

[First Reprint]

**SENATE, No. 991**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JANUARY 30, 2020

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on November 8, 2021, with amendments.



**(Sponsorship Updated As Of: 5/6/2021)**

1 AN ACT concerning freight rail safety and supplementing Title 58  
2 of the Revised Statutes.

3

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

6

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

9 "Cleanup and removal costs" means all direct costs associated  
10 with a discharge, and those indirect costs that may be imposed by  
11 the department pursuant to section 1 of P.L.2002, c.37 (C.58:10b-  
12 2.1) associated with a discharge, incurred by the State, or its  
13 political subdivisions, or their agents, or any person with written  
14 approval from the department in the: (1) removal or attempted  
15 removal of hazardous substances, or (2) taking of reasonable  
16 measures to prevent or mitigate damage to the public health, safety,  
17 or welfare, including, but not limited to, public and private  
18 property, shorelines, beaches, surface waters, water columns and  
19 bottom sediments, soils, and other affected property, including  
20 wildlife and other natural resources, and shall include costs incurred  
21 by the State for the indemnification and legal defense of contractors  
22 pursuant to sections 1 through 11 of P.L.1991, c.373 (C.58:10-  
23 23.11f8 et seq.);

24 "Commissioner" means the Commissioner of Environmental  
25 Protection;

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

30 "Department" means the Department of Environmental  
31 Protection;

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

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

42 "Emergency services personnel" means a person who is  
43 employed as a law enforcement officer, emergency medical service  
44 technician, firefighter, emergency communications operator,  
45 hazardous materials responder, or in a related occupation or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted November 8, 2021.

1 profession, or who serves as a volunteer member of a fire  
2 department, duly incorporated fire or first aid company, or  
3 volunteer emergency, ambulance, or rescue squad association,  
4 organization, or company which provides emergency services for a  
5 local unit;

6 "Emergency services provider" means a law enforcement  
7 agency, emergency medical services unit, fire department,  
8 emergency communications provider, hazardous material response  
9 unit, volunteer fire department, duly incorporated fire or first aid  
10 company, or volunteer emergency, ambulance, or rescue squad  
11 association, organization, or company which provides emergency  
12 services for a local unit;

13 "Hazardous substances" means the "environmental hazardous  
14 substances" on the environmental hazardous substance list adopted  
15 by the department pursuant to section 4 of P.L.1983,  
16 c.315 (C.34:5A-4); elements and compounds, including petroleum  
17 products, which are defined by the department, after public hearing,  
18 and which shall be consistent to the maximum extent possible with,  
19 and which shall include, the list of hazardous substances adopted by  
20 the federal Environmental Protection Agency pursuant to section  
21 311 of the "Federal Water Pollution Control Act Amendments of  
22 1972," Pub.L.92-500, as amended by the "Clean Water Act of  
23 1977," Pub.L.95-217 (33 U.S.C. s.1251 et seq.); the list of toxic  
24 pollutants designated by the Congress of the United States or the  
25 federal Environmental Protection Agency pursuant to section 53 of  
26 that act; and the list of hazardous substances adopted by the federal  
27 Environmental Protection Agency pursuant to section 101 of the  
28 "Comprehensive Environmental Response, Compensation, and  
29 Liability Act of 1980," Pub.L.96-510 (42 U.S.C. s.9601 et seq.);  
30 provided, however, that sewage and sewage sludge shall not be  
31 considered as hazardous substances for the purposes of P.L. ,  
32 c. (C. ) (pending before the Legislature as this bill);

33 "High hazard train" means any railroad locomotive propelling a  
34 railroad tank car or connection of railroad tank cars transporting  
35 200,000 gallons or more of petroleum or petroleum products or  
36 20,000 gallons or more of hazardous substances other than  
37 petroleum or petroleum products;

38 "Local unit" means any county or municipality, or any agency or  
39 other instrumentality thereof, or a duly incorporated volunteer fire,  
40 ambulance, first aid, emergency, or rescue company or squad;

41 "Major facility" shall have the same meaning as set forth in  
42 section 3 of P.L.1976, c.141 (C.58:10-23.11b);

43 "Natural resources" means all land, fish, shellfish, wildlife, biota,  
44 air, waters, and other resources owned, managed, held in trust, or  
45 otherwise controlled by the State;

