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SYNOPSIS
Requires owner or operator of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail; requires NJ DOT to request bridge inspection reports from US DOT.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning freight rail safety and supplementing Titles 58 and 27 of the Revised Statutes.

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

1. As used in P.L. , c. (C. ) (pending before the Legislature as this bill):

"Cleanup and removal costs” means all direct costs associated with a discharge, and those indirect costs that may be imposed by the department pursuant to section 1 of P.L.2002, c.37 (C.58:10b-2.1) associated with a discharge, incurred by the State, or its political subdivisions, or their agents, or any person with written approval from the department in the: (1) removal or attempted removal of hazardous substances, or (2) taking of reasonable measures to prevent or mitigate damage to the public health, safety, or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils, and other affected property, including wildlife and other natural resources, and shall include costs incurred by the State for the indemnification and legal defense of contractors pursuant to sections 1 through 11 of P.L.1991, c.373 (C.58:10-23.11f8 et seq.);

"Commissioner” means the Commissioner of Environmental Protection;

"Contamination” or "contaminant” means any discharged hazardous substance, hazardous waste as defined pursuant to section 1 of P.L.1976, c.99 (C.13:1E-38), or pollutant as defined pursuant to section 3 of P.L.1977, c.74 (C.58:10A-3);

"Department” means the Department of Environmental Protection;

"Discharge” means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous substances into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State when damage may result to the lands, waters, or natural resources within the jurisdiction of the State;

"Emergency response action” means those activities conducted by a local unit to clean up, remove, prevent, contain, or mitigate a discharge that poses an immediate threat to the environment or to the public health, safety, or welfare;

“Emergency services personnel” means a person who is employed as a law enforcement officer, emergency medical service technician, firefighter, emergency communications operator, hazardous materials responder, or in a related occupation or profession, or who serves as a volunteer member of a fire department, duly incorporated fire or first aid company, or volunteer emergency, ambulance, or rescue squad association,
organization, or company which provides emergency services for a local unit; “Emergency services provider” means a law enforcement agency, emergency medical services unit, fire department, emergency communications provider, hazardous material response unit, volunteer fire department, duly incorporated fire or first aid company, or volunteer emergency, ambulance, or rescue squad association, organization, or company which provides emergency services for a local unit; “Hazardous substances” means the “environmental hazardous substances” on the environmental hazardous substance list adopted by the department pursuant to section 4 of P.L.1983, c.315 (C.34:5A-4); elements and compounds, including petroleum products, which are defined by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the “Federal Water Pollution Control Act Amendments of 1972,” Pub.L.92-500, as amended by the “Clean Water Act of 1977,” Pub.L.95-217 (33 U.S.C. s.1251 et seq.); the list of toxic pollutants designated by the Congress of the United States or the federal Environmental Protection Agency pursuant to section 53 of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the “Comprehensive Environmental Response, Compensation, and Liability Act of 1980,” Pub.L.96-510 (42 U.S.C. s.9601 et seq.); provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill); “High hazard train” means any railroad locomotive propelling a railroad tank car or connection of railroad tank cars transporting 200,000 gallons or more of petroleum or petroleum products or 20,000 gallons or more of hazardous substances other than petroleum or petroleum products; “Local unit” means any county or municipality, or any agency or other instrumentality thereof, or a duly incorporated volunteer fire, ambulance, first aid, emergency, or rescue company or squad; "Major facility" shall have the same meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-23.11b); "Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters, and other resources owned, managed, held in trust, or otherwise controlled by the State; "Owner" or "operator" means, with respect to any high hazard train, any person owning the high hazard train, or operating it by lease, contract, or other form of agreement; provided, however, that the owner or operator shall not mean a person who operates a high hazard train only for the purposes of positioning or moving railroad tank cars within the confines of a major facility, or a person whose
interest in a high hazard train solely involves the ownership or lease
of one or more railroad tank cars without operational authority;
"Person" means public or private corporations, companies,
associations, societies, firms, partnerships, joint stock companies,
individuals, the United States, the State of New Jersey, and any of
its political subdivisions or agents;
"Petroleum" or "petroleum products" shall have the same
meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-23.11b);
"Remedial action" means those actions taken at a site or offsite if
a contaminant has migrated or is migrating therefrom, as may be
required by the department, including the removal, treatment,
containment, transportation, securing, or other engineering or
treatment measures, whether to an unrestricted use or otherwise,
designed to ensure that any discharged contaminant at the site or
that has migrated or is migrating from the site, is remediated in
compliance with the applicable health risk or environmental
standards;
"Remediation" or "remediate" means all necessary actions to
investigate and clean up or respond to any known, suspected, or
threatened discharge, including, as necessary, the preliminary
assessment, site investigation, remedial investigation, and remedial
action, provided, however, that "remediation" or "remediate" shall
not include the payment of compensation for damage to, or loss of,
natural resources. For the purpose of this definition, "remedial
investigation" means a process to determine the nature and extent of
a discharge of a contaminant at a site or a discharge of a
contaminant that has migrated or is migrating from the site and the
problems presented by a discharge, and may include data collected,
site characterization, sampling, monitoring, and the gathering of
any other sufficient and relevant information necessary to determine
the necessity for remedial action and to support the evaluation of
remedial actions if necessary and "site investigation" means the
collection and evaluation of data adequate to determine whether or
not discharged contaminants exist at a site or have migrated or are
migrating from the site at levels in excess of the applicable
remediation standards; and
"Waters" means the ocean and its estuaries to the seaward limit
of the State's jurisdiction, all springs, streams, and bodies of surface
or groundwater, whether natural or artificial, within the boundaries
of this State.

