

[First Reprint]

**SENATE, No. 3389**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 6, 2024

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator RAJ MUKHERJI**

**District 32 (Hudson)**

**Co-Sponsored by:**

**Senators Johnson, Timberlake and Greenstein**

**SYNOPSIS**

Provides certain requirements concerning railroad safety.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on November 13, 2025, with amendments.



**(Sponsorship Updated As Of: 5/12/2025)**

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 substances other than  
17 petroleum or petroleum products.

18 “Defects” include <sup>1</sup>[], but are not limited to, <sup>1</sup> hot wheel bearings  
19 <sup>1</sup>[], <sup>1</sup> and <sup>1</sup> hot wheels <sup>1</sup>[], defective bearings that are detected through  
20 acoustics, dragging equipment, excessive height or weight, shifted  
21 loads, low hoses, rail temperature, and wheel conditions<sup>1</sup>.

22 “Department” means the Department of Transportation.

23 <sup>1</sup>["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.]<sup>1</sup>

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

- 42 a. AllylChloride;  
43 b. Carbon Tetrachloride;  
44 c. Chlorobenzene;

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted November 13, 2025.

- 1 d. Chloroform;  
2 e. O-Dichlorobenzene;  
3 f. Dichloropropane (Propylene dichloride);  
4 g. Dichloropropane/Dichloropropene mixture;  
5 h. Dichloropropene;  
6 i. Ethyl Chloride;  
7 j. Ethylene Dibromide;  
8 k. Ethylene Dibromide and Methyl Bromide mixtures;  
9 l. Ethylene Dichloride;  
10 m. Epichlorohydrin;  
11 n. Methyl Chloroform (1,1,1 Trichloroethane);  
12 o. Methylene Chloride (Dichloromethane);  
13 p. Methylene Chloride/Chloroform mixture;  
14 q. Perchloroethylene (Tetrachloroethylene);  
15 r. Perchloroethylene/Trichloroethylene mixture; <sup>1</sup>**and**<sup>1</sup>  
16 s. Trichloroethylene <sup>1</sup>**and**.

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

21 t. any new or emerging hazardous substances, as determined  
22 by the commissioner, in consultation with the Commissioner of  
23 Environmental Protection, that may be deemed to be  
24 environmentally sensitive chemicals, including those identified by  
25 the United States Environmental Protection Agency or the United  
26 States Department of Transportation<sup>1</sup>.

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

33 “Major facility” shall have the same meaning as set forth in section  
34 3 of P.L.1976, c.141 (C.58:10-23.11b).

35 “Owner” or “operator” means, with respect to any dangerous  
36 hazardous train, any <sup>1</sup>private<sup>1</sup> person owning the dangerous hazardous  
37 train or operating it by lease <sup>1</sup>from a privately owned or public  
38 railroad<sup>1</sup>, contract, or other form of agreement; <sup>1</sup>**provided,**<sup>1</sup>  
39 however, <sup>1</sup>**that the** <sup>1</sup>“owner”<sup>1</sup> or <sup>1</sup>“operator”<sup>1</sup> shall not mean a  
40 <sup>1</sup>private<sup>1</sup> person who operates a dangerous hazardous train only for the  
41 purposes of positioning or moving railroad tank cars within the  
42 confines of a major facility or a <sup>1</sup>private<sup>1</sup> person whose interest in a  
43 dangerous hazardous train solely involves the ownership or lease of  
44 one or more railroad tank cars without operational authority.

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

47 “Railroad” means any form of non-highway ground transportation  
48 that runs on rails or electromagnetic guideways, including commuter

1 or other short-haul railroad passenger service in a metropolitan or  
2 suburban area, commuter railroad service <sup>1</sup>, <sup>1</sup> and <sup>1</sup>**[high speed]** high-  
3 speed<sup>1</sup> ground transportation systems that connect metropolitan areas,  
4 without regard to whether those systems use new technologies not  
5 associated with traditional railroads. “Railroad” does not include rapid  
6 transit operations in an urban area that are not connected to the general  
7 railroad system of transportation.

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

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

17 “Wayside detector system” means an electronic device or a series  
18 of connected devices that scan passing trains, rolling stock, on-track  
19 equipment, and their component equipment and parts for defects.  
20

21 2. a. The owner or operator of a dangerous hazardous train shall  
22 require a minimum of two crew members on all dangerous hazardous  
23 trains. <sup>1</sup>**[The owner or operator of a dangerous hazardous train shall**  
24 further require that all dangerous hazardous trains clearly display the  
25 name of the railroad company that owns the dangerous hazardous  
26 train.]<sup>1</sup>

27 b. The owner or operator of a dangerous hazardous train shall not  
28 be required to provide a minimum of two crew members on a  
29 dangerous hazardous train if:

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

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

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

40 (4) the owner or operator is exempted from the two-person crew  
41 requirement by the <sup>1</sup>**[Commissioner of Transportation]**  
42 commissioner<sup>1</sup> due to having not more than 15 employees and  
43 operating a train at a maximum authorized speed of not more than 15  
44 miles per hour.