46 "Owner" or "operator" means, with respect to any high hazard  
47 train, any person owning the high hazard train, or operating it by  
48 lease, contract, or other form of agreement; provided, however, that

1 the owner or operator shall not mean a person who operates a high  
2 hazard train only for the purposes of positioning or moving railroad  
3 tank cars within the confines of a major facility, or a person whose  
4 interest in a high hazard train solely involves the ownership or lease  
5 of one or more railroad tank cars without operational authority;

6 "Person" means public or private corporations, companies,  
7 associations, societies, firms, partnerships, joint stock companies,  
8 individuals, the United States, the State of New Jersey, and any of  
9 its political subdivisions or agents;

10 "Petroleum" or "petroleum products" shall have the same  
11 meaning as set forth in section 3 of P.L.1976, c.141 (C.58:10-  
12 23.11b);

13 "Remedial action" means those actions taken at a site or offsite if  
14 a contaminant has migrated or is migrating therefrom, as may be  
15 required by the department, including the removal, treatment,  
16 containment, transportation, securing, or other engineering or  
17 treatment measures, whether to an unrestricted use or otherwise,  
18 designed to ensure that any discharged contaminant at the site or  
19 that has migrated or is migrating from the site, is remediated in  
20 compliance with the applicable health risk or environmental  
21 standards;

22 "Remediation" or "remediate" means all necessary actions to  
23 investigate and clean up or respond to any known, suspected, or  
24 threatened discharge, including, as necessary, the preliminary  
25 assessment, site investigation, remedial investigation, and remedial  
26 action, provided, however, that "remediation" or "remediate" shall  
27 not include the payment of compensation for damage to, or loss of,  
28 natural resources. For the purpose of this definition, "remedial  
29 investigation" means a process to determine the nature and extent of  
30 a discharge of a contaminant at a site or a discharge of a  
31 contaminant that has migrated or is migrating from the site and the  
32 problems presented by a discharge, and may include data collected,  
33 site characterization, sampling, monitoring, and the gathering of  
34 any other sufficient and relevant information necessary to determine  
35 the necessity for remedial action and to support the evaluation of  
36 remedial actions if necessary and "site investigation" means the  
37 collection and evaluation of data adequate to determine whether or  
38 not discharged contaminants exist at a site or have migrated or are  
39 migrating from the site at levels in excess of the applicable  
40 remediation standards; and

41 "Waters" means the ocean and its estuaries to the seaward limit  
42 of the State's jurisdiction, all springs, streams, and bodies of surface  
43 or groundwater, whether natural or artificial, within the boundaries  
44 of this State.

45

46 2. a. The owner or operator of a high hazard train traveling  
47 within this State shall submit a discharge response, cleanup, and  
48 contingency plan to the Department of Environmental Protection.

1 The owner or operator of a high hazard train shall submit a  
2 discharge response, cleanup, and contingency plan within six  
3 months of the effective date of P.L. , c. (C. ) (pending before  
4 the Legislature as this bill).

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

7 (1) A summary and detailed description of the emergency  
8 response measures to be used by the trained personnel or discharge  
9 cleanup contractors employed by the owner or operator of the high  
10 hazard train, as applicable, in responding to, and minimizing health  
11 and environmental dangers from, fires, explosions, or unauthorized  
12 discharges or releases of hazardous substances to the air, soil, or  
13 waters of the State, including: the planned deployment of personnel  
14 and equipment in the event of a discharge or other emergency, the  
15 chain of command for the emergency response measures, and the  
16 ability of the emergency response measures to comply with the  
17 timetables established pursuant to section 8 of P.L. ,  
18 c. (C. ) (pending before the Legislature as this bill);

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

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

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

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

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

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

1 (2) the emergency response, recovery, and containment  
2 equipment is in good repair;

3 (3) the discharge response, cleanup, and contingency plan is  
4 consistent with applicable local, regional, and State emergency  
5 response plans;

6 (4) the discharge response, cleanup, and contingency plan  
7 complies with departmental regulations; and

8 (5) the discharge response, cleanup, and contingency plan was  
9 reviewed, and approved by a licensed professional engineer.