2. a. The owner or operator of a high hazard train traveling
within this State shall submit a discharge response, cleanup, and
contingency plan to the Department of Environmental Protection.
The owner or operator of a high hazard train shall submit a
discharge response, cleanup, and contingency plan within six
months of the effective date of P.L. , c. (C. ) (pending before

the Legislature as this bill).

b. The discharge response, cleanup, and contingency plan shall
contain the following information:

(1) A summary and detailed description of the emergency
response measures to be used by the trained personnel or discharge
cleanup contractors employed by the owner or operator of the high
hazard train, as applicable, in responding to, and minimizing health
and environmental dangers from, fires, explosions, or unauthorized
discharges or releases of hazardous substances to the air, soil, or
waters of the State, including: the planned deployment of personnel
and equipment in the event of a discharge or other emergency, the
chain of command for the emergency response measures, and the
ability of the emergency response measures to comply with the
timetables established pursuant to section 8 of P.L ,

c. (C. ) (pending before the Legislature as this bill);

(2) An identification of all equipment available for cleanup and
emergency response measures, including all equipment located in a
location other than the high hazard train, that is either under the
direct control of the owner or operator of the high hazard train, or
that is available, by contract, to the owner or operator of the high
hazard train in the event of a discharge or other emergency;

(3) A list of the names, business addresses, home addresses,
television numbers, electronic mail addresses, and qualifications of
all emergency response coordinators employed by the owner or
operator of the high hazard train, along with the authority and
responsibilities of each emergency response coordinator in the
event of a discharge or other emergency, and the names and
qualifications of all other trained personnel employed by the owner
or operator of the high hazard train, which have been trained to
operate containment, cleanup, and removal equipment and are
required to respond to a discharge or other emergency;

(4) The priorities for the deployment of trained personnel and
emergency response, recovery, and containment equipment to
protect residential, environmentally sensitive, or other areas against
a discharge or other emergency based on use, seasonal sensitivity,
or other relevant factors; and

(5) Any other information deemed necessary or useful by the
department.

c. The discharge response, cleanup, and contingency plan shall
certify that:

(1) trained personnel and emergency response, recovery, and
containment equipment as specified in the discharge response,
cleanup, and contingency plan are readily available on the high
hazard train or can be speedily deployed to the high hazard train;

