

[Third 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.**

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**Senator RAJ MUKHERJI**

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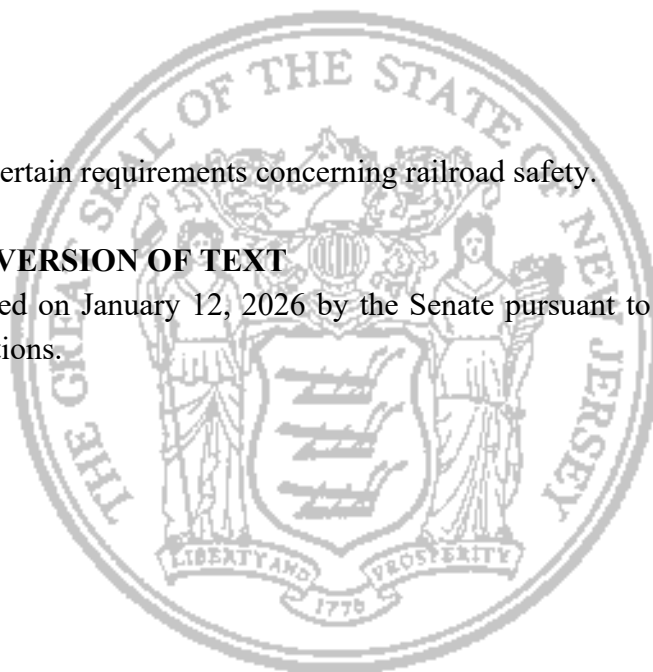
**Senators Johnson, Timberlake, Greenstein, Assemblywoman Haider,  
Assemblyman Bergen, Assemblywomen Morales, Carter, Drulis, Katz,  
Assemblymen Verrelli and Inganamort**

**SYNOPSIS**

Provides certain requirements concerning railroad safety.

**CURRENT VERSION OF TEXT**

As amended on January 12, 2026 by the Senate pursuant to the Governor's recommendations.



**(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 <sup>2</sup>[substances]  
17 materials<sup>2</sup> other than 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>[,] 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 <sup>2</sup>[substances] material<sup>2</sup>” means <sup>2</sup>[any Class 1  
31 explosives <sup>1</sup>[as]<sup>1</sup> 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);]<sup>2</sup> any <sup>2</sup>[hazardous]<sup>2</sup> material <sup>1</sup>[as]<sup>1</sup>  
35 designated by the Secretary of Transportation as hazardous pursuant to  
36 <sup>2</sup>[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,”

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.

<sup>2</sup>Assembly floor amendments adopted December 22, 2025.

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

- 1 Pub.L.93-633 (49 U.S.C. s.5101 et seq.), including<sup>2</sup>, but not <sup>2</sup>[be]<sup>2</sup>  
 2 limited to:
- 3 a. AllylChloride;
  - 4 b. Carbon Tetrachloride;
  - 5 c. Chlorobenzene;
  - 6 d. Chloroform;
  - 7 e. O-Dichlorobenzene;
  - 8 f. Dichloropropane (Propylene dichloride);
  - 9 g. Dichloropropane/Dichloropropene mixture;
  - 10 h. Dichloropropene;
  - 11 i. Ethyl Chloride;
  - 12 j. Ethylene Dibromide;
  - 13 k. Ethylene Dibromide and Methyl Bromide mixtures;
  - 14 l. Ethylene Dichloride;
  - 15 m. Epichlorohydrin;
  - 16 n. Methyl Chloroform (1,1,1 Trichloroethane);
  - 17 o. Methylene Chloride (Dichloromethane);
  - 18 p. Methylene Chloride/Chloroform mixture;
  - 19 q. Perchloroethylene (Tetrachloroethylene);
  - 20 r. Perchloroethylene/Trichloroethylene mixture; <sup>1</sup>[and]<sup>1</sup> <sup>2</sup>and<sup>2</sup>
  - 21 s. Trichloroethylene <sup>1</sup>].

