SENATE, No. 4610

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:
Senator PATRICK J. DIEGNAN, JR.
District 18 (Middlesex)

SYNOPSIS

Concerns penalties for assault of motorbus and rail passenger service employees.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the prevention of violence against motorbus and rail passenger service employes and amending P.L.1979, c.150 and P.L.2021, c.352.

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

1. Section 5 of P.L.1979, c.150 (C.27:25-5) is amended to read as follows:

5. In addition to the powers and duties conferred upon it elsewhere in this act, the corporation may do all acts necessary and reasonably incident to carrying out the objectives of this act, including but not in limitation thereof the following:

a. Sue and be sued;

b. Have an official seal and alter the same at pleasure;

c. Make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

d. Maintain an office at such place or places within the State as it may determine;

e. Adopt, amend and repeal such rules and regulations as it may deem necessary to effectuate the purposes of this act, which shall have the force and effect of law; it shall publish the same and file them in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) with the Director of the Office of Administrative Law;

f. Call to its assistance and avail itself of the service of such employees of any federal, State, county or municipal department or agency as it may require and as may be available to it for said purpose;

g. Apply for, accept and expend money from any federal, State, county or municipal agency or instrumentality and from any private source as gifts, grants, or loans; comply with federal statutes, rules and regulations, and qualify for and receive all forms of financial assistance available under federal law to assure the continuance of, or for the support or improvement of public transportation and as may be necessary for that purpose to enter into agreements, including federally required labor protective agreements;

h. Plan, design, construct, equip, operate, improve, maintain, and, through the New Jersey Transportation Trust Fund Authority, finance either directly or by contract with any public or private entity, public transportation services, capital equipment and facilities or any parts or functions thereof, and other transportation projects, or any parts or functions thereof, which may be funded under section 3 of the federal "Urban Mass Transportation Act of 1964", Pub.L.88-365 **[**(49 U.S.C. s.1602)**]**, or any successor or

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.

additional federal act having substantially the same or similar purposes or functions; the operation of the facilities of the corporation, by the corporation or any public or private entity, may include appropriate and reasonable limitations on competition in order that maximum service may be provided most efficiently to the public;

i. Apply for and accept, from appropriate regulatory bodies, authority to operate public transportation services where necessary;

j. Purchase, lease as lessee, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, from any public or private entity, wherever situated;

k. Lease as lessor, sell or otherwise dispose of on terms which the corporation may prescribe, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity, in the exercise of its powers and the performance of its duties under this act. In order to provide or encourage adequate and efficient public transportation service, the corporation may lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

l. Restrict the rights of persons to enter upon or construct any works in or upon any property owned or leased by the corporation, except under such terms as the corporation may prescribe; perform or contract for the performance of all acts necessary for the management, maintenance and repair of real or personal property leased or otherwise used or occupied pursuant to this act; and prohibit from using transportation services provided by the corporation any person who assaults an employee of motorbus service, including, but not limited to, an operator of a motorbus or the operator's supervisor or any employee of a rail passenger service, including light rail service, while clearly identifiable as being engaged in the performance of the person's duties or because of the person's status as an employee of a motorbus service or as an employee of a rail passenger service, for a term to be determined by the corporation not to exceed [one] five calendar [year,] years. After having been barred from the corporation's transportation services for three years pursuant to this subsection, a person may petition, in a manner and process established by the corporation, for relief to reduce or end the period of suspension for good cause based on change in circumstances, substantial need for transportation services provided by the corporation, or proof of rehabilitation. [unless] However, if the person used a deadly weapon during the commission of the assault [in which case] , the corporation may prohibit the person [may be prohibited] from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this subsection in a manner and process established by the corporation;

m. Establish one or more operating divisions as deemed necessary;

n. Set and collect fares and determine levels of service for service provided by the corporation either directly or by contract including, but not limited to, such reduced fare programs as deemed appropriate by the corporation; revenues derived from such service may be collected by the corporation and shall be available to the corporation for use in furtherance of any of the purposes of this act;

o. Set and collect rentals, fees, charges or other payments from the lease, use, occupancy or disposition of properties owned or leased by the corporation; such revenues shall be available to the corporation for use in furtherance of any of the purposes of this act;

p. Deposit corporate revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4);

q. Delegate to subordinate officers of the corporation such powers and duties as the corporation shall deem necessary and proper to carry out the purposes of this act;

r. (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the corporation, whether part-time, full-time, compensated or noncompensated, in the performance of the duties of his office or employment or any other insurable risk. In addition, the corporation may carry its own liability insurance and may also establish and utilize a wholly-owned insurance subsidiary or captive provided the subsidiary or captive is domiciled in the United States in a state which is accredited by the National Association of Insurance Commissioners and which licenses and regulates wholly-owned insurance subsidiaries or captives; and