(2) the emergency response, recovery, and containment
equipment is in good repair;
(3) the discharge response, cleanup, and contingency plan is consistent with applicable local, regional, and State emergency response plans;
(4) the discharge response, cleanup, and contingency plan complies with departmental regulations; and
(5) the discharge response, cleanup, and contingency plan was reviewed, and approved by a licensed professional engineer.
d. The discharge response, cleanup, and contingency plan shall provide for simulated emergency response drills, to be conducted at least once annually, to determine the adequacy of and personnel familiarity with the discharge response, cleanup, and contingency plan.
e. The owner or operator of a high hazard train shall include with the discharge response, cleanup, and contingency plan submitted to the department:
   (1) An environmentally sensitive areas and habitats protection plan, reviewed and certified by a marine biologist and an ornithologist, that shall:
      (a) identify all environmentally sensitive areas and wildlife habitats that could be affected by a discharge from the high hazard train that travels in proximity to the environmentally sensitive area;
      (b) identify the seasonal sensitivity of the areas or habitats;
      (c) in the event of a discharge, provide for the protection from, and mitigation of, any potentially adverse impact of the discharge on the identified areas or habitats; and
      (d) provide for an environmental assessment of the impact of any discharge on the identified areas and habitats, including the effects on the habitat’s flora, fauna, or organisms.
   The environmentally sensitive areas and habitats protection plan shall, using criteria established by the department for identifying environmentally sensitive areas or habitats, identify any environmentally sensitive area or habitat that could be adversely affected by a discharge from the high hazard train;
   (2) A copy of any existing agreement between the owner or operator of the high hazard train and an emergency services provider of a local unit located along the travel route of the high hazard train to coordinate the emergency response actions of the local unit and the owner or operator of the high hazard train; and
   (3) A copy of all current contracts or agreements between the owner or operator of the high hazard train and a discharge cleanup organization for remedial action, including containment, cleanup, removal, and disposal.
3. a. The owner or operator of a high hazard train shall submit an application for renewal of the discharge response, cleanup, and contingency plan every five years to the department, unless the department requires a more frequent submission. Applications for discharge response, cleanup, and contingency plan renewals shall be
accompanied by a summary of all unauthorized discharges within this State by the owner or operator of the high hazard train and any other information as may be deemed necessary or useful to the department. Discharge response, cleanup, and contingency plan renewals may be limited to certifying that the existing discharge response, cleanup, and contingency plan on file with the department is current. Filing of a revised discharge response, cleanup, and contingency plan may be required by the department at the time of renewal so as to incorporate into the discharge response, cleanup, and contingency plan all amendments to the discharge response, cleanup, and contingency plan adopted since the filing of the original discharge response, cleanup, and contingency plan or its last renewal.

b. The owner or operator of a high hazard train shall file an amendment to the discharge response, cleanup, and contingency plan, not later than 30 days after any modification of the high hazard train, rail yards, fueling stations, or the high hazard train’s route of travel.

4. The owner or operator of a high hazard train shall make available to the public on its website, to the extent that the release of the information shall not conflict with federal law, the following information:
   a. The routes and volumes of cargoes updated on a monthly basis;
   b. An analysis of the consequences of maximum discharges from the high hazard trains owned or operated in the State;
   c. A copy of the most current discharge response, cleanup, and contingency plan submitted to the department pursuant to sections 2 and 3 of P.L. 2009, c. (C. 38:24B-2) (pending before the Legislature as this bill); and
   d. A railroad routing analysis, as required pursuant to section 1551 of the “Implementing Recommendations of the 9/11 Commission Act of 2007,” Pub.L.110-53 (6 U.S.C. s.1201 et seq.), and any accompanying documentation that impacted the owner or operator’s decision in routing the high hazard train through the State.

5. A copy of the discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan renewal, and all discharge response, cleanup, and contingency plan amendments shall be filed by the owner or operator of a high hazard train with the New Jersey Office of Emergency Management.

6. The owner or operator of a high hazard train shall, at all times, retain on file with the department evidence of financial responsibility for the cleanup and removal costs of a discharge or release of a hazardous substance, and for the removal of any
damaged or disabled high hazard train equipment or parts. The
amount, nature, terms, and conditions of the financial responsibility
shall be determined by the department. The owner or operator of a
high hazard train shall file evidence of financial responsibility with
the department within 180 days of the effective date of P.L. ,
c. (C. ) (pending before the Legislature as this bill).