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

26 t. any new or emerging hazardous substances, as determined by  
 27 the commissioner, in consultation with the Commissioner of  
 28 Environmental Protection, that may be deemed to be environmentally  
 29 sensitive chemicals, including those identified by the United States  
 30 Environmental Protection Agency or the United States Department of  
 31 Transportation<sup>1</sup>]. “Hazardous material” shall also include any new or  
 32 emerging hazardous materials, as determined by the commissioner, in  
 33 consultation with the Commissioner of Environmental Protection, that  
 34 may be deemed to be environmentally sensitive chemicals, including  
 35 those identified by the United States Environmental Protection Agency  
 36 or the United States Department of Transportation<sup>2</sup>.

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

43 “Major facility” shall have the same meaning as set forth in section  
 44 3 of P.L.1976, c.141 (C.58:10-23.11b).

45 <sup>2</sup>["Owner" or "operator" means, with respect to any dangerous  
 46 hazardous train, any <sup>1</sup>private<sup>1</sup> person owning the dangerous hazardous  
 47 train or operating it by lease <sup>1</sup>from a privately owned or public  
 48 railroad<sup>1</sup>, contract, or other form of agreement; <sup>1</sup>[provided,]<sup>1</sup>

1 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  
 2 <sup>1</sup>private<sup>1</sup> person who operates a dangerous hazardous train only for the  
 3 purposes of positioning or moving railroad tank cars within the  
 4 confines of a major facility or a <sup>1</sup>private<sup>1</sup> person whose interest in a  
 5 dangerous hazardous train solely involves the ownership or lease of  
 6 one or more railroad tank cars without operational authority.<sup>2</sup>

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

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

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

27 “Short line” means an independent <sup>2</sup>private<sup>2</sup> railroad company that  
 28 operates over a relatively short distance.

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

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

39 <sup>2</sup>“Wayside detector system program” or “program” means the  
 40 program established and implemented by the department pursuant to  
 41 section <sup>3</sup>**[6]** <sup>5</sup> of P.L. , c. (C. ) (pending before the  
 42 Legislature as this bill) to oversee the installation, maintenance, repair,  
 43 and operation of wayside detector systems in the State by a railroad  
 44 company.<sup>2</sup>

45  
 46 2. a. <sup>2</sup>**【The owner or operator of a dangerous hazardous train】**  
 47 (1) Except as otherwise provided in paragraph (2) of this subsection

1 and in subsection b. of this section, a railroad company<sup>2</sup> shall require a  
2 minimum of two crew members on all dangerous hazardous trains.

3 <sup>1</sup>~~【The owner or operator of a dangerous hazardous train shall further~~  
4 ~~require that all dangerous hazardous trains clearly display the name of~~  
5 ~~the railroad company that owns the dangerous hazardous train.】<sup>1</sup>~~

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

14 b. <sup>2</sup>~~【The owner or operator of a dangerous hazardous train】~~ A  
15 railroad company<sup>2</sup> shall not be required to provide a minimum of two  
16 crew members on a dangerous hazardous train if:

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

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

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

27 (4) <sup>2</sup>~~【the owner or operator】~~ a railroad company<sup>2</sup> is exempted  
28 from the two-person crew requirement by the <sup>1</sup>~~【Commissioner of~~  
29 Transportation】 commissioner<sup>1</sup> due to having not more than 15  
30 employees and operating a train at a maximum authorized speed of not  
31 more than 15 miles per hour.

32 c. Notwithstanding the exceptions listed in <sup>2</sup>~~【subsection】~~  
33 subsections a. and<sup>2</sup> b. of this section, <sup>2</sup>~~【the owner or operator of a~~  
34 dangerous hazardous train】 a railroad company<sup>2</sup> shall require a  
35 minimum of two crew members on a dangerous hazardous train when  
36 the dangerous hazardous train is transporting:

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

40 (2) 10 or more loaded freight cars or freight cars loaded with bulk  
41 packaging as defined in 49 C.F.R. s.171.8 or <sup>1</sup>one or more<sup>1</sup> intermodal  
42 portable tanks containing any combination of these materials or any  
43 Division 2.1 flammable gases as defined in 49 C.F.R. s.173.115(a),  
44 Class 3 flammable liquids as defined in 49 C.F.R. s.173.120(a), Class  
45 1 explosives categorized in Division 1.1 or 1.2 as such terms are  
46 defined in 49 C.F.R. s.173.50, or hazardous substances listed in 49  
47 C.F.R. s.173.31(f)(2).

