maintain critical freight movement. Upon
43 application by ²[an owner or operator] a railroad company², such
44 waivers shall be granted in writing for a period not to exceed 30 days.
45 A waiver shall only remain in effect for the duration of the declared
46 State or federal emergency, natural disaster, or for the time that the
47 commissioner deems reasonably necessary. However, a waiver shall
48 not extend beyond 30 days without resubmission of a waiver request

1 by ²**[an owner or operator]** a railroad company² and re-approval by
 2 the commissioner upon a showing of continued need.¹³

3
 4 ³**[4.** Except as provided in section 3 of P.L. , c. (C.)
 5 (pending before the Legislature as this bill), the] ³**3.** The³ provisions of
 6 P.L. , c. (C.) (pending before the Legislature as this bill) shall
 7 not apply to ²**[the owner or operator of]** a railroad company that is² a
 8 Class III carrier, as defined by the Surface Transportation Board
 9 pursuant to 49 C.F.R. Part 1201 1-1, that operates within a single
 10 municipality on not more than 25 total track miles and is engaged in
 11 switching or terminal railroad services. Nothing contained herein shall
 12 be construed to exempt a major facility from the provisions of the
 13 “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-
 14 23.11 et seq.).

15 ³**[5.]** ⁴³ ²**[The owner or operator of each privately owned]** A²
 16 railroad ²company² shall submit a copy of the most recent bridge
 17 inspection report generated pursuant to the federal “Fixing America’s
 18 Surface Transportation Act,” Pub.L.114-94 ³that is submitted to the
 19 Federal Railroad Administration³ for every bridge in this State owned
 20 by the ²**[¹privately owned¹]**² railroad ¹**[**, or upon which the railroad is
 21 located,¹ ²company² to the ¹**[Commissioner of Transportation]**
 22 commissioner¹, the Governor and, pursuant to section 2 of P.L.1991,
 23 c.164 (C.52:14-19.1), the Legislature ¹within 30 days of each
 24 inspection¹ ³or pursuant to such schedule as provided in rules and
 25 regulations adopted by the Commissioner of Transportation pursuant
 26 to this act. Notwithstanding any other law, rule or regulation to the
 27 contrary, the bridge inspection report shall not be subject to public
 28 disclosure pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et
 29 seq.), commonly known as the open public records act³.
 30

31 ²**[6. a. The** ¹**[Board of Public Utilities]** department,¹ in
 32 conjunction with the ¹**[New Jersey Department of Transportation]**
 33 board,¹ shall work with each railroad company that operates a train in
 34 the State to ¹determine the appropriate type of wayside detector
 35 system for a section of track,¹ ensure that wayside detector systems are
 36 installed and are operating along railroad tracks on which the railroad
 37 company operates¹,¹ and ¹**[to]**¹ ensure that such systems meet ¹**[all**
 38 **of]**¹ the following standards:

39 (1) the wayside detector systems are properly installed,
 40 maintained, repaired, and operational in accordance with the latest
 41 guidelines issued by the United States Department of Transportation,
 42 the Federal Railroad Administration, and the Association of American
 43 Railroads;

44 (2) any expired, non-working, or outdated wayside detector
 45 ¹**[system]** systems,¹ or component parts of a system ¹,¹ are removed
 46 and replaced with new parts or ¹**[an]**¹ entirely new ¹**[system]**

1 systems¹ that ¹~~["reflects"]~~ reflect¹ the current best practices and
2 standards of the industry;

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

8 (4) the distance between wayside detector systems is
9 ¹~~["appropriate"]~~ reasonable¹ when ¹~~["accounting for"]~~ considering all
10 relevant factors, including, but not limited to:¹ the natural terrain
11 surrounding the railroad track on which the railroad operates ¹~~["and"]~~ ;¹
12 the safety of the trains, rolling stock, on-track equipment, operators,
13 ¹~~and~~¹ passengers ¹~~[";"]~~ ; the clarity and accuracy of radio
14 communications; the length of the train; the frequency of the trains;¹
15 and persons and property in the vicinity of the railroad track so that if
16 defects are detected, operators have sufficient time to:

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

20 (c) make all necessary repairs or, if repair is impossible at the
21 location, to remove the component parts or equipment that ¹~~["is"]~~ are¹
22 defective.

23 b. If a railroad company ¹~~unreasonably~~¹ refuses to work or
24 otherwise cooperate with the board and the department in good faith in
25 accordance with this section, the board and the department shall
26 investigate the railroad company's safety practices and standards. The
27 board and the department shall determine whether the company
28 appears to be in compliance with federal railroad safety standards, as
29 defined in 49 C.F.R. Part 209.