7. The owner or operator of a high hazard train shall offer
training to the emergency services personnel of every local unit
having jurisdiction along the travel route of a high hazard train.
Initial training shall be offered within one year of the effective date
of P.L. , c. (C. ) (pending before the Legislature as this bill)
with renewal training offered to the emergency service personnel of
every local unit having jurisdiction along the travel route of a high
hazard train at least once every three years thereafter. The training
shall address: the general hazards of the petroleum, petroleum
products, or hazardous substances being transported by the high
hazard train; techniques to assess hazards to the environment in the
event of a discharge; techniques to assess the safety of emergency
service personnel and the general public in the event of a discharge
that poses an imminent threat to public health, safety, or welfare;
factors an emergency service provider shall consider in determining
whether to attempt to suppress a fire or to evacuate the public and
emergency service personnel from an area in the event of a
discharge that poses an imminent threat to public health, safety, or
welfare; and other suggested protocols or practices for emergency
service personnel to consider in the event of a discharge that poses
an imminent threat to public health, safety, or welfare.

8. Following a discharge that requires emergency response
action, the owner or operator of a high hazard train shall:
   a. Within one hour of a discharge, identify an emergency
response coordinator to advise the emergency services provider of
the local unit. The emergency response coordinator may be made
available by telephone, but is required to have authorization to
deploy all necessary emergency response resources of the owner or
operator of the high hazard train;
   b. Within three hours of a discharge, deploy the emergency
response coordinator and trained personnel to the discharge site to
assess the discharge and to advise the emergency service provider
of the local unit;
   c. Within eight hours of a discharge, deliver and deploy
emergency response, recovery, and containment equipment, trained
personnel, and all other materials needed to provide on-site
containment of the discharged petroleum, petroleum products, and
hazardous substances and to protect environmentally sensitive areas
and potable water intakes within one mile of the discharge site and
within eight hours of calculated water travel time in any river or stream that the discharge site intersects; and

d. Within 60 hours of a discharge, deliver and deploy additional emergency response, recovery, and containment equipment, trained personnel, and all other materials needed to provide containment and recovery of the discharged petroleum, petroleum products, and hazardous substances and to protect environmentally sensitive areas and potable water intakes at any location along the travel route of the high hazard train or in any river or stream that the discharge site intersects.

9. The provisions of P.L. , c. (C. ) (pending before the Legislature as this bill) shall not apply to the owner or operator of a Class III carrier, as defined by the Surface Transportation Board pursuant to 49 C.F.R. Part 1201 1-1, that operates within a single municipality on not more than 25 total track miles and is engaged in switching or terminal railroad services.

Nothing contained herein shall be construed to exempt a major facility from the provisions of the “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-23.11 et seq.).

10. a. Except as otherwise provided in subsection b. of this section, the department shall, as soon as practicable, but not later than six months following a filing of a discharge response, cleanup, and contingency plan or a renewal of a discharge response, cleanup, and contingency plan, or, in the case of amendments, within 60 days of the filing of the amendments, review the filing to determine compliance with all statutory requirements, including rules and regulations adopted pursuant thereto.

b. The department may, at any time during the discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan renewal or discharge response, cleanup, and contingency plan amendment review period approve, conditionally approve, or disapprove a discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan renewal, or discharge response, cleanup, and contingency plan amendments. If a discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan renewal, or discharge response, cleanup, and contingency plan amendments are disapproved, the owner or operator of the high hazard train shall have 30 days from receipt of written notice of the disapproval, and the reasons therefor, with which to submit a revised discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan renewal, or discharge response, cleanup, and contingency plan amendments. If after 30 days of receipt of a written request therof, the owner or operator of the high hazard train fails to file a revised discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan, discharge response, cleanup, and contingency plan amendments.
plan renewal, or amendments to the department or fails to contest
the department's request in accordance with the "Administrative
Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the discharge
response, cleanup, and contingency plan, discharge response,
cleanup, and contingency plan renewal, or discharge response,
cleanup, and contingency plan amendments shall be deemed to have
been disapproved by the department and the owner or operator of
the high hazard train shall be in violation of section 2 or section 3
of P.L. , c. (C. ) (pending before the Legislature as this bill) ,
as applicable. The department may, for good cause, extend by up to
an additional 30 days the time period for filing a revised discharge
response, cleanup, and contingency plan, discharge response,
cleanup, and contingency plan renewal, or discharge response,
cleanup, and contingency plan amendments.

11. a. Whenever, on the basis of available information, the
Commissioner of Environmental Protection finds that the owner or
operator of a high hazard train is in violation of the provisions of
P.L. , c. (C. ) (pending before the Legislature as this bill), or
any rule or regulation adopted pursuant thereto, the commissioner
may:

(1) Levy a civil administrative penalty in accordance with
subsection b. of this section; or
(2) Bring an action for a civil penalty in accordance with
subsection c. of this section.