1           <sup>3</sup>[3. a. A railroad company <sup>2</sup>[, including a short line,]<sup>2</sup> operating  
2 within this State on any main line or branch line shall not operate, or  
3 permit to be operated, on any part of a main line or branch line, any  
4 train which exceeds 8,500 feet in length.

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

7           (1) a <sup>1</sup>[person or] <sup>2</sup>[privately owned<sup>1</sup>]<sup>2</sup> railroad <sup>2</sup>company<sup>2</sup>  
8 violating any provision of this section shall be liable for a civil  
9 penalty. Any civil penalty imposed may be collected, and any costs  
10 incurred in connection therewith may be recovered, in a summary  
11 proceeding pursuant to the “Penalty Enforcement Law of 1999,”  
12 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have  
13 jurisdiction to enforce the “Penalty Enforcement Law of 1999,”  
14 P.L.1999, c.274 (C.2A:58-10 et seq.).

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

24           c. Notwithstanding subsection a. of this section, the  
25 commissioner may grant a temporary waiver from the train length  
26 limitation in the event of a declared State or federal emergency, natural  
27 disaster, or when the commissioner reasonably determines that it is in  
28 the public interest to maintain critical freight movement. Upon  
29 application by <sup>2</sup>[an owner or operator] a railroad company<sup>2</sup>, such  
30 waivers shall be granted in writing for a period not to exceed 30 days.  
31 A waiver shall only remain in effect for the duration of the declared  
32 State or federal emergency, natural disaster, or for the time that the  
33 commissioner deems reasonably necessary. However, a waiver shall  
34 not extend beyond 30 days without resubmission of a waiver request  
35 by <sup>2</sup>[an owner or operator] a railroad company<sup>2</sup> and re-approval by  
36 the commissioner upon a showing of continued need.<sup>1</sup>]<sup>3</sup>

37  
38           <sup>3</sup>[4. Except as provided in section 3 of P.L. , c. (C. )  
39 (pending before the Legislature as this bill), the] <sup>3</sup>3. The<sup>3</sup> provisions of  
40 P.L. , c. (C. ) (pending before the Legislature as this bill) shall  
41 not apply to <sup>2</sup>[the owner or operator of] a railroad company that is<sup>2</sup> a  
42 Class III carrier, as defined by the Surface Transportation Board  
43 pursuant to 49 C.F.R. Part 1201 1-1, that operates within a single  
44 municipality on not more than 25 total track miles and is engaged in  
45 switching or terminal railroad services. Nothing contained herein shall  
46 be construed to exempt a major facility from the provisions of the  
47 “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-  
48 23.11 et seq.).

1           <sup>3</sup>[5.]<sup>4</sup><sup>3</sup> <sup>2</sup>[The owner or operator of each privately owned] <sup>A</sup><sup>2</sup>  
 2 railroad <sup>2</sup>company<sup>2</sup> shall submit a copy of the most recent bridge  
 3 inspection report generated pursuant to the federal “Fixing America’s  
 4 Surface Transportation Act,” Pub.L.114-94 <sup>3</sup>that is submitted to the  
 5 Federal Railroad Administration<sup>3</sup> for every bridge in this State owned  
 6 by the <sup>2</sup>[<sup>1</sup>privately owned<sup>1</sup>]<sup>2</sup> railroad <sup>1</sup>[, or upon which the railroad is  
 7 located,]<sup>1</sup> <sup>2</sup>company<sup>2</sup> to the <sup>1</sup>[Commissioner of Transportation]  
 8 commissioner<sup>1</sup>, the Governor and, pursuant to section 2 of P.L.1991,  
 9 c.164 (C.52:14-19.1), the Legislature <sup>1</sup>within 30 days of each  
 10 inspection<sup>1</sup> <sup>3</sup>or pursuant to such schedule as provided in rules and  
 11 regulations adopted by the Commissioner of Transportation pursuant  
 12 to this act. Notwithstanding any other law, rule or regulation to the  
 13 contrary, the bridge inspection report shall not be subject to public  
 14 disclosure pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et  
 15 seq.), commonly known as the open public records act<sup>3</sup>.

