

CHAPTER 300

AN ACT concerning railroad safety and supplementing Title 27 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.27:24A-1 Definitions.

1. As used in P.L.2025, c.300 (C.27:24A-1 et seq.):

“Board” means the Board of Public Utilities.

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

“Commissioner” means the Commissioner of Transportation.

“Dangerous hazardous train” means any railroad locomotive propelling a railroad tank car or connection of railroad tank cars transporting 200,000 gallons or more of petroleum or petroleum products or 20,000 gallons or more of hazardous materials other than petroleum or petroleum products.

“Defects” include hot wheel bearings and hot wheels.

“Department” means the Department of Transportation.

“Hazardous material” means any material designated by the Secretary of Transportation as hazardous pursuant to the “Hazardous Materials Transportation Act,” Pub.L.93 -633 (49 U.S.C. s.5101 et seq.), including, but not limited to:

AllylChloride;

Carbon Tetrachloride;

Chlorobenzene;

Chloroform;

O-Dichlorobenzene;

Dichloropropane (Propylene dichloride);

Dichloropropane/Dichloropropene mixture;

Dichloropropene;

Ethyl Chloride;

Ethylene Dibromide;

Ethylene Dibromide and Methyl Bromide mixtures;

Ethylene Dichloride;

Epichlorohydrin;

Methyl Chloroform (1,1,1 Trichloroethane);

Methylene Chloride (Dichloromethane);

Methylene Chloride/Chloroform mixture;

Perchloroethylene (Tetrachloroethylene);

Perchloroethylene/Trichloroethylene mixture; and

Trichloroethylene.

“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 those identified by the United States Environmental Protection Agency or the United States Department of Transportation.

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

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

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

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

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

“Short line” means an independent private railroad company that operates over a relatively short distance.

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

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

“Wayside detector system program” or “program” means the program established and implemented by the department pursuant to section 5 of P.L.2025, c.300 (C.27:24A-5) to oversee the installation, maintenance, repair, and operation of wayside detector systems in the State by a railroad company.

C.27:24A-2 Minimum of two crew members on all dangerous hazardous trains, exceptions.

2. a. (1) Except as otherwise provided in paragraph (2) of this subsection and in subsection b. of this section, a railroad company shall require a minimum of two crew members on all dangerous hazardous trains.

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

b. A railroad company shall not be required to provide a minimum of two crew members on a dangerous hazardous train if:

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

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

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

(4) a railroad company is exempted from the two-person crew requirement by the commissioner due to having not more than 15 employees and operating a train at a maximum authorized speed of not more than 15 miles per hour.

c. Notwithstanding the exceptions listed in subsections a. and b. of this section, a railroad company shall require a minimum of two crew members on a dangerous hazardous train when the dangerous hazardous train is transporting:

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

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

C.27:24A-3 Applicability.

3. The provisions of P.L.2025, c.300 (C.27:24A-1 et seq.) shall not apply to a railroad company that is a Class III carrier, as defined by the Surface Transportation Board pursuant to 49 C.F.R. Part 1201 1-1, that operates within a single municipality on not more than 25 total track miles and is engaged in switching or terminal railroad services. Nothing contained herein shall be construed to exempt a major facility from the provisions of the “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-23.11 et seq.).

C.27:24A-4 Bridge inspection report submitted to commissioner, Governor, Legislature.

4. A railroad company shall submit a copy of the most recent bridge inspection report generated pursuant to the federal “Fixing America’s Surface Transportation Act,” Pub.L.114-94 that is submitted to the Federal Railroad Administration for every bridge in this State owned by the railroad company to the commissioner, the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature within 30 days of each inspection or pursuant to such schedule as provided in rules and regulations adopted by the Commissioner of Transportation pursuant to this act. Notwithstanding any other law, rule or regulation to the contrary, the bridge inspection report shall not be subject to public disclosure pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

C.27:24A-5 Wayside detector system program, dangerous hazardous trains, compliance.

5. a. Within one year following the enactment of P.L.2025, c.300 (C.27:24A-1 et seq.), the department shall establish a wayside detector system program in which the department shall work with each railroad company that operates a dangerous hazardous train in the State to:

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

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

- (a) respond to the alerts projected by the wayside detector system;
- (b) stop the train, rolling stock, or on-track equipment, if necessary; and
- (c) make all necessary repairs or, if repair is impossible at the location, to remove the component parts or equipment that are defective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) existing gaps in detection coverage;

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

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

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

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

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

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

C.27:24A-6 Definitions related to labor; inspector to enter privately owned railroad upon reasonable notice, parameters.

6. a. As used in this section:

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

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

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

b. A labor representative who has been designated by a non-profit labor organization as an inspector with relevant knowledge and experience with hazards on railroad property shall be permitted to enter the property of a privately owned railroad upon reasonable notice to the railroad company, which shall be at least two days but need not be greater than five days, to inspect for safety hazards pursuant to State and federal regulations. The railroad company shall be permitted to designate a railroad company employee to accompany the labor representative at all times on the privately owned railroad property.

c. Notwithstanding subsection b. of this section, if a railroad company denies a request by a labor representative to enter the property pursuant to this subsection, the railroad company shall promptly coordinate with the labor representative to arrange for the labor representative to enter the property on a later date within a reasonable period of time thereafter which shall be no later than five days following the entry date included in such request.

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

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

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

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

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

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

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

g. A railroad company 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 agencies.

h. (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.

C.27:24A-7 Rules, regulations.

7. a. The department 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 P.L.2025, c.300 (C.27:24A-1 et seq.) within one year after the effective date of P.L.2025, c.300 (C.27:24A-1 et seq.).

b. 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.

c. The 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 board.

C.27:24A-8 Severability.

8. If any provision of P.L.2025, c.300 (C.27:24A-1 et seq.) or its application to any person or circumstance is held invalid, the invalidity shall not affect any other provision or application of P.L.2025, c.300 (C.27:24A-1 et seq.) which can be given effect without the invalid provision or application, and to this end the provisions of P.L.2025, c.300 (C.27:24A-1 et seq.) are severable.

9. This act shall take effect 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 act.

Approved January 20, 2026.