The exercise of any of the remedies provided in this section shall
not preclude recourse to any other remedy so provided.

b. The commissioner is authorized to assess a civil
administrative penalty of not more than $25,000 for each violation
of the provisions of P.L. , c. (C. ) (pending before the
Legislature as this bill), or any rule or regulation adopted pursuant
thereto, and each day during which each violation continues shall
constitute an additional, separate, and distinct offense. Any amount
assessed under this section shall fall within a range established by
regulation by the commissioner for violations of similar type,
seriousness, duration, and conduct; provided, however, that prior to
the adoption of the rule or regulation, the commissioner may, on a
case-by-case basis, assess civil administrative penalties up to a
maximum of $25,000 per day for each violation, utilizing the
criteria set forth herein. In addition to any civil administrative
penalty assessed under this subsection and notwithstanding the
$25,000 maximum penalty set forth above, the commissioner may
assess any economic benefits from the violation gained by the
violator. Prior to assessment of a penalty under this subsection, the
owner or operator of the high hazard train committing the violation
shall be notified by certified mail or personal service that the
penalty is being assessed. The notice shall: include a reference to
the section of the statute or regulation violated; recite the facts
alleged to constitute a violation; state the basis for the amount of
the civil penalties to be assessed; and affirm the rights of the
alleged violator to a hearing. The ordered party shall have 35
calendar days from receipt of the notice within which to deliver to
the commissioner a written request for a hearing. After the hearing
and upon finding that a violation has occurred, the commissioner
may issue a final order after assessing the amount of the fine
specified in the notice. If a hearing is not requested, the notice shall
become a final order after the expiration of the 35 calendar day
period. Payment of the assessment is due when a final order is
issued or the notice becomes a final order. The authority to levy an
administrative order is in addition to all other enforcement
provisions in P.L. , c. (C. ) (pending before the Legislature
as this bill), or of any rule or regulation adopted pursuant thereto,
and the payment of any assessment shall not be deemed to affect the
availability of any other enforcement provisions in connection with
the violation for which the assessment is levied. The department
may compromise any civil administrative penalty assessed under
this subsection in an amount and with conditions the department
determines appropriate. A civil administrative penalty assessed,
including a portion thereof required to be paid pursuant to a
payment schedule approved by the department, which is not paid
within 90 days of the date that payment of the penalty is due, shall
be subject to an interest charge on the amount of the penalty, or
portion thereof, which shall accrue as of the date payment is due. If
the penalty is contested, an additional interest charge shall not
accrue on the amount of the penalty until 90 days after the date on
which a final order is issued. Interest charges assessed and
collectible pursuant to this subsection shall be based on the rate of
interest on judgments provided in the New Jersey Rules of Court.

c. Any owner or operator of a high hazard train who violates
the provisions of P.L. , c. (C. ) (pending before the
Legislature as this bill), or any rule or regulation adopted pursuant
thereto, or who fails to pay in full a civil administrative penalty
levied pursuant to subsection b. of this section, or who fails to make
a payment pursuant to a penalty payment schedule entered into with
the department, or who knowingly makes any false or misleading
statement, representation, or certification on any application,
record, report, or other document required to be submitted to the
department, shall be subject, upon order of a court, to a civil penalty
not to exceed $25,000 for each day during which the violation
continues. Any civil penalty imposed pursuant to this subsection
may be collected, and any costs incurred in connection therewith
may be recovered, in a summary proceeding pursuant to the
et seq.). In addition to any penalties, costs or interest charges, the
court may assess against the violator the amount of economic
benefit accruing to the violator from the violation. The Superior
Court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. The owner or operator of a high hazard train that experiences a discharge shall be subject to the penalty and injunctive relief provisions of section 22 of P.L.1976, c.141 (C.58:10-23.11u).

12. Whenever information is received by the New Jersey Office of Emergency Management pursuant to United States Department of Transportation Emergency Order Docket No. DOT-OST-2014-0067, or any law, rule, regulation, or order that shall supersed that order, or pursuant to section 5 of P.L. , c. (C. ) (pending before the Legislature as this bill), the New Jersey Office of Emergency Management shall provide that information to each county office of emergency management and emergency services provider having jurisdiction along the travel route of a high hazard train.

