

SENATE, No. 4095

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Prohibits NJT from making major alterations to rail yards located near certain environmentally sensitive areas.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning New Jersey Transit rail yards located near
2 certain environmentally sensitive areas and supplementing
3 P.L.1979, c. 150 (C.27:25-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. Unless expressly authorized to do so in writing by the
9 Governor after consultation with the Department of Environmental
10 Protection and the United States Environmental Protection Agency,
11 the New Jersey Transit Corporation shall not make, or cause to be
12 made, any major alterations, renovations, improvements, upgrades,
13 or additions to any rail yard:

14 (1) which is located within the coastal area as defined and
15 regulated pursuant to P.L.1973, c.185 (C.13:19-1 et seq.);

16 (2) from which surface water or groundwater flows into the
17 watershed of the Barnegat Bay Estuary or into wetlands designated
18 by the United States Environmental Protection Agency to be
19 priority wetlands; and

20 (3) any portion of which is located in, or within 1,000 feet of:

21 (a) a freshwater wetland or freshwater wetland transition area, as
22 defined and regulated pursuant to P.L.1987, c.156 (C.13:9B-1 et
23 seq.) or any rules or regulations adopted pursuant thereto;

24 (b) a coastal or tidal wetland or coastal or tidal wetland buffer or
25 transition area, as defined and regulated pursuant to P.L.1970, c.272
26 (C.13:9A-1 et seq.), P.L.1973, c.185 (C.13:19-1 et seq.), or any
27 rules or regulations adopted pursuant thereto; or

28 (c) a tidal water body, as defined and regulated pursuant to
29 R.S.12:5-1 et seq., P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1973,
30 c.185 (C.13:19-1 et seq.), or any rules or regulations adopted
31 pursuant thereto.

32 b. (1) The Governor shall not consider any application for
33 authorization pursuant to subsection a. of this section to proceed
34 with a major alteration, renovation, improvement, upgrade, or
35 addition to a rail yard unless the New Jersey Transit Corporation, or
36 its representatives, contractors, or agents, as the case may be, have
37 first obtained all applicable federal, State, county, and local permits
38 and approvals required by law, rule or regulation, or county or local
39 ordinance or resolution, including, but not limited to, those State
40 permits and approvals required pursuant to R.S.12:5-1 et seq.,
41 P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et
42 seq.), P.L.1973, c.185 (C.13:19-1 et seq.), or any rule or regulation
43 adopted pursuant thereto. The provisions and requirements of
44 subsection a. of this section shall be in addition to any other
45 applicable provisions or requirements of R.S.12:5-1 et seq.,
46 P.L.1970, c.272 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et
47 seq.), P.L.1973, c.185 (C.13:19-1 et seq.), any rule or regulation

1 adopted pursuant thereto, or any other law, rule, or regulation, or
2 county or local ordinance or resolution.

3 (2) The Governor may refuse to authorize a major alteration,
4 renovation, improvement, upgrade, or addition to a rail yard
5 pursuant to subsection a. of this section for any reason.

6 c. For the purposes of this act, a “major alteration, renovation,
7 improvement, upgrade, or addition to a rail yard” shall include, but
8 need not be limited to, facility lighting, the laying of additional
9 track, the construction of a fuel canopy, the construction of fuel
10 tanks or a fuel tank farm, the construction of a compressor house, or
11 any other alteration, renovation, improvement, upgrade, or addition
12 to a rail yard as may be determined by the Department of
13 Environmental Protection, in consultation with the Department of
14 Transportation and after holding at least one public hearing thereon,
15 pursuant to rules or regulations adopted by the Department of
16 Environmental Protection in accordance with the “Administrative
17 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

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19 2. This act shall take effect immediately and shall apply to any
20 major alteration, renovation, improvement, upgrade, or addition to a
21 rail yard undertaken by or for the New Jersey Transit Corporation
22 for which an application pursuant to R.S.12:5-1 et seq., P.L.1970,
23 c.272 (C.13:9A-1 et seq.), P.L.1987, c.156 (C.13:9B-1 et seq.), or
24 P.L.1973, c.185 (C.13:19-1 et seq.), or any rules or regulations
25 adopted pursuant thereto, has been submitted to the Department of
26 Environmental Protection after March 31, 2022.

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29 STATEMENT

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31 This bill would prohibit the New Jersey Transit Corporation
32 from making any major alterations, renovations, improvements,
33 upgrades, or additions to any rail yard:

34 (1) which is located within the coastal area as defined and
35 regulated by the “Coastal Area Facility Review Act” (CAFRA);

36 (2) from which surface water or groundwater flows into the
37 watershed of the Barnegat Bay Estuary or into wetlands designated
38 by the United States Environmental Protection Agency to be
39 priority wetlands; and

40 (3) any portion of which is located in, or within 1,000 feet of:

41 (a) a freshwater wetland or freshwater wetland transition area;

42 (b) a coastal or tidal wetland or coastal or tidal wetland buffer or
43 transition area; or

44 (c) a tidal water body.

45 Exceptions to the bill’s prohibition would be allowed only by
46 express written authorization of the Governor, following
47 consultation with the Department of Environmental Protection and
48 the United States Environmental Protection Agency.