(2) Pursuant to paragraph (1) of this subsection, the corporation's chief of procurement is authorized to reach an agreement to defend and indemnify a person against claims, causes of action, demands, costs or judgments against that person arising as a direct result of that person's contract with the corporation, upon the terms and limitations the chief deems reasonable and appropriate. An agreement to defend and indemnify pursuant to this subsection shall not bar, reduce, limit or affect any remedies which the corporation may have to enforce the corporation's agreement or to assert a claim for damages to which the corporation may be entitled arising out of the person's failure to perform the agreement, or for the recovery of funds expended for the defense of a person if the defense was undertaken in response to a claim or cause of action brought against the person which is proven to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal conduct. No one other than the person

who is party to the agreement with the corporation may enforce any agreement for defense or indemnification between that person and the corporation;

s. Promote the use of public transportation services, coordinate ticket sales and passenger information and sell, lease or otherwise contract for advertising in or on the equipment or facilities of the corporation;

t. Adopt and maintain employee benefit programs for employees of the corporation including, but not limited to, pension, deferred compensation, medical disability, and death benefits, and which programs may utilize insurance contracts, trust funds, and any other appropriate means of providing the stipulated benefits, and may involve new plans or the continuation of plans previously established by entities acquired by the corporation;

u. Own, control, vote, and exercise any and all other rights incidental to the ownership of any equity, membership interest, or any shares of the capital stock of any incorporated entity acquired, formed, incorporated, or established by law by the corporation pursuant to the powers granted by this act. Any such corporate entity may be utilized in order to enable the corporation to participate with other private or public entities in any transaction, memorandum of understanding, undertaking, or arrangement that the corporation would have the power to conduct by itself, whether or not such participation involves sharing or delegation of control with or to other public or private entities regarding the ownership, operation, control, and management of services, equipment, or facilities. For purposes of this subsection, "corporate entity" means any business entity, including but not limited to, any corporation, limited liability company, joint venture, limited partnership, general partnership, association of any kind, or collaborative arrangement that may be jointly owned by the corporation and any other public or private entities that provide public transportation services;

v. Enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the corporation, or to carry out any power expressly or implicitly given in this act;

w. Notwithstanding the provisions of section 17 of P.L.1979, c.150 (C.27:25-17) or any other law to the contrary, (1) issue operating grant anticipation notes which shall be secured and retired from operating assistance grants authorized under section 9 of the federal "Urban Mass Transportation Act of 1964", Pub.L.88-365 **[**(49 U.S.C. s.1602)**]**, or any successor or additional federal act having substantially the same or similar purposes or functions and (2) issue capital grant anticipation notes which shall be secured and retired from capital assistance grants authorized under section 3 or section 9 of the federal "Urban Mass Transportation Act of 1964", Pub.L.88-365 **[**(49 U.S.C. s.1602)**]**, or any successor or additional

federal act having substantially the same or similar purposes or functions. As used in this subsection, "operating grant anticipation notes" or "capital grant anticipation notes" (hereinafter referred to as "notes") means credit obligations issued in anticipation of these grants. All grant anticipation notes shall be authorized by a resolution or resolutions of the corporation, and may be issued in one or more series and shall bear the date, or dates, bear interest at the rate or rates of interest per annum, be in the denomination or denominations, be in the form, carry the conversion or registration privileges, have the rank or priority, be executed in such manner as the resolution or resolutions require. The notes may be sold at public or private sale at the price or prices and in the manner that the corporation determines. The notes of the corporation, the sale or transfer thereof, and the income derived therefrom by the purchasers of the notes, shall, at all times, be free from taxation for State or local purposes, under any law of the State or any political subdivision thereof. Notes may be issued under the provisions of P.L.1979, c.150 (C.27:25-1 et [seq] al.) without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceedings, conditions, or things which are specifically required by P.L.1979, c.150 (C.27:25-1 et [seq] al.). The notes issued pursuant to P.L.1979, c.150 (C.27:25-1 et [seq] al.) shall not in any way create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof or of the corporation, except as provided herein.