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

34 (1) make a report to the Federal Railroad Administration within 60
35 days of making the determination pursuant to subsection b. of this
36 section. The report shall detail the results of the investigation and
37 recommend that the administration take enforcement action against the
38 railroad company ^{1,1} in accordance with ¹~~["its"]~~ the administration's¹
39 authority ^{1,1} for the safety violations discovered through the
40 investigation; and

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

43 ¹~~d.~~ The board, in collaboration with the department, shall develop
44 and administer a funding assistance program for railroad companies
45 operating within the State to support compliance with the installation
46 and maintenance requirements set forth in subsection a. of this section.
47 At a minimum, the funding assistance program shall:

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

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

3 (b) the railroad's proximity to densely populated communities or
4 environmentally sensitive areas, as determined by the board and the
5 department, in consultation with the New Jersey Department of
6 Environmental Protection;

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

8 (d) existing gaps in detection coverage;

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

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

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

14 (3) establish clear application procedures, deadlines, and
15 documentation requirements;

16 (4) require that the funding assistance program recipients submit
17 annual reports to the department and the board detailing expenditures,
18 system performance, and maintenance activities; and

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

21
22 ³**[²6.] 5.³** a. Within one year following the enactment of P.L. ,
23 c. (C.) (pending before the Legislature as this bill), the
24 department shall establish a wayside detector system program in which
25 the department shall work with each railroad company that operates a
26 dangerous hazardous train in the State to:

27 (1) determine the appropriate type of wayside detector system for a
28 section of track under the control or ownership of the railroad
29 company or along railroad tracks on which the railroad company
30 operates and ensure that wayside detector systems are installed by the
31 railroad company; and

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

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

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

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

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

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

4 d. Each railroad company required by the department to
5 participate in the program shall submit to the department in the time,
6 form, and manner prescribed by the department, the written standards
7 and training for the railroad company's employees pertaining to
8 wayside detector systems, which written standards shall include, but
9 not be limited to: defect alerts and the course of action that employees
10 are required to take to respond to an alert; appropriate monitoring and
11 responses by the railroad company if employees fail to take the
12 required course of action; and any other requirements imposed by the
13 department.

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

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

18 (b) ensure that each wayside detector system installed by the
19 railroad company is operational and complies with the latest guidelines
20 issued by the United States Department of Transportation, the Federal
21 Railroad Administration, and the Association of American Railroads;

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

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

29 (2) When more than one railroad company or entity share
30 responsibility for the inspection, maintenance, repair, and replacement
31 of wayside detector systems installed pursuant to this section, the
32 department shall provide written notice to each railroad company or
33 entity, as applicable, which notice shall indicate the railroad company
34 or entity that shall be responsible for the submission of the written
35 report required under subparagraph (d) of paragraph (1) of this
36 subsection for the wayside detector system.

37 f. If a railroad company unreasonably refuses to work or
38 otherwise cooperate with the department in good faith in accordance
39 with this section, the department shall investigate the railroad
40 company's safety practices and standards. The department shall
41 determine whether the railroad company appears to comply with
42 federal railroad safety standards, as defined in 49 C.F.R. Part 209.

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

46 (1) make a report to the Federal Railroad Administration within 60
47 days of making the determination pursuant to subsection f. of this
48 section. The report shall detail the results of the investigation and
49 recommend that the Federal Railroad Administration take enforcement

1 action against the railroad company, in accordance with the Federal
 2 Railroad Administration's authority, for the safety violations
 3 discovered through the investigation; and

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

6 h. The department shall develop and administer a funding
 7 assistance program for railroad companies operating within the State
 8 to support compliance with the installation and maintenance
 9 requirements set forth in subsection a. of this section. At a minimum,
 10 the funding assistance program shall:

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

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

14 (b) the railroad's proximity to densely populated communities or
 15 environmentally sensitive areas, as determined by the department, in
 16 consultation with the New Jersey Department of Environmental
 17 Protection;

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

19 (d) existing gaps in detection coverage;

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

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

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

25 (3) establish clear application procedures, deadlines, and
 26 documentation requirements;

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

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

32
 33 **³[7.] 6.³ ¹[All non-profit labor organizations representing a class**
 34 **or craft of employees of rail carriers or rail carrier contractor officials**
 35 **shall be permitted to enter onto railroad property to assist in inspecting**
 36 **for safety hazards and shall be permitted to identify alleged safety**
 37 **hazards, including any potential violation of a State regulation or a**
 38 **Federal Railroad Administration regulation]**

39 a. As used in this section:

40 "Labor representative" or "representative" means a member of a
 41 non-profit labor organization.

