ASSEMBLY COMMERCE, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4460

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 2024

The Assembly Commerce, Economic Development and Agriculture Committee reports favorably Assembly Bill No. 4460.

This bill provides certain requirements concerning railroad safety. Under the bill, the owner or operator of a dangerous hazardous train is to require at least a two-person crew on all dangerous hazardous trains. The owner or operator of a dangerous hazardous train is to further require that all dangerous hazardous trains clearly display the name of the railroad company that owns the dangerous hazardous train. The bill provides for certain exceptions to the two-person crew requirement, including: when a train is performing helper service; when a train is a tourist, scenic, historic, or excursion operation that is not part of the general railroad system of transportation; when a train is a locomotive that is not attached to railcars, is located inside a rail yard, and is being moved between tracks or moved to or from a maintenance shop; and when the owner or operator has been exempted from the two-person crew requirement by the Commissioner of Transportation. However, the bill specifies that the two-person crew requirement is mandatory when a train is transporting one or more loaded freight cars containing any material poisonous by inhalation or transporting 10 or more loaded freight cars or freight cars loaded with bulk packages or containing certain hazardous materials.

The bill also prohibits a railroad company, including a short line, from operating any train that exceeds 8,500 feet in length on any main line or branch line within the State. Any person or railroad company that violates this maximum length is liable for a civil penalty of at least $500 but not more than $1,000 per foot exceeding the maximum train length allowed under the bill. The maximum penalty allowed is $250,000 in instances of gross negligence or a pattern of repeated violations that cause an imminent hazard of death or injury or that have caused death or injury, regardless of train length.

The owner or operator of a privately owned railroad is required to submit a copy of federally required bridge inspection reports to the Commissioner of Transportation, the Governor, and the Legislature.

Under the bill, the Board of Public Utilities (board), in conjunction with Department of Transportation (DOT), is required to work with each railroad company that operates in the State to ensure that wayside

detector systems are installed and are operating along railroad tracks on which the railroad company operates and to ensure that such systems meet certain standards. If a railroad company refuses to work or otherwise cooperate with the board and the DOT in good faith, the board and the DOT are required to investigate the railroad company's safety practices and standards to determine whether the company appears to be in compliance with federal railroad safety standards. If the railroad company does not appear to be in compliance, the board and the DOT are then required to make a report to the Federal Railroad Administration (administration), within 60 days after this determination, detailing the results of the investigation and recommending that the administration take enforcement action against the railroad company. The bill requires the board and the DOT to send a copy of the report to the Governor and Legislature.

The bill requires that all non-profit labor organizations representing a class or craft of employees of rail carriers or rail carrier contractor officials (non-profit labor organizations) be permitted onto railroad property to assist in inspecting for safety hazards and are permitted to identify any alleged safety hazards.

Finally, the bill requires the DOT to work with non-profit labor organizations and local emergency response service providers to apply for federal grants.

With the exception of the maximum train length provisions of the bill, this bill does not apply to certain Class III carriers as defined by the Surface Transportation Board.