ASSEMBLY, No. 3826

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes Rail Passenger Bill of Rights with certain protections and authorizes Division of Consumer Affairs to enforce provisions.

CURRENT VERSION OF TEXT

As introduced.

AN ACT establishing a Rail Passenger Bill of Rights and supplementing Title 52 of the Revised Statutes.

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

1. a. There is established a Rail Passenger Bill of Rights to provide a person on a passenger train on a regularly scheduled route in this State, or between points in this State and points in other states, with the right to: reliable and on-time transportation; accurate and timely information about train arrival times and service delays; helpful, courteous service from the passenger train operator's employees; and safe, comfortable, and clean trains and train stations.

b. The passenger train operator shall abide by the following obligations and provide customers with the following consumer protections and basic expectations and guarantees of health, safety, and welfare:

(1) trains which are operated according to a published schedule and which make all stops provided for on that schedule, except in cases where delay is caused by an emergency, police activity, flood, storm event, power outage, natural cause, or other act of God;

(2) a sufficient number of trains on all regular routes in order to accommodate every customer who purchases a ticket for use of the service without causing trains to become overcrowded;

(3) clear audio or visual announcements about train arrival and departure times, service delays, and weather-related service implications at train stations, on the operator's website, and using other electronic forms of communication;

(4) the opportunity to receive automatically generated electronic mail or text messages concerning service delays of more than 15 minutes;

(5) alternate transportation and information about alternate routes when service is significantly disrupted;

(6) trains which: are heated or cooled, as appropriate; have functional lighting and public address systems; and have clean restrooms;

(7) train stations which are safe, clean, well-lit, accessible to customers with disabilities, and not overcrowded;

(8) employees who: are well-trained and familiar with the operator's routes, services, and policies; are courteous and responsive to customer questions and complaints; and do not smoke, use cellular telephones, or engage in other behaviors which could endanger the health or safety of passengers, while interacting with customers;

(9) clear and conspicuous notice of consumer complaint contact information in train stations and on trains either by providing forms or causing signs to be posted, or both. This notice shall include the

telephone number and mailing address of the Office of Consumer Protection in the Division of Consumer Affairs in the Department of Law and Public Safety and an explanation of the Rail Passenger Bill of Rights;

(10) in circumstances where a train breakdown exists, the passenger train operator, within one hour of the breakdown, shall: resume service or provide alternative service; or evacuate the train's passengers; and

(11) adequate notice and sufficient opportunity for feedback regarding any increase in fares or any discontinuation or diminishment of service.

2. In addition to other powers and duties vested in it by any other law, the Office of Consumer Protection in the Division of Consumer Affairs in the Department of Law and Public Safety is authorized to initiate, investigate, attempt to resolve, and if necessary, refer to the Attorney General any matter or complaint received pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

3. Any complaint regarding a violation of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) shall first be filed with the Office of Consumer Protection in the Division of Consumer Affairs in the Department of Law and Public Safety. The office may conduct an investigation and may request in writing the production of documents and records as part of its investigation. Trade secrets and proprietary business information contained in the documents or records received by the office pursuant to a written request or a subpoena shall be confidential and shall not be deemed a "government record" as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

If the person of whom such request was made fails to produce the documents or records within 30 days after the date of the request, the office may issue and serve subpoenas to compel the production of those documents and records. If any person refuses to comply with a subpoena issued under this section, the office may petition the Superior Court to enforce the subpoena by means of any sanctions as the court may direct. After completion of the investigation, the office shall either:

a. dismiss the complaint following a determination that no violation occurred; or

b. determine that a violation has likely occurred and, if so, shall attempt to resolve the matter by settlement, which may include a monetary settlement to cover the costs incurred by the office. If no settlement is achieved, then the office may take further action, including, if necessary, referring the matter to the Attorney General for further proceedings.

Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business materials, regardless of form or characteristics, obtained by the office pursuant to subpoena shall be confidential. At the conclusion of an investigation, any matter determined by the office, or by a federal or State judicial or administrative body, to be a trade secret or proprietary confidential business information held by the office pursuant to the investigation shall be considered confidential. The material may be used in any administrative or judicial proceeding as long as the confidential or proprietary nature of the material is maintained.

4. Any person who violates the provisions of subsection b. of section 1 of P.L. , c. (C.) (pending before the Legislature as this bill) shall be subject to a civil penalty of no more than $1,000 for each violation. Any penalty shall take into consideration any compensation paid or offered by the passenger train operator to its customers. The penalty prescribed in this section shall be collected and enforced by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section. Process shall be in the nature of a summons or warrant which shall issue upon the complaint of the Attorney General or any other person.

5. The Director of the Division of Consumer Affairs shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the purposes of this act.

6. This act shall take effect on the first day of the sixth month next following enactment, but the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill establishes a Rail Passenger Bill of Rights. Under the bill, a person on a passenger train operating on a regularly scheduled route in this State, or between points in this State and points in other states, would have the right to: reliable and on-time transportation; accurate and timely information about train arrival times and service delays; helpful, courteous service from the operator's employees; and safe, comfortable, and clean trains and train stations.

Under the bill's provisions, the passenger train operator would be required to provide its customers with: (1) trains operated

according to a published schedule; (2) a sufficient number of trains to accommodate every customer who purchases a ticket; (3) clear audio or visual announcements about train arrival and departure times, service delays, and weather-related service implications at train stations, on its website, and using other electronic forms of communication; (4) the opportunity to receive automatically generated electronic mail or text messages concerning service delays of more than 15 minutes; (5) alternate transportation and information about alternate routes when service is significantly disrupted; (6) trains which: are heated or cooled, as appropriate; have functional lighting and public address systems; and have clean restrooms; (7) train stations which are safe, clean, well-lit, accessible to customers with disabilities, and not overcrowded; (8) employees who: are well-trained and familiar with the operator's routes, services, and policies; are courteous and responsive to customer questions and complaints; and do not smoke, use cellular telephones, or engage in other behaviors which could endanger the health or safety of passengers while interacting with customers; (9) clear and conspicuous notice of consumer complaint contact information; (10) in circumstances where a train breakdown exists, the passenger train operator is required to, within one hour of the breakdown: resume service or provide alternative service; or evacuate the train's passengers; and (11) adequate notice and sufficient opportunity for feedback regarding any increase in fares or any discontinuation of diminishment of service.

The Office of Consumer Protection in the Division of Consumer Affairs is authorized to initiate, investigate, attempt to resolve, and if necessary, refer to the Attorney General any matter or complaint received. The Attorney General, or any other person, may bring an action before the Superior Court to impose a civil penalty not exceeding $1,000.