45 c. Notwithstanding the exceptions listed in subsection b. of this  
46 section, the owner or operator of a dangerous hazardous train shall  
47 require a minimum of two crew members on a dangerous hazardous  
48 train when the dangerous hazardous train is transporting:

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

4 (2) 10 or more loaded freight cars or freight cars loaded with bulk  
5 packaging as defined in 49 C.F.R. s.171.8 or <sup>1</sup>one or more<sup>1</sup> intermodal  
6 portable tanks containing any combination of these materials or any  
7 Division 2.1 flammable gases as defined in 49 C.F.R. s.173.115(a),  
8 Class 3 flammable liquids as defined in 49 C.F.R. s.173.120(a), Class  
9 1 explosives categorized in Division 1.1 or 1.2 as such terms are  
10 defined in 49 C.F.R. s.173.50, or hazardous substances listed in 49  
11 C.F.R. s.173.31(f)(2).

12  
13 3. a. A railroad company, including a short line, operating within  
14 this State on any main line or branch line shall not operate, or permit  
15 to be operated, on any part of a main line or branch line, any train  
16 which exceeds 8,500 feet in length.

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

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

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

36 c. Notwithstanding subsection a. of this section, the  
37 commissioner may grant a temporary waiver from the train length  
38 limitation in the event of a declared State or federal emergency, natural  
39 disaster, or when the commissioner reasonably determines that it is in  
40 the public interest to maintain critical freight movement. Upon  
41 application by an owner or operator, such waivers shall be granted in  
42 writing for a period not to exceed 30 days. A waiver shall only remain  
43 in effect for the duration of the declared State or federal emergency,  
44 natural disaster, or for the time that the commissioner deems  
45 reasonably necessary. However, a waiver shall not extend beyond 30  
46 days without resubmission of a waiver request by an owner or operator  
47 and re-approval by the commissioner upon a showing of continued  
48 need.<sup>1</sup>

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

13       5. The owner or operator of each privately owned railroad shall  
 14 submit a copy of the most recent bridge inspection report generated  
 15 pursuant to the federal “Fixing America’s Surface Transportation  
 16 Act,” Pub.L.114-94 for every bridge in this State owned by the  
 17 privately owned railroad **],** or upon which the railroad is located,**]**<sup>1</sup>  
 18 to the **[**Commissioner of Transportation**]** commissioner<sup>1</sup>, the  
 19 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
 20 the Legislature within 30 days of each inspection<sup>1</sup>.  
 21

22       6. a. The **[**Board of Public Utilities**]** department<sup>1</sup> in  
 23 conjunction with the **[**New Jersey Department of Transportation**]**  
 24 board<sup>1</sup> shall work with each railroad company that operates a train in  
 25 the State to determine the appropriate type of wayside detector  
 26 system for a section of track<sup>1</sup> ensure that wayside detector systems are  
 27 installed and are operating along railroad tracks on which the railroad  
 28 company operates<sup>1,1</sup> and **[**to**]**<sup>1</sup> ensure that such systems meet **[**all  
 29 of**]**<sup>1</sup> the following standards:

30       (1) the wayside detector systems are properly installed,  
 31 maintained, repaired, and operational in accordance with the latest  
 32 guidelines issued by the United States Department of Transportation,  
 33 the Federal Railroad Administration, and the Association of American  
 34 Railroads;

35       (2) any expired, non-working, or outdated wayside detector  
 36 **[**system**]** systems<sup>1</sup>, or component parts of a system <sup>1,1</sup> are removed  
 37 and replaced with new parts or **[**an**]**<sup>1</sup> entirely new **[**system**]**  
 38 systems<sup>1</sup> that **[**reflects**]** reflect<sup>1</sup> the current best practices and  
 39 standards of the industry;

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

45       (4) the distance between wayside detector systems is  
 46 **[**appropriate**]** reasonable<sup>1</sup> when **[**accounting for**]** considering all  
 47 relevant factors, including, but not limited to:<sup>1</sup> the natural terrain

1 surrounding the railroad track on which the railroad operates <sup>1</sup>**[and]** <sup>1</sup>  
2 the safety of the trains, rolling stock, on-track equipment, operators,  
3 <sup>1</sup>and <sup>1</sup>passengers <sup>1</sup>**[,]** ; the clarity and accuracy of radio  
4 communications; the length of the train; the frequency of the trains;  
5 and persons and property in the vicinity of the railroad track so that if  
6 defects are detected, operators have sufficient time to:

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

10 (c) make all necessary repairs or, if repair is impossible at the  
11 location, to remove the component parts or equipment that <sup>1</sup>**[is]** are<sup>1</sup>  
12 defective.