10 d. The discharge response, cleanup, and contingency plan shall  
11 provide for simulated emergency response drills, to be conducted at  
12 least once annually, to determine the adequacy of and personnel  
13 familiarity with the discharge response, cleanup, and contingency  
14 plan.

15 e. The owner or operator of a high hazard train shall include  
16 with the discharge response, cleanup, and contingency plan  
17 submitted to the department:

18 (1) An environmentally sensitive areas and habitats protection  
19 plan, reviewed and certified by a marine biologist and an  
20 ornithologist, that shall:

21 (a) identify all environmentally sensitive areas and wildlife  
22 habitats that could be affected by a discharge from the high hazard  
23 train that travels in proximity to the environmentally sensitive area;

24 (b) identify the seasonal sensitivity of the areas or habitats;

25 (c) in the event of a discharge, provide for the protection from,  
26 and mitigation of, any potentially adverse impact of the discharge  
27 on the identified areas or habitats; and

28 (d) provide for an environmental assessment of the impact of  
29 any discharge on the identified areas and habitats, including the  
30 effects on the habitat's flora, fauna, or organisms.

31 The environmentally sensitive areas and habitats protection plan  
32 shall, using criteria established by the department for identifying  
33 environmentally sensitive areas or habitats, identify any  
34 environmentally sensitive area or habitat that could be adversely  
35 affected by a discharge from the high hazard train;

36 (2) A copy of any existing agreement between the owner or  
37 operator of the high hazard train and an emergency services  
38 provider of a local unit located along the travel route of the high  
39 hazard train to coordinate the emergency response actions of the  
40 local unit and the owner or operator of the high hazard train; and

41 (3) A copy of all current contracts or agreements between the  
42 owner or operator of the high hazard train and a discharge cleanup  
43 organization for remedial action, including containment, cleanup,  
44 removal, and disposal.

45

46 3. a. The owner or operator of a high hazard train shall submit  
47 an application for renewal of the discharge response, cleanup, and  
48 contingency plan every five years to the department, unless the

1 department requires a more frequent submission. Applications for  
2 discharge response, cleanup, and contingency plan renewals shall be  
3 accompanied by a summary of all unauthorized discharges within  
4 this State by the owner or operator of the high hazard train and any  
5 other information as may be deemed necessary or useful to the  
6 department. Discharge response, cleanup, and contingency plan  
7 renewals may be limited to certifying that the existing discharge  
8 response, cleanup, and contingency plan on file with the department  
9 is current. Filing of a revised discharge response, cleanup, and  
10 contingency plan may be required by the department at the time of  
11 renewal so as to incorporate into the discharge response, cleanup,  
12 and contingency plan all amendments to the discharge response,  
13 cleanup, and contingency plan adopted since the filing of the  
14 original discharge response, cleanup, and contingency plan or its  
15 last renewal.

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

21

22 4. The owner or operator of a high hazard train shall make  
23 available to the public on its website, to the extent that the release of  
24 the information shall not conflict with federal law, the following  
25 information:

26 a. <sup>1</sup>【The routes and volumes of cargoes updated on a monthly  
27 basis;

28 b. <sup>1</sup>【An analysis of the consequences of maximum discharges  
29 from the high hazard trains owned or operated in the State; <sup>1</sup>and<sup>1</sup>

30 <sup>1</sup>【c. <sup>1</sup> b. <sup>1</sup> A copy of the most current discharge response, cleanup,  
31 and contingency plan submitted to the department pursuant to sections  
32 2 and 3 of P.L. , c. (C. ) (pending before the Legislature as this  
33 bill) <sup>1</sup>【; and

34 d. A railroad routing analysis, as required pursuant to section  
35 1551 of the "Implementing Recommendations of the 9/11 Commission  
36 Act of 2007," Pub.L.110-53 (6 U.S.C. s.1201 et seq.), and any  
37 accompanying documentation that impacted the owner or operator's  
38 decision in routing the high hazard train through the State <sup>1</sup>【.

