

SENATE, No. 4651

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires NJT and BPU to establish railroad right-of-way solar energy pilot program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring the New Jersey Transit Corporation and the
2 Board of Public Utilities to establish a railroad right-of-way solar
3 energy pilot program.
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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
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8 1. a. As used in this section:

9 “Board” means the New Jersey Board of Public Utilities or a
10 successor agency.

11 “Corporation” means the New Jersey Transit Corporation.

12 “Electric public utility” means a public utility, as that term is
13 defined in R.S.48:2-13, that transmits and distributes electricity to
14 end users within the State.

15 “Pilot program” means the “Railroad Right-of-way Solar Energy
16 Pilot Program” established pursuant to this section.

17 “Railroad right-of-way” means the roadbed of a line of railroad,
18 not exceeding 100 feet in width, as measured horizontally at the
19 elevation of the base of the rail, including the full embankment or
20 excavated area, with slopes, slope ditches, retaining walls, or
21 foundations necessary to provide a width not to exceed 100 feet at
22 the base of the rail. “Railroad right-of-way” does not include
23 tracks, appurtenances, ballast, or any structures or buildings erected
24 thereon.

25 “Railroad right-of-way solar energy project” or “project” means
26 energy generation facilities, structures, and equipment used to
27 produce electric power from solar photovoltaic panels located in
28 railroad rights-of-way that allow for the continued simultaneous use
29 of the area below and adjacent to the panels.

30 b. Within 180 days after the effective date of this section, the
31 corporation, in consultation with the board, shall adopt rules and
32 regulations, pursuant to the “Administrative Procedure Act,”
33 P.L.1968, c.410 (C.52:14B-1 et seq.), to establish a pilot program,
34 to be known as the “Railroad Right-of-way Solar Energy Pilot
35 Program,” to permit the construction, installation, and operation of
36 railroad right-of-way solar energy projects that are connected to an
37 electric public utility’s distribution and transmission system and
38 located in a railroad right-of-way owned and operated by the
39 corporation. At a minimum, the rules and regulations adopted by the
40 corporation, in consultation with the board, pursuant to this
41 subsection, shall establish:

42 (1) a capacity limit for individual projects developed under the
43 pilot program;

44 (2) annual targets for the total capacity of projects approved
45 under the pilot program;

46 (3) financial incentives available to projects approved under the
47 pilot program;

1 (4) an application process for entities to apply to participate in
2 the pilot program, including the process to apply for and receive
3 any financial incentives developed pursuant to paragraph (3) of this
4 subsection; and

5 (5) criteria to guide the corporation's and the board's evaluation
6 of an application submitted pursuant to paragraph (4) of this
7 subsection, including, but not limited to, a requirement that an
8 entity has obtained all necessary permits and other approvals that
9 may be required pursuant to any applicable federal, State, or local
10 law, rule, regulation, or ordinance prior to constructing the project.

11 c. An entity proposing a railroad right-of-way solar energy
12 project shall apply to the corporation and the board before
13 constructing, installing, or operating the project. The corporation,
14 in consultation with the board, shall review and approve all projects
15 under the pilot program, provided that, at a minimum, the project
16 meets the criteria developed pursuant to paragraph (5) of subsection
17 b. of this section.

18 d. (1) The pilot program shall continue for 36 months after the
19 adoption of the rules and regulations required pursuant to
20 subsection b. of this section. However, the corporation may extend
21 the pilot program by an additional period determined by the
22 corporation, in consultation with the board, if the corporation and
23 the board determine that an extension is necessary to adequately
24 evaluate the performance of the projects approved under the pilot
25 program.

26 (2) Within six months after the conclusion of the pilot program,
27 the corporation, in consultation with the board, shall prepare and
28 submit a report to the Governor and, pursuant to section 2 of
29 P.L.1991, c.164 (C.52:14-19.1), the Legislature, containing the
30 following information:

31 (a) the number, location, status, and generating capacity of each
32 project proposed, approved, constructed, and placed into operation
33 under the pilot program;

34 (b) the amount of electricity generated by each operational
35 project and an evaluation of a project's performance and reliability;

36 (c) the use or disposition of the electricity generated by a
37 project;

38 (d) the cost of developing and operating a project, the amount
39 and source of any financial incentives provided to a project,
40 interconnection costs for each project, and any revenue, lease
41 payments, or savings or revenue realized by the corporation;

42 (e) any effects on railroad safety, operations, maintenance,
43 emergency access, or the continued use of the railroad right-of-way;

44 (f) any engineering, permitting, interconnection, financial,
45 regulatory, or other barriers encountered;

46 (g) the environmental and community benefits associated with
47 each project; and

1 (h) recommendations concerning whether the pilot program
2 should be continued, expanded, modified, or made permanent,
3 including any recommended legislative or regulatory changes.

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5 2. This act shall take effect immediately and shall expire upon
6 the submission of the report required pursuant to paragraph (2) of
7 subsection d. of this act.

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10 STATEMENT

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12 This bill requires the New Jersey Transit Corporation (NJT) and
13 the Board of Public Utilities (BPU) to establish a three-year pilot
14 program, to be known as the “Railroad Right-of-way Solar Energy
15 Pilot Program,” to permit the construction, installation, and
16 operation of railroad right-of-way solar energy projects (projects)
17 that are connected to an electric public utility’s distribution and
18 transmission system and located in a railroad right-of-way owned
19 and operated by NJT. Under the bill, NJT, in consultation with the
20 BPU, is required to adopt rules and regulations establishing the
21 pilot program, including, but not limited to, individual project
22 capacity limits and overall project capacity targets, financial
23 incentives, an application process for the pilot program, and criteria
24 to guide NJT’s and the BPU’s review and approval of project
25 applications submitted under the pilot program. The bill also
26 provides for the potential extension of the pilot program and
27 requires NJT, in consultation with the BPU, to submit a report to
28 the Governor and the Legislature containing certain information
29 regarding pilot program operations and performance and
30 recommendations on whether to continue, expand, or modify the
31 pilot program or on whether to convert the pilot program to a
32 permanent program.