16  
 17           <sup>2</sup>[6.        a. The <sup>1</sup>[Board of Public Utilities] department,<sup>1</sup> in  
 18 conjunction with the <sup>1</sup>[New Jersey Department of Transportation]  
 19 board,<sup>1</sup> shall work with each railroad company that operates a train in  
 20 the State to <sup>1</sup>determine the appropriate type of wayside detector  
 21 system for a section of track,<sup>1</sup> ensure that wayside detector systems are  
 22 installed and are operating along railroad tracks on which the railroad  
 23 company operates<sup>1</sup>,<sup>1</sup> and <sup>1</sup>[to]<sup>1</sup> ensure that such systems meet <sup>1</sup>[all  
 24 of]<sup>1</sup> the following standards:

25       (1) the wayside detector systems are properly installed,  
 26 maintained, repaired, and operational in accordance with the latest  
 27 guidelines issued by the United States Department of Transportation,  
 28 the Federal Railroad Administration, and the Association of American  
 29 Railroads;

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

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

40       (4) the distance between wayside detector systems is  
 41 <sup>1</sup>[appropriate] reasonable<sup>1</sup> when <sup>1</sup>[accounting for] considering all  
 42 relevant factors, including, but not limited to:<sup>1</sup> the natural terrain  
 43 surrounding the railroad track on which the railroad operates <sup>1</sup>[and] ;<sup>1</sup>  
 44 the safety of the trains, rolling stock, on-track equipment, operators,  
 45 <sup>1</sup>and<sup>1</sup> passengers <sup>1</sup>[,] ; the clarity and accuracy of radio  
 46 communications; the length of the train; the frequency of the trains;<sup>1</sup>

1 and persons and property in the vicinity of the railroad track so that if  
2 defects are detected, operators have sufficient time to:

- 3 (a) respond to the alerts projected by the wayside detector system;  
4 (b) stop the train, rolling stock, or on-track equipment, if  
5 necessary; and  
6 (c) make all necessary repairs or, if repair is impossible at the  
7 location, to remove the component parts or equipment that <sup>1</sup>**[is]** are<sup>1</sup>  
8 defective.

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

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

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

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

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

- 34 (1) prioritize assistance based on a risk assessment that considers:  
35 (a) the volume and frequency of dangerous hazardous train traffic  
36 on a given route;  
37 (b) the railroad's proximity to densely populated communities or  
38 environmentally sensitive areas, as determined by the board and the  
39 department, in consultation with the New Jersey Department of  
40 Environmental Protection;  
41 (c) the railroad's accident or derailment history;  
42 (d) existing gaps in detection coverage;  
43 (e) the financial capacity of the railroad owner or operator; and  
44 (f) whether the railroad is classified as a short line railroad;  
45 (2) provide grants, reimbursements, or technical assistance to  
46 cover eligible costs related to the acquisition, installation,  
47 modernization, and maintenance of wayside detector systems;