39

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

45

46 6. The owner or operator of a high hazard train shall, at all  
47 times, retain on file with the department evidence of financial

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

9  
10 7. The owner or operator of a high hazard train shall offer  
11 training to the emergency services personnel of every local unit  
12 having jurisdiction along the travel route of a high hazard train.  
13 Initial training shall be offered within one year of the effective date  
14 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
15 with renewal training offered to the emergency service personnel of  
16 every local unit having jurisdiction along the travel route of a high  
17 hazard train at least once every three years thereafter. The training  
18 shall address: the general hazards of the petroleum, petroleum  
19 products, or hazardous substances being transported by the high  
20 hazard train; techniques to assess hazards to the environment in the  
21 event of a discharge; techniques to assess the safety of emergency  
22 service personnel and the general public in the event of a discharge  
23 that poses an imminent threat to public health, safety, or welfare;  
24 factors an emergency service provider shall consider in determining  
25 whether to attempt to suppress a fire or to evacuate the public and  
26 emergency service personnel from an area in the event of a  
27 discharge that poses an imminent threat to public health, safety, or  
28 welfare; and other suggested protocols or practices for emergency  
29 service personnel to consider in the event of a discharge that poses  
30 an imminent threat to public health, safety, or welfare.

31  
32 8. Following a discharge that requires emergency response  
33 action, the owner or operator of a high hazard train shall:

34 a. Within one hour of a discharge, identify an emergency  
35 response coordinator to advise the emergency services provider of  
36 the local unit. The emergency response coordinator may be made  
37 available by telephone, but is required to have authorization to  
38 deploy all necessary emergency response resources of the owner or  
39 operator of the high hazard train;

40 b. Within three hours of a discharge, deploy the emergency  
41 response coordinator and trained personnel to the discharge site to  
42 assess the discharge and to advise the emergency service provider  
43 of the local unit;

44 c. Within eight hours of a discharge, deliver and deploy  
45 emergency response, recovery, and containment equipment, trained  
46 personnel, and all other materials needed to provide on-site  
47 containment of the discharged petroleum, petroleum products, and  
48 hazardous substances and to protect environmentally sensitive areas



1 and potable water intakes within one mile of the discharge site and  
2 within eight hours of calculated water travel time in any river or  
3 stream that the discharge site intersects; and

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

12

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

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

22

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

31 b. The department may, at any time during the discharge  
32 response, cleanup, and contingency plan, discharge response,  
33 cleanup, and contingency plan renewal, or discharge response,  
34 cleanup, and contingency plan amendment review period approve,  
35 conditionally approve, or disapprove a discharge response, cleanup,  
36 and contingency plan, discharge response, cleanup, and contingency  
37 plan renewal, or discharge response, cleanup, and contingency plan  
38 amendments. If a discharge response, cleanup, and contingency  
39 plan, discharge response, cleanup, and contingency plan renewal, or  
40 discharge response, cleanup, and contingency plan amendments are  
41 disapproved, the owner or operator of the high hazard train shall  
42 have 30 days from receipt of written notice of the disapproval, and  
43 the reasons therefor, with which to submit a revised discharge  
44 response, cleanup, and contingency plan, discharge response,  
45 cleanup, and contingency plan renewal, or discharge response,  
46 cleanup, and contingency plan amendments. If after 30 days of  
47 receipt of a written request therefor, the owner or operator of the  
48 high hazard train fails to file a revised discharge response, cleanup,

1 and contingency plan, discharge response, cleanup, and contingency  
2 plan renewal, or amendments to the department or fails to contest  
3 the department's request in accordance with the "Administrative  
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the discharge  
5 response, cleanup, and contingency plan, discharge response,  
6 cleanup, and contingency plan renewal, or discharge response,  
7 cleanup, and contingency plan amendments shall be deemed to have  
8 been disapproved by the department and the owner or operator of  
9 the high hazard train shall be in violation of section 2 or section 3  
10 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
11 as applicable. The department may, for good cause, extend by up to  
12 an additional 30 days the time period for filing a revised discharge  
13 response, cleanup, and contingency plan, discharge response,  
14 cleanup, and contingency plan renewal, or discharge response,  
15 cleanup, and contingency plan amendments.

16

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

23 (1) Levy a civil administrative penalty in accordance with  
24 subsection b. of this section; or

25 (2) Bring an action for a civil penalty in accordance with  
26 subsection c. of this section.