The grant anticipation notes shall be payable solely from (1) note proceeds, to the extent not disbursed to the corporation, (2) grant payments if, as, and when received from the federal government, and (3) investment earnings on note proceeds, to the extent not disbursed to the corporation. Each note shall contain on its face a statement to the effect that the corporation is obligated to pay the principal thereof or the interest thereon only from these grants to the corporation and from the proceeds of the notes and investment earnings on the proceeds of the notes, to the extent not disbursed to the corporation, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof or of the corporation is pledged to the payment of the principal and interest on these notes. Neither the members of the corporation's board nor any person executing the transactions are personally liable on those notes nor are they otherwise liable for their actions. Subject to any agreement with the debtholders, the corporation may invest moneys of the corporation not required for immediate use, including proceeds from the sale of any notes, in such obligations, securities and other investments as the corporation shall deem prudent;

x. Enter into agreements with a public or private entity or consortia thereof to provide for the development of demonstration projects through the use of public-private partnerships pursuant to

sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through C.27:1D-9);

y. Enter into agreements with a public or private entity or consortia thereof to provide for the development of projects through the use of public-private partnerships. All building construction projects under a public-private partnership agreement entered into pursuant to this subsection shall contain a project labor agreement, unless the federal government or a court of competent jurisdiction determines that requiring such an agreement would violate federal law or regulation, or including such an agreement would preclude the corporation from receiving federal funding for the project. Project labor agreements shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et seq.); and

z. To employ and retain legal counsel at the corporation's discretion, including choosing representation by the Attorney General.

(cf: P.L.2021, c.352, s.2)

2. Section 4 of P.L.2021, c.352 (C.27:25-5.29) is amended to read as follows:

4. Any entity that provides rail passenger service, including light rail service, is hereby authorized to prohibit from using transportation services provided by the entity any person who assaults an employee of the rail passenger service while clearly identifiable as being engaged in the performance of the person's duties or because of the <u>person's</u> status as an employee of the rail passenger service, for a term to be determined by the entity not to exceed **[**one**]** <u>five</u> calendar **[**year,**]** <u>years. After having been barred from the entity's transportation services for three years pursuant to this section, a person may petition, in a manner and process established by the entity, for relief to reduce or end the period of suspension for good cause based on change in circumstances, substantial need for transportation services provided by the entity, or proof of rehabilitation.</u> **[**unless**]** <u>However, if</u> the person used a deadly weapon during the commission of the assault **[**in which case**]** <u>,</u> the <u>entity may prohibit the</u> person **[**may be prohibited**]** from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this section in a manner and process established by the entity.

(cf: P.L.2021, c.352, s.4)

3. Section 5 of P.L.2021, c.352 (C.48:4-2.26) is amended to read as follows:

5. a. An autobus company may, at its discretion, prohibit from using transportation services provided or operated by the autobus company any person who assaults an operator of an autobus or the operator's supervisor while clearly identifiable as being engaged in the performance of the person's duties or because of the <u>person's</u>

status as an operator of an autobus or as the operator's supervisor, for a term to be determined by the owner or operator of the autobus not to exceed [one] five calendar [year,] years. After having been barred from the autobus company's transportation services for three years pursuant to this subsection, a person may petition, in a manner and process established by the autobus company, for relief to reduce or end the period of suspension for good cause based on change in circumstances, substantial need for transportation services provided or operated by the autobus company, or proof of rehabilitation. [unless] However, if the person used a deadly weapon during the commission of the assault [in which case] an autobus company may prohibit the person [may be prohibited] from accessing transportation services for life, provided that the person has the right to appeal any determination made pursuant to this subsection in a manner and process established by the autobus company.

b. An autobus company shall equip each autobus with a working radio or other communication system that allows the operator of the autobus to alert the autobus company or appropriate law enforcement agencies when the operator is in distress.

c. An autobus company shall designate a chief security officer or other manager to serve as the primary contact with the chief of police in any town served by the autobus company and with New Jersey Transit police. The designated primary contact shall provide 24-hour contact information to each police department in jurisdictions served by the autobus company.

d. An autobus company shall identify a program or programs to assist and support operators of autobuses that have been a victim of assault and shall annually provide contact and other information about such program to all bus operators employed by the autobus company.

e. An autobus company shall periodically provide or engage a qualified professional to provide training to autobus operators which shall include training in techniques to de-escalate situations to avoid violence.

f. As used in this section, "autobus company" means an entity that operates an autobus providing transportation services to members of the public.

(cf: P.L.2021, c.352, s.5)

4. This act shall take effect immediately.

STATEMENT

This bill concerns penalties for assault of motorbus and passenger rail service employees. Specifically, the bill amends current law to allow the New Jersey Transit Corporation

(corporation), an entity that provides rail passenger service (entity), and an autobus company to prohibit from using transportation services provided by the corporation, an entity, or an autobus company any person who assaults an employee of the corporation, entity, or an autobus company for up to five calendar years. However, the bill permits any such person, after having been barred from the corporation's, entity's, or autobus company's transportation services, to petition the corporation, entity, or autobus company for relief to reduce or end the period of suspension for good cause based on change in circumstances, substantial need for the transportation service, or proof of rehabilitation.