- 1       (3) establish clear application procedures, deadlines, and  
2 documentation requirements;
- 3       (4) require that the funding assistance program recipients submit  
4 annual reports to the department and the board detailing expenditures,  
5 system performance, and maintenance activities; and
- 6       (5) be subject to audit by the State Auditor or other appropriate  
7 oversight body to ensure compliance and fiscal integrity.<sup>1</sup><sup>2</sup>  
8
- 9       <sup>3</sup>~~[<sup>2</sup>6.]~~ 5.<sup>3</sup> a. Within one year following the enactment of P.L. ,  
10 c. (C. ) (pending before the Legislature as this bill), the  
11 department shall establish a wayside detector system program in which  
12 the department shall work with each railroad company that operates a  
13 dangerous hazardous train in the State to:
- 14       (1) determine the appropriate type of wayside detector system for a  
15 section of track under the control or ownership of the railroad  
16 company or along railroad tracks on which the railroad company  
17 operates and ensure that wayside detector systems are installed by the  
18 railroad company; and
- 19       (2) ensure that each wayside detector system installed pursuant to  
20 this section shall consider all relevant factors, including, but not  
21 limited to: the natural terrain surrounding the railroad track on which  
22 the railroad company operates; the safety of the trains; rolling stock;  
23 on-track equipment; operators and passengers; the clarity and accuracy  
24 of radio communications; the length of the train; the frequency of the  
25 trains; and persons and property in the vicinity of the railroad track so  
26 that if defects are detected, operators have sufficient time to:
- 27       (a) respond to the alerts projected by the wayside detector system;  
28       (b) stop the train, rolling stock, or on-track equipment, if  
29 necessary; and
- 30       (c) make all necessary repairs or, if repair is impossible at the  
31 location, to remove the component parts or equipment that are  
32 defective.
- 33       b. The department shall determine the standards and requirements  
34 for the inspection, maintenance, repair, and replacement of wayside  
35 detector systems installed pursuant to this section.
- 36       c. The department may require each railroad company that  
37 operates a dangerous hazardous train in the State to participate in the  
38 wayside detector system program.
- 39       d. Each railroad company required by the department to  
40 participate in the program shall submit to the department in the time,  
41 form, and manner prescribed by the department, the written standards  
42 and training for the railroad company's employees pertaining to  
43 wayside detector systems, which written standards shall include, but  
44 not be limited to: defect alerts and the course of action that employees  
45 are required to take to respond to an alert; appropriate monitoring and  
46 responses by the railroad company if employees fail to take the  
47 required course of action; and any other requirements imposed by the  
48 department.
- 49       e. (1) The railroad company participating in the program shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (d) existing gaps in detection coverage;

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

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

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

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

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

17 (5) be subject to audit by the State Auditor or other appropriate  
18 oversight body to ensure compliance and fiscal integrity.<sup>2</sup>

19  
20 <sup>3</sup>**[7.]** <sup>6.</sup> <sup>3</sup> <sup>1</sup>**[All non-profit labor organizations representing a class**  
21 **or craft of employees of rail carriers or rail carrier contractor officials**  
22 **shall be permitted to enter onto railroad property to assist in inspecting**  
23 **for safety hazards and shall be permitted to identify alleged safety**  
24 **hazards, including any potential violation of a State regulation or a**  
25 **Federal Railroad Administration regulation]**

26 a. As used in this section:

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

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

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

34 b. A labor representative who has been designated by a non-profit  
35 labor organization as an inspector with relevant knowledge and  
36 experience with hazards on railroad property shall be permitted to  
37 enter the property of a privately owned railroad<sup>3</sup> upon reasonable  
38 notice to the railroad company, which shall be at least two days but  
39 need not be greater than five days,<sup>3</sup> to inspect for safety hazards  
40 pursuant to State and federal regulations. The<sup>2</sup> [owner or operator  
41 may] railroad company shall be permitted to<sup>2</sup> designate a railroad  
42 company employee to accompany the labor representative at all times  
43 on the privately owned railroad property.

44 c. Notwithstanding subsection b. of this section,<sup>2</sup> [an owner or  
45 operator] <sup>3</sup> [a railroad company<sup>2</sup> may deny a request by a labor  
46 representative to enter the property of the privately owned railroad no  
47 more than twice in a calendar year for bona fide business reasons,  
48 including workforce shortages, temporary railroad closures due to

1 scheduled maintenance or emergency repairs, or extreme weather  
2 conditions. <sup>2</sup>However, <sup>3</sup> if a railroad company denies a request by a  
3 labor representative to enter the property pursuant to this subsection,  
4 the railroad company shall promptly coordinate with the labor  
5 representative to arrange for the labor representative to enter the  
6 property on a later date <sup>3</sup>within a reasonable period of time thereafter  
7 which shall be no later than five days following the entry date included  
8 in such request<sup>3 2</sup>.

9 d. Notwithstanding subsection b. of this section, <sup>2</sup>[an owner or  
10 operator] a railroad company<sup>2</sup> may deny a labor representative access  
11 to areas of the property of a privately owned railroad:

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

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

17 e. While on the premises of a privately owned railroad pursuant  
18 to subsection b. of this section, a labor representative shall carry valid  
19 photo identification and written authorization issued by the non-profit  
20 labor organization, which identification and authorization shall be  
21 presented upon the request of <sup>2</sup>[the owner or operator of the] a<sup>2</sup>  
22 railroad <sup>2</sup>[property] company<sup>2</sup> or any law enforcement officer with  
23 jurisdiction over the property.

