

ASSEMBLY, No. 3490

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Creates New Jersey Crude Oil by Rail Safety Task Force.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** creating a task force to study the public health and safety
2 impacts of the transport of crude oil by rail and emergency
3 response measures and to recommend emergency response
4 measures.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. The Legislature finds and declares that:

10 a. The increased production of crude oil, a highly flammable
11 and combustible source of fuel that contains extremely volatile
12 compounds, from the Bakken Shale formation in North Dakota has
13 led to an increase in the volume of crude oil being transported by
14 rail in North America and the State of New Jersey.

15 b. A number of train derailments in various states across the
16 country and in Canada involving trains carrying crude oil have
17 resulted in explosions or fires that have caused numerous deaths
18 and extensive property damage.

19 c. In light of the risk to public health and safety that has been
20 created by the transport of large quantities of crude oil by rail
21 through the densely populated areas of this State, it is in the best
22 interest of the residents of New Jersey for State officials and
23 governing bodies to study and learn how to effectively and safely
24 respond to this threat and react in a coordinated effort with experts
25 in the field and emergency response personnel.

26 d. Recognizing that the State's communication with the public
27 in the event of an emergency in any of New Jersey's densely
28 populated areas will be essential to saving the lives of many
29 residents, it is necessary to reexamine and address the risks and
30 impact of the transport of crude oil by rail on public health and
31 safety while continuing to improve upon vital emergency response
32 measures.

33

34 2. a. There is created a task force to be known as the "New
35 Jersey Crude Oil by Rail Safety Task Force." The taskforce shall
36 study the risks and impact of the transport of crude oil by rail on
37 public health and safety and make recommendations on emergency
38 response measures for emergency services personnel in the event of
39 a derailment of a train carrying crude oil.

40 b. The task force shall consist of 17 members to be appointed
41 as follows:

42 (1) The Commissioner of the Transportation, who shall serve ex
43 officio, or the commissioner's designee;

44 (2) The State Director of Emergency Management, who shall
45 serve ex officio, or the director's designee;

46 (3) The Director of the State Office of Homeland Security and
47 Preparedness, who shall serve ex-officio, or the director's designee;

- 1 (4) One member appointed by the Governor, with the advice and
2 consent of the Senate, who is a Certified Emergency Manager for a
3 local government unit within Atlantic, Burlington, Camden, Cape
4 May, Cumberland, Gloucester, or Salem County;
- 5 (5) One member appointed by the Governor, with the advice and
6 consent of the Senate, who is a Certified Emergency Manager for a
7 local government unit within Hunterdon, Mercer, Middlesex,
8 Monmouth, Ocean, Somerset, or Union County;
- 9 (6) One member appointed by the Governor, with the advice and
10 consent of the Senate, who is a Certified Emergency Manager for a
11 local government unit within Bergen, Essex, Hudson, Morris,
12 Passaic, Sussex, or Warren County;
- 13 (7) One member appointed by the Governor, with the advice and
14 consent of the Senate, who is a law enforcement officer for a local
15 government unit within Atlantic, Burlington, Camden, Cape May,
16 Cumberland, Gloucester, or Salem County;
- 17 (8) One member appointed by the Governor, with the advice and
18 consent of the Senate, who is a law enforcement officer for a local
19 government unit within Hunterdon, Mercer, Middlesex, Monmouth,
20 Ocean, Somerset, or Union County;
- 21 (9) One member appointed by the Governor, with the advice and
22 consent of the Senate, who is a law enforcement officer for a local
23 government unit within Bergen, Essex, Hudson, Morris, Passaic,
24 Sussex, or Warren County;
- 25 (10) One member appointed by the Governor, with the advice and
26 consent of the Senate, who is an emergency medical service
27 technician, firefighter, or emergency communications operator for a
28 local government unit within Atlantic, Burlington, Camden, Cape
29 May, Cumberland, Gloucester, or Salem County;
- 30 (11) One member appointed by the Governor, with the advice and
31 consent of the Senate, who is an emergency medical service
32 technician, firefighter, or emergency communications operator for a
33 local government unit within Hunterdon, Mercer, Middlesex,
34 Monmouth, Ocean, Somerset, or Union County;
- 35 (12) One member appointed by the Governor, with the advice and
36 consent of the Senate, who is an emergency medical service
37 technician, firefighter, or emergency communications operator for a
38 local government unit within Bergen, Essex, Hudson, Morris,
39 Passaic, Sussex, or Warren County;
- 40 (13) One member appointed by the Senate President, with
41 expertise in the field of freight rail transportation;
- 42 (14) One member appointed by the Speaker of the General
43 Assembly, with expertise in the field of petroleum, petroleum
44 products, or hazardous materials management or production;
- 45 (15) One member appointed by the Senate President, who shall
46 represent an organization that advocates for issues concerning the
47 environment within New Jersey;

1 (16) One member appointed by the Speaker of the General
2 Assembly, who shall represent an organization that advocates for
3 issues concerning the environment within New Jersey; and

4 (17) One member appointed by joint appointment of the Senate
5 President and the Speaker of the General Assembly, who shall
6 represent an organization that advocates for issues concerning
7 public health and safety.

