

ASSEMBLY, No. 2211

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblywoman FRISCIA
and Assemblyman WISNIEWSKI

1 AN ACT concerning certain railroad activities, and supplementing
2 chapter 1K of Title 13 of the Revised Statutes and P.L.1971, c.418
3 (C.13:1G-1 et seq.).
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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. A person shall not cause or allow the placement or storage
9 of any hazardous substance on or alongside a rail line and within 500
10 feet of a residence for a period exceeding one hour.

11 b. As used in this section, "hazardous substance" has the same
12 meaning as provided in section 3 of P.L.1983, c.330 (C.13:1K-8).

13 c. A person who violates this section shall be liable to a penalty of
14 not more than \$3,000 for each offense, to be collected in a summary
15 proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1
16 et seq.) or in any case in which injunctive relief has been requested.
17 The Superior Court and every municipal court shall have jurisdiction
18 to enforce "the penalty enforcement law." If the violation is of a
19 continuing nature, each day during which it continues shall constitute
20 an additional, separate and distinct offense. The department or any
21 municipality may institute proceedings pursuant to this section and
22 may institute an action in the Superior Court for injunctive relief to
23 prohibit and prevent the violation or violations and the court may
24 proceed in the action in a summary manner.
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26 2. a. A person shall not cause or allow a train engine to idle for
27 more than three consecutive minutes within 500 feet of a residence at
28 any time between the hours of 10:00 p.m. and 7:00 a.m.

29 b. A person who violates this section shall be liable to a penalty of
30 not more than \$3,000 for each offense, to be collected in a summary
31 proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1
32 et seq.) or in any case in which injunctive relief has been requested.
33 The Superior Court and every municipal court shall have jurisdiction
34 to enforce "the penalty enforcement law." If the violation is of a
35 continuing nature, each day during which it continues shall constitute
36 an additional, separate and distinct offense. The department or any

1 municipality may institute proceedings pursuant to this section and
2 may institute an action in the Superior Court for injunctive relief to
3 prohibit and prevent the violation or violations and the court may
4 proceed in the action in a summary manner.

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6 3. This act shall take effect immediately.

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9 STATEMENT

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11 This bill would prohibit the placement or storage of hazardous
12 substances on or alongside rail lines and within 500 feet of a residence
13 for a period exceeding one hour. The bill would also prohibit persons
14 from idling train engines for more than three consecutive minutes
15 within 500 feet of a residence during the nighttime hours.

16 Although the "Noise Pollution Control Act of 1971" already
17 prohibits excessive noise from gasoline-powered motor vehicles, there
18 is no similar provision in the case of trains. Both noise and air
19 pollution could be reduced by the idling standard in this bill, which is
20 similar to the idling standard adopted by the Department of
21 Environmental Protection for motor vehicles to reduce air pollution.
22 Both of the prohibitions in the bill are intended to protect residential
23 areas from certain environmental hazards associated with the operation
24 of railroads.

25 A person who violates either the prohibition on hazardous waste
26 storage or the anti-idling provision shall be liable for a penalty of not
27 more than \$3000, to be collected in a summary proceeding in Superior
28 Court or in a municipal court. Either the department or a municipality
29 may institute the summary proceeding or an action in the Superior
30 Court for injunctive relief to prohibit and prevent the violation.

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35 Prohibits railroad storage of hazardous substances and nighttime idling
36 of train engines near residences.