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

29 b. The commissioner is authorized to assess a civil  
30 administrative penalty of not more than \$25,000 for each violation  
31 of the provisions of P.L. , c. (C. ) (pending before the  
32 Legislature as this bill), or any rule or regulation adopted pursuant  
33 thereto, and each day during which each violation continues shall  
34 constitute an additional, separate, and distinct offense. Any amount  
35 assessed under this section shall fall within a range established by  
36 regulation by the commissioner for violations of similar type,  
37 seriousness, duration, and conduct; provided, however, that prior to  
38 the adoption of the rule or regulation, the commissioner may, on a  
39 case-by-case basis, assess civil administrative penalties up to a  
40 maximum of \$25,000 per day for each violation, utilizing the  
41 criteria set forth herein. In addition to any civil administrative  
42 penalty assessed under this subsection and notwithstanding the  
43 \$25,000 maximum penalty set forth above, the commissioner may  
44 assess any economic benefits from the violation gained by the  
45 violator. Prior to assessment of a penalty under this subsection, the  
46 owner or operator of the high hazard train committing the violation  
47 shall be notified by certified mail or personal service that the  
48 penalty is being assessed. The notice shall: include a reference to

1 the section of the statute or regulation violated; recite the facts  
2 alleged to constitute a violation; state the basis for the amount of  
3 the civil penalties to be assessed; and affirm the rights of the  
4 alleged violator to a hearing. The ordered party shall have 35  
5 calendar days from receipt of the notice within which to deliver to  
6 the commissioner a written request for a hearing. After the hearing  
7 and upon finding that a violation has occurred, the commissioner  
8 may issue a final order after assessing the amount of the fine  
9 specified in the notice. If a hearing is not requested, the notice shall  
10 become a final order after the expiration of the 35 calendar day  
11 period. Payment of the assessment is due when a final order is  
12 issued or the notice becomes a final order. The authority to levy an  
13 administrative order is in addition to all other enforcement  
14 provisions in P.L. , c. (C. ) (pending before the Legislature  
15 as this bill), or of any rule or regulation adopted pursuant thereto,  
16 and the payment of any assessment shall not be deemed to affect the  
17 availability of any other enforcement provisions in connection with  
18 the violation for which the assessment is levied. The department  
19 may compromise any civil administrative penalty assessed under  
20 this subsection in an amount and with conditions the department  
21 determines appropriate. A civil administrative penalty assessed,  
22 including a portion thereof required to be paid pursuant to a  
23 payment schedule approved by the department, which is not paid  
24 within 90 days of the date that payment of the penalty is due, shall  
25 be subject to an interest charge on the amount of the penalty, or  
26 portion thereof, which shall accrue as of the date payment is due. If  
27 the penalty is contested, an additional interest charge shall not  
28 accrue on the amount of the penalty until 90 days after the date on  
29 which a final order is issued. Interest charges assessed and  
30 collectible pursuant to this subsection shall be based on the rate of  
31 interest on judgments provided in the New Jersey Rules of Court.

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

1 benefit accruing to the violator from the violation. The Superior  
2 Court shall have jurisdiction to enforce the "Penalty Enforcement  
3 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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

8  
9 12. Whenever information is received by the New Jersey Office  
10 of Emergency Management pursuant to United States Department  
11 of Transportation Emergency Order Docket No. DOT-OST-2014-  
12 0067, or any law, rule, regulation, or order that shall supersede that  
13 order, or pursuant to section 5 of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill), the New Jersey Office of  
15 Emergency Management shall provide that information to each  
16 county office of emergency management and emergency services  
17 provider having jurisdiction along the travel route of a high hazard  
18 train.

19  
20 13. In accordance with the federal regulations promulgated  
21 pursuant to section 11405 of the federal "Fixing America's Surface  
22 Transportation Act," Pub.L.114-94, the Commissioner of  
23 Environmental Protection shall, at least annually and whenever the  
24 Commissioner of Environmental Protection shall deem necessary,  
25 request from the United States Secretary of Transportation a copy  
26 of the most recent bridge inspection report generated pursuant to the  
27 federal "Rail Safety Improvement Act of 2008," Pub.L.110-432, for  
28 every bridge owned by a railroad or upon which a railroad is  
29 located.

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

35  
36 14. The department shall adopt rules and regulations pursuant to  
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1  
38 et seq.) to effectuate the purposes of this act.

39  
40 15. This act shall take effect immediately.