ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 991

STATE OF NEW JERSEY

DATED: JANUARY 6, 2022

The Assembly Appropriations Committee reports favorably Senate Bill No. 991 (2R).

This bill requires the owner or operator of a high hazard train traveling within this State to submit to the Department of Environmental Protection (department) within six months of the effective date of the bill a discharge response, cleanup, and contingency plan (plan) that contains certain information.

The bill requires the plan to be renewed every five years with the department unless the department requires a more frequent submission and any amendments to the plan to be filed with the department within 30 days of the date of any modification of the high hazard train, rail yards, fueling stations, or the high hazard train's route of travel. The owner or operator of a high hazard train is required to retain on file with the department evidence of financial responsibility for the cleanup and removal costs of a discharge or release of a hazardous substance, and for the removal of any damaged or disabled high hazard train equipment or parts. A copy of the plan, plan renewal, and all plan amendments are to be filed by the owner or operator of a high hazard train with the New Jersey Office of Emergency Management.

The bill requires the owner or operator of a high hazard train to offer training to the emergency services personnel of every local unit having jurisdiction along the travel route of the high hazard train. The initial training is to be offered within one year of the effective date of this bill and renewal training is to be offered at least once every three years thereafter.

The bill requires the owner or operator of a high hazard train, which has experienced a discharge that requires emergency response action, to deliver and deploy sufficient emergency response, recovery, and containment equipment and trained personnel to contain and recover the discharged materials and protect environmentally sensitive areas and potable water intakes within certain timeframes.

The provisions of the bill are not applicable to the owner or operator of a Class III carrier, as defined by the federal Surface Transportation Board, that operates within a single municipality on not more than 25 total track miles and is engaged in switching or terminal railroad services. The bill clarifies that it is not to be construed to

exempt major facilities from the provisions of the "Spill Compensation and Control Act."

The bill requires the department to review plans or plan renewals within six months of filing and plan amendments within 60 days of filing. If a plan, plan renewal, or plan amendment is disapproved, the owner or operator of the high hazard train is required to submit a revised plan, plan renewal, or plan amendment within 30 days from the receipt of written notice of the disapproval. The bill permits the department to issue civil administrative penalties for violations under the bill and bring an action for civil penalties. Under the bill, the owner or operator of a high hazard train that experiences a discharge is subject to the penalty and injunctive relief provisions of the "Spill Compensation and Control Act."

The New Jersey Office of Emergency Management is to provide certain information to certain county offices of emergency management and emergency services.

The bill requires the department to, annually or whenever deemed necessary, request from the U.S. Department of Transportation a copy of the most recent bridge inspection report generated pursuant to the federal "Rail Safety Improvement Act of 2008" for every bridge owned by a railroad or upon which a railroad is located. The department is to submit any bridge inspection report acquired from the U.S. Department of Transportation to the Governor and the Legislature.

As reported by the committee, Senate Bill No. 991 (2R) is identical to Assembly Bill No. 5603 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.