24 f. <sup>2</sup>(1)<sup>2</sup> A labor representative acting in good faith and without  
25 gross negligence or willful misconduct shall be immune from civil  
26 liability for actions undertaken while on the property of the privately  
27 owned railroad.

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

32 (3) An employee of a privately owned railroad shall not be subject  
33 to disciplinary action by the privately owned railroad for any State or  
34 federal railroad safety violations identified during an inspection  
35 conducted pursuant to this section.<sup>2</sup>

36 g. <sup>2</sup>[An owner or operator] A railroad company<sup>2</sup> may require a  
37 labor representative to execute nondisclosure agreements to protect  
38 trade secrets or confidential information viewed during an inspection,  
39 except as necessary to report hazardous conditions or violations to  
40 State or federal regulatory agencies<sup>1</sup>.

41 <sup>2</sup>h. (1) An officer, employee, or agent of the department, at  
42 reasonable times and in a reasonable manner, may enter and inspect  
43 railroad equipment, facilities, rolling stock, operations, and relevant  
44 records. The railroad company may designate an employee to  
45 accompany the officer, employee, or agent of the department at all  
46 times on the privately owned railroad property. The officer, employee,  
47 or agent of the department shall carry valid photo identification and  
48 written authorization issued by the department, which identification

1 and authorization shall be presented upon the request of an employee  
 2 of the railroad company or any law enforcement officer with  
 3 jurisdiction over the property.

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

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

11 (b) delegating the inspection, examination, and testing of railroad  
 12 equipment, facilities, rolling stock, operations, and persons to either a  
 13 qualified public entity or qualified person, as determined by the  
 14 department.<sup>2</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] <sup>3</sup>8.] 7.<sup>3</sup> a. The <sup>1</sup>Department of Transportation]  
 27 department<sup>1</sup> shall adopt rules and regulations pursuant to the  
 28 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.),  
 29 to effectuate the purposes of <sup>1</sup>sections 2 through 5 and sections 7 and  
 30 8 of this act] P.L. , c. (C. ) (pending before the Legislature as  
 31 this bill)<sup>1</sup> within <sup>3</sup>18 months] one year<sup>3</sup> after the effective date of  
 32 <sup>1</sup>this act] P.L. , c. (C. ) (pending before the Legislature as  
 33 this bill)<sup>1</sup>.

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

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

1 the proposed substantive change to all railroads operating within the  
2 State moving either passengers or freight.  
3 <sup>3</sup>[d. 2] c.<sup>3</sup> The <sup>1</sup>[Board of Public Utilities in conjunction with the  
4 Department of Transportation shall adopt rules and regulations  
5 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
6 (C.52:14B-1 et seq.), to effectuate the purposes of section 6 of this act  
7 within 18 months after the effective date of this act] department shall  
8 coordinate with the board through a memorandum of understanding to  
9 ensure alignment of regulatory activities where railroad safety  
10 initiatives intersect with utility infrastructure, grade crossings, or  
11 energy-related systems under the jurisdiction of the board<sup>1</sup>.  
12  
13 <sup>1</sup>[10.] <sup>3</sup>[9.1] 8.<sup>3</sup> If any provision of P.L. , c. (C. )  
14 (pending before the Legislature as this bill) or its application to any  
15 person or circumstance is held invalid, the invalidity shall not affect  
16 any other provision or application of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill) which can be given effect without  
18 the invalid provision or application, and to this end the provisions  
19 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
20 are severable.  
21  
22 <sup>1</sup>[11.] <sup>3</sup>[10.1] 9.<sup>3</sup> This act shall take effect <sup>3</sup>[immediately] on the  
23 365th day next following the date of enactment, except that the  
24 Department of Transportation may take such administrative actions  
25 prior thereto as may be necessary to effectuate the provisions of this  
26 act<sup>3</sup>.