# ASSEMBLY, No. 4689

# STATE OF NEW JERSEY

# 218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

## **Sponsored by:**

Assemblyman DANIEL R. BENSON **District 14 (Mercer and Middlesex)** Assemblywoman YVONNE LOPEZ **District 19 (Middlesex)** Assemblywoman CAROL A. MURPHY **District 7 (Burlington)** 

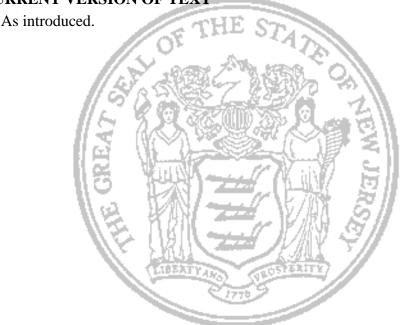
#### **Co-Sponsored by:**

Assemblywoman Jones, Assemblymen Giblin, Space, Wirths, A.M.Bucco and Assemblywoman B.DeCroce

### **SYNOPSIS**

Waives sovereign immunity of NJ Transit to provide certain protections for NJ Transit employees.

# **CURRENT VERSION OF TEXT**



(Sponsorship Updated As Of: 5/14/2019)

## A4689 BENSON, LOPEZ

**AN ACT** concerning protections for New Jersey Transit employees 2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).

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

court in New Jersey.

1. The New Jersey Transit Corporation, the New Jersey Transit Rail Operations, Inc., and any of their successors and assigns who operate, manage, or develop the railroad system in this State, shall waive any defense of jurisdictional or substantive sovereign immunity arising out of any state or federal claim or cause of action against it or its successors and assigns. In addition, New Jersey Transit Rail Operations, Inc., and any of its successors and assigns who operate, manage or develop the railroad system in this State, shall be subject to the provisions of all federal railroad laws, including the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.), the "Railroad Retirement Act of 1937" (45 U.S.C. s.231 et seq.), the "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.), the "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et seq.), the Federal railroad safety laws (49 U.S.C. s.20101 et seq.), whistleblower laws, discrimination laws, and the "Interstate Commerce Act" (49 U.S.C. s.10501 et seq.). Such waiver shall be retroactive to any lawsuit currently pending in any state or federal

2. This act shall take effect immediately.

## **STATEMENT**

This bill provides that New Jersey Transit waives sovereign immunity for claims arising out of the Railway Labor Act, the Federal Employers Liability Act, the Railroad Retirement Act, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, the Federal railroad safety laws, whistleblower laws, discrimination laws, and the Interstate Commerce Act.

Employees of New Jersey Transit are not covered by many State laws protecting employees and providing employees with certain rights, including workers' compensation and "whistleblower laws." Federal laws exist to provide certain protections and rights to these employees. However, New Jersey Transit employees who have brought actions against New Jersey Transit under these laws have been unsuccessful in obtaining relief as New Jersey Transit has claimed sovereign immunity as a defense.

This bill would waive New Jersey Transit's defense of sovereign immunity against claims arising from federal laws intended to protect these employees and provide certain rights to employees.