8 c. All members shall be appointed within 30 days following the
9 effective date of this act. All vacancies in the membership of the
10 task force shall be filled in the same manner as the original
11 appointments were made.

12 d. The task force shall organize within 30 days following the
13 appointment of a majority of its members and shall select a
14 chairperson from among the members. The task force shall meet at
15 the call of the chairperson and as provided in section 3 of this act.
16 The task force shall make recommendations and approve the reports
17 to be submitted to the Governor and the Legislature pursuant to
18 section 4 of this act by a majority of its members.

19 e. The members of the task force shall serve without
20 compensation, but may be reimbursed for necessary expenses
21 incurred in the performance of their duties to the extent that funds
22 are available for that purpose.

23 f. The Department of Transportation shall provide staff support
24 to the task force. The task force shall also be entitled to call to its
25 assistance and avail itself of the services of the employees of any
26 department, board, bureau, commission, or agency of the State or
27 any political subdivision thereof, as it may require and as may be
28 available for its purposes. The task force may employ stenographic
29 and clerical assistance and incur traveling and other miscellaneous
30 expenses as may be necessary in order to perform its duties, within
31 the limits of funds appropriated or otherwise made available to it
32 for its purposes.

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34 3. a. The task force shall hold not less than three public
35 hearings to provide information to the public on the risks and
36 impact of the transport of crude oil by rail in New Jersey and on
37 emergency response measures in the event of a train derailment, as
38 follows:

39 (1) At least one public hearing shall take place in the southern
40 region of the State, which shall consist of the counties of Atlantic,
41 Burlington, Camden, Cape May, Cumberland, Gloucester, and
42 Salem;

43 (2) At least one public hearing shall take place in the central
44 region of the State, which shall consist of the counties of
45 Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and
46 Union; and

1 (3) At least one public hearing shall take place in the northern
2 region of the State, which shall consist of the counties of Bergen,
3 Essex, Hudson, Morris, Passaic, Sussex, and Warren.

4 b. Each public hearing shall begin after 6:30 P.M., Eastern
5 Standard Time, on a weekday. Notice of the public hearing shall be
6 given by the task force at least 30 days prior to the hearing to the
7 county clerk and board of chosen freeholders in each county in the
8 region in which the hearing shall be held.

9
10 4. a. The task force shall study the risks and impact of the
11 transport of crude oil by rail in New Jersey and develop
12 recommendations for government strategies, which shall include
13 legislative and regulatory action, if deemed appropriate, and
14 strategies for private entities and residents on emergency response
15 measures in the event of a train derailment.

16 b. The task force shall prepare and submit an interim report,
17 not more than 180 days after its organization, to the Governor and,
18 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
19 Legislature summarizing its activities. The task force shall submit
20 to the Governor and, pursuant to section 2 of P.L.1991, c.164
21 (C.52:14-19.1), to the Legislature a final report summarizing its
22 findings and setting forth its recommendations within one year of
23 the final public hearing held pursuant to section 3 of this act.

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25 5. This act shall take effect immediately, and shall expire 30
26 days after the task force submits its final report.

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STATEMENT

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31 This bill creates a 17-member task force to be known as the
32 “New Jersey Crude Oil by Rail Safety Task Force” (task force). The
33 task force is to study the risks and impact of the transport of crude
34 oil by rail on public health and safety and to make
35 recommendations on emergency response measures for emergency
36 services personnel in the event of a derailment of a train carrying
37 crude oil.

38 The task force is to hold not less than three public hearings to
39 provide information to the public on the risks and impact of the
40 transport of crude oil by rail in New Jersey and on emergency
41 response measures in the event of a train derailment. At least one
42 public hearing is to take place in each of the three regions of the
43 State. Each public hearing is to begin after 6:30 P.M., Eastern
44 Standard Time, on a weekday. Notice of each public hearing is to
45 be given to the county clerk and board of chosen freeholders in each
46 county in the region in which the hearing is to be held at least 30
47 days prior to the hearing.

1 The task force is to study the risks and impact of the transport of
2 crude oil by rail in New Jersey and develop recommendations for
3 government strategies, which are to include legislative and
4 regulatory action, if deemed appropriate, and strategies for private
5 entities and residents on emergency response measures in the event
6 of a train derailment. The task force is to prepare and submit an
7 interim report, not more than 180 days after its organization, to the
8 Governor and the Legislature summarizing its activities. The task
9 force is to submit a final report to the Governor and Legislature
10 summarizing its findings and setting forth its recommendations
11 within one year of the final public hearing. The task force is to
12 expire 30 days after the task force submits its final report.