13. The department shall adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

14. In accordance with the federal regulations promulgated pursuant to section 11405 of the federal “Fixing America’s Surface Transportation Act,” Pub.L.114-94, the Commissioner of Transportation shall, at least annually and whenever the Commissioner of Transportation shall deem necessary, request from the United States Secretary of Transportation a copy of the most recent bridge inspection report generated pursuant to the federal “Rail Safety Improvement Act of 2008,” Pub.L.110-432, for every bridge owned by a railroad or upon which a railroad is located.

The Commissioner of Transportation shall submit any bridge inspection report, acquired by the Department of Transportation pursuant to this section, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

15. This act shall take effect immediately.

STATEMENT

This bill requires the owner or operator of a high hazard train traveling within this State to submit to the Department of Environmental Protection (department) within six months of the effective date of the bill a discharge response, cleanup, and contingency plan (plan) that contains certain information.

The bill requires the plan to be renewed every five years with the department unless the department requires a more frequent
submission and any amendments to the plan are to be filed with the
department within 30 days of the date of any modification of the
high hazard train, rail yards, fueling stations, or the high hazard
train’s route of travel. The owner or operator of a high hazard train
is required to retain on file with the department evidence of
financial responsibility for the cleanup and removal costs of a
discharge or release of a hazardous substance, and for the removal
of any damaged or disabled high hazard train equipment or parts. A
copy of the plan, plan renewal, and all plan amendments are to be
filed by the owner or operator of a high hazard train with the New
Jersey Office of Emergency Management.

Under the bill, the owner or operator of a high hazard train is
required to make available to the public on its website, to the extent
the release of the information does not conflict with federal law,
information concerning: the routes and volumes of cargoes updated
on a monthly basis; an analysis of the consequences of maximum
discharges from the high hazard trains owned or operated in the
State; a copy of the most current plan; and a railroad routing
analysis and any accompanying documentation that impacted the
owner or operator’s decision in routing the high hazard train
through the State.

The bill requires the owner or operator of a high hazard train to
offer training to the emergency services personnel of every local
unit having jurisdiction along the travel route of the high hazard
train. The initial training is to be offered within one year of the
effective date of this bill and renewal training is to be offered at
least once every three years thereafter.

The bill requires that the owner or operator of a high hazard train
that has experienced a discharge that requires emergency response
action to deliver and deploy sufficient emergency response,
recovery, and containment equipment and trained personnel to
contain and recover the discharged materials and protect
environmentally sensitive areas and potable water intakes within
certain timeframes.

The provisions of the bill are not applicable to the owner or
operator of a Class III carrier, as defined by the federal Surface
Transportation Board, that operates within a single municipality on
not more than 25 total track miles and is engaged in switching or
terminal railroad services. The bill clarifies that it is not to be
construed to exempt major facilities from the provisions of the
“Spill Compensation and Control Act.”

The bill requires the department to review plans or plan renewals
within six months of filing and plan amendments within 60 days of
filing. If a plan, plan renewal, or plan amendment is disapproved,
the owner or operator of the high hazard train is required to submit
a revised plan, plan renewal, or plan amendment within 30 days
from the receipt of written notice of the disapproval. The bill
permits the department to issue civil administrative penalties for
violations under the bill and bring an action for civil penalties. Under the bill, the owner or operator of a high hazard train that experiences a discharge is subject to the penalty and injunctive relief provisions of the “Spill Compensation and Control Act.” The New Jersey Office of Emergency Management is to provide certain information to certain county offices of emergency management and emergency services. The bill requires the Commissioner of Transportation (commissioner) to, annually or whenever deemed necessary, request from the U.S. Department of Transportation a copy of the most recent bridge inspection report generated pursuant to the federal “Rail Safety Improvement Act of 2008” for every bridge owned by a railroad or upon which a railroad is located. The commissioner is to submit any bridge inspection report acquired by the Department of Transportation to the Governor and the Legislature. The committee amended the bill to clarify that certain provisions of the bill apply to plan renewals as well as to plans and plan amendments. The amendments also correct a cross reference to another section of the bill and make other technical corrections.