13 b. If a railroad company <sup>1</sup>unreasonably<sup>1</sup> refuses to work or  
14 otherwise cooperate with the board and the department in good faith in  
15 accordance with this section, the board and the department shall  
16 investigate the railroad company's safety practices and standards. The  
17 board and the department shall determine whether the company  
18 appears to be in compliance with federal railroad safety standards, as  
19 defined in 49 C.F.R. Part 209.

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

24 (1) make a report to the Federal Railroad Administration within 60  
25 days of making the determination pursuant to subsection b. of this  
26 section. The report shall detail the results of the investigation and  
27 recommend that the administration take enforcement action against the  
28 railroad company <sup>1, 1</sup> in accordance with <sup>1</sup>**[its]** the administration's<sup>1</sup>  
29 authority <sup>1, 1</sup> for the safety violations discovered through the  
30 investigation; and

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

33 <sup>1</sup>d. The board, in collaboration with the department, shall develop  
34 and administer a funding assistance program for railroad companies  
35 operating within the State to support compliance with the installation  
36 and maintenance requirements set forth in subsection a. of this section.  
37 At a minimum, the funding assistance program shall:

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

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

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

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

46 (d) existing gaps in detection coverage;

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

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

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

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

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

9 (5) be subject to audit by the State Auditor or other appropriate  
10 oversight body to ensure compliance and fiscal integrity.<sup>1</sup>

11  
12 7. <sup>1</sup>**【All non-profit labor organizations representing a class or**  
13 **craft of employees of rail carriers or rail carrier contractor officials**  
14 **shall be permitted to enter onto railroad property to assist in inspecting**  
15 **for safety hazards and shall be permitted to identify alleged safety**  
16 **hazards, including any potential violation of a State regulation or a**  
17 **Federal Railroad Administration regulation】**

18 a. As used in this section:

19 “Labor representative” or “representative” means a member of a  
20 non-profit labor organization.

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

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

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

34 c. Notwithstanding subsection b. of this section, an owner or  
35 operator may deny a request by a labor representative to enter the  
36 property of the privately owned railroad no more than twice in a  
37 calendar year for bona fide business reasons, including workforce  
38 shortages, temporary railroad closures due to scheduled maintenance  
39 or emergency repairs, or extreme weather conditions.

40 d. Notwithstanding subsection b. of this section, an owner or  
41 operator may deny a labor representative access to areas of the  
42 property of a privately owned railroad:

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

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

48 e. While on the premises of a privately owned railroad pursuant  
49 to subsection b. of this section, a labor representative shall carry valid

1 photo identification and written authorization issued by the non-profit  
 2 labor organization, which identification and authorization shall be  
 3 presented upon the request of the owner or operator of the railroad  
 4 property or any law enforcement officer with jurisdiction over the  
 5 property.

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

10 g. An owner or operator may require a labor representative to  
 11 execute nondisclosure agreements to protect trade secrets or  
 12 confidential information viewed during an inspection, except as  
 13 necessary to report hazardous conditions or violations to State or  
 14 federal regulatory agencies<sup>1</sup>.

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

25  
 26 <sup>1</sup>9] 8<sup>1</sup>. a. The <sup>1</sup>Department of Transportation] department<sup>1</sup>  
 27 shall adopt rules and regulations pursuant to the “Administrative  
 28 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the  
 29 purposes of <sup>1</sup>sections 2 through 5 and sections 7 and 8 of this act]  
 30 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>  
 31 within 18 months after the effective date of <sup>1</sup>this act]  
 32 P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>.

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

42  
 43 <sup>1</sup>10.] 9<sup>1</sup>. If any provision of P.L. , c. (C. ) (pending  
 44 before the Legislature as this bill) or its application to any person or  
 45 circumstance is held invalid, the invalidity shall not affect any other  
 46 provision or application of P.L. , c. (C. ) (pending before  
 47 the Legislature as this bill) which can be given effect without the  
 48 invalid provision or application, and to this end the provisions of

1 P.L. , c. (C. ) (pending before the Legislature as this bill)  
2 are severable.  
3  
4 <sup>1</sup>**[11.]** 10.<sup>1</sup> This act shall take effect immediately