42 "Non-profit labor organization" means a non-profit labor
 43 organization that represents a class or craft of employees of rail
 44 carriers or rail carrier contractor officials.

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

47 b. A labor representative who has been designated by a non-profit
 48 labor organization as an inspector with relevant knowledge and
 49 experience with hazards on railroad property shall be permitted to

1 enter the property of a privately owned railroad ³upon reasonable
2 notice to the railroad company, which shall be at least two days but
3 need not be greater than five days,³ to inspect for safety hazards
4 pursuant to State and federal regulations. The ²[owner or operator
5 may] railroad company shall be permitted to² designate a railroad
6 company employee to accompany the labor representative at all times
7 on the privately owned railroad property.

8 c. Notwithstanding subsection b. of this section, ²[an owner or
9 operator] ³[a railroad company² may deny a request by a labor
10 representative to enter the property of the privately owned railroad no
11 more than twice in a calendar year for bona fide business reasons,
12 including workforce shortages, temporary railroad closures due to
13 scheduled maintenance or emergency repairs, or extreme weather
14 conditions. ²However,]³ if a railroad company denies a request by a
15 labor representative to enter the property pursuant to this subsection,
16 the railroad company shall promptly coordinate with the labor
17 representative to arrange for the labor representative to enter the
18 property on a later date ³within a reasonable period of time thereafter
19 which shall be no later than five days following the entry date included
20 in such request^{3 2}.

21 d. Notwithstanding subsection b. of this section, ²[an owner or
22 operator] a railroad company² may deny a labor representative access
23 to areas of the property of a privately owned railroad:

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

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

29 e. While on the premises of a privately owned railroad pursuant
30 to subsection b. of this section, a labor representative shall carry valid
31 photo identification and written authorization issued by the non-profit
32 labor organization, which identification and authorization shall be
33 presented upon the request of ²[the owner or operator of the] a²
34 railroad ²[property] company² or any law enforcement officer with
35 jurisdiction over the property.

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

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

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

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

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

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

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

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

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

¹[9] ³[8¹.] 7.³ a. The ¹[Department of Transportation] department¹ shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of ¹[sections 2 through 5 and sections 7 and 8 of this act] P.L. , c. (C.) (pending before the Legislature as this bill)¹ within ³[18 months] one year³ after the effective date of ¹[this act] P.L. , c. (C.) (pending before the Legislature as this bill)¹.

³[b. ²Within one year after the enactment of P.L. , c. (C.) (pending before the Legislature as this bill), the department shall promulgate rules and regulations requiring railroad companies operating within the State to install and maintain wayside detector systems along railroad tracks.

c.] b.³ Notwithstanding any law, rule, or regulation to the contrary, the department shall implement the provisions of 49 C.F.R. Part 239 concerning emergency response, which provisions shall apply to all railroad companies operating within the State moving either passengers or freight. The department, within 30 days after a proposed major substantive change to the provisions of 49 C.F.R. Part 239 that, if adopted, would necessitate a corresponding substantive change to the implementation of the provisions of 49 C.F.R. Part 239 adopted pursuant to this section, shall provide written notice and a summary of the proposed substantive change to all railroads operating within the State moving either passengers or freight.

³[d. ²] c.³ The ¹[Board of Public Utilities in conjunction with the Department of Transportation shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of section 6 of this act within 18 months after the effective date of this act] department shall coordinate with the board through a memorandum of understanding to ensure alignment of regulatory activities where railroad safety initiatives intersect with utility infrastructure, grade crossings, or energy-related systems under the jurisdiction of the board¹.

¹[10.] ³[9. ¹] 8.³ If any provision of P.L. , c. (C.) (pending before the Legislature as this bill) or its application to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of P.L. , c. (C.) (pending before the Legislature as this bill) which can be given effect without the invalid provision or application, and to this end the provisions of P.L. , c. (C.) (pending before the Legislature as this bill) are severable.

¹[11.] ³[10. ¹] 9.³ This act shall take effect ³[immediately] on the 365th day next following the date of enactment, except that the Department of Transportation may take such administrative actions prior thereto as may be necessary to effectuate the provisions of this act³.

Provides certain requirements concerning railroad safety.