

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 33

NJSA: 48:12-57

(Whistle sounding--railroad grade crossings)

BILL NO: A560

SPONSOR(S): Bagger

DATE INTRODUCED: May 4, 1998

COMMITTEE:

ASSEMBLY: Transportation

SENATE: Transportation

AMENDED DURING PASSAGE: Yes

DATES OF PASSAGE:

ASSEMBLY: January 28, 1998

SENATE: December 10, 1998

DATE OF APPROVAL: March 5, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *YES*^{2nd} Reprint

(Amendments during passage denoted by superscript numbers)

A560

SPONSORS STATEMENT: *Yes* (Begins on page 2 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 33, *approved March 5, 1999*
Assembly, No. 560 (*Second Reprint*)

1 AN ACT concerning railroads and amending R.S.48:12-57.

2

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

5

6 1. R.S.48:12-57 is amended to read as follows:

7 48:12-57. Every railroad company shall place on each engine a bell
8 weighing not less than 30 pounds which shall be rung continuously in
9 approaching a grade crossing of a highway, beginning at a distance of
10 at least 300 yards from the crossing and continuing until the engine
11 has crossed such highway, or a whistle or horn operated by steam, air
12 or electricity, which shall be sounded, except in cities, at least 300
13 yards from the crossing and at intervals until the engine has crossed
14 the highway.

15 For every default the company operating such road shall pay a
16 penalty of \$100.00 to be sued for by any informer within 10 days after
17 such penalty was incurred, 1/2 to go to the informer and 1/2 to the
18 county wherein such default occurred. Nothing herein shall take away
19 any remedy for such neglect from any person injured thereby.

20 ¹**[The]** Upon application from the governing body of a county or
21 municipality in which a grade crossing is located, the¹ Commissioner
22 of Transportation may, in his discretion, exempt railroad companies
23 from observing the provisions of this section with respect to grade
24 crossings¹ in that county or municipality¹ employing supplementary
25 safety measures which have been approved by the Federal Railroad
26 Administration² or the Secretary of Transportation of the United
27 States² ¹ pursuant to 49 U.S.C.s. 20153¹ as fully compensating for the
28 absence of the warning provided by the locomotive horn² and which
29 have received a waiver or exemption under 49 U.S.C.s. 20153(d)².

30 ²As used in this act, "supplementary safety measure" means a safety
31 system or procedure, provided by the appropriate traffic control
32 authority or law enforcement authority responsible for safety at the
33 highway-rail grade crossing, that is determined by the Secretary of
34 Transportation of the United States to be an effective substitute for the
35 locomotive horn in the prevention of highway-rail casualties. A traffic
36 control arrangement that prevents careless movement over the
37 crossing, for example, as where adequate median barriers prevent
38 movement around crossing gates extending over the full width of the
39 lanes in the particular direction of travel, and that conforms to

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:

¹ Assembly ATR committee amendments adopted May 4, 1998.

² Senate STR committee amendments adopted October 15, 1998.

1 standards prescribed by the Secretary, shall be deemed to constitute a
2 supplementary safety measure. However, the following do not,
3 individually, or in combination, constitute supplementary safety
4 measures: standard traffic control devices or arrangements such as
5 reflectorized crossbucks, stop signs, flashing lights, flashing lights with
6 gates that do not completely block travel over the line of railroad, or
7 traffic signals.²

8 (cf: P.L.1962, c.198, s.120)

9

10 2. This act shall take effect immediately.

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15 Permits Commissioner of Transportation to exempt railroad companies
16 from sounding train whistle, bell or horn at a grade crossing when
17 Federal Railroad Administration has approved supplementary safety
18 measures for that grade crossing which fully compensate for the
19 absence of train horns.

ASSEMBLY, No. 560

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman DAVID C. RUSSO

District 40 (Bergen and Passaic)

SYNOPSIS

Prohibits intentional misrepresentation by a business of its location.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain commercial practices and supplementing
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. It shall be an unlawful practice for any person conducting or
8 transacting business under an assumed name and filing a certificate
9 pursuant to R.S.56:1-2 to intentionally misrepresent that person's
10 geographic origin or location or the geographic origin or location of
11 any merchandise, except that if a person's mailing address is within the
12 geographic origin or location, it shall not be an intentional
13 misrepresentation of that person's origin or location.

14 b. A person engaged in the business of advertising shall be immune
15 from liability under this section for receiving, accepting or publishing
16 any advertisement, irrespective of the medium or format, submitted or
17 developed for any person conducting or transacting business under an
18 assumed name.

19
20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill supplements the consumer fraud law, P.L.1960, c.39
26 (C.56:8-1 et seq.), to prohibit, as an unlawful practice, any business
27 entity conducting or transacting business under an assumed name and
28 filing a certificate pursuant to R.S.56:1-2 to intentionally misrepresent
29 that business entity's geographic origin or location or the geographic
30 origin or location of any merchandise.

31 As provided in R.S.56:1-2, those entities conducting or transacting
32 business under an assumed name are required to file a certificate in the
33 office of the clerk of the county or counties in which they conduct or
34 intend to conduct such business, together with a duplicate copy for
35 filing with the office of the Secretary of State. The information
36 mandated to be placed on the certificate includes the true name or
37 names of the person or persons conducting or transacting the business,
38 with their post-office address or addresses. The provisions of the bill
39 do not apply to a business entity's disclosure of a false address in a
40 filing required under R.S.56:1-2 for which a penalty is already
41 provided.

42 Anyone who commits an unlawful practice by violating a provision
43 of this bill shall be subject to consumer fraud law penalties of not more
44 than \$7,500 for a first offense and not more than \$15,000 for each
45 subsequent offense.

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1 The bill also provides that a person's mailing address within the
2 geographic origin or location is not an intentional misrepresentation of
3 that person's origin or location; and that an advertising company is
4 immune from liability under the bill for receiving, accepting or
5 publishing any advertisement submitted for a person conducting
6 business under an assumed name.

ASSEMBLY TRANSPORTATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 560

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 4, 1998

The Assembly Transportation Committee reports favorably Assembly Bill No. 560 with committee amendments.

As amended by the committee, this bill permits the Commissioner of Transportation, upon application from the governing body of a county or municipality in which a grade crossing is located, to exempt railroad companies from sounding a train whistle, bell or horn at a grade crossing in that county or municipality when the Federal Railroad Administration has approved supplementary safety measures for that grade crossing which fully compensate for the absence of the warning provided by the locomotive horn.

The committee amended the bill to provide that the commissioner would exempt railroad companies from sounding an audible warning at a grade crossing only upon application of the county or municipality in which the grade crossing is located.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 560

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1998

The Senate Transportation Committee reports favorably Assembly Bill No. 560 (1R) with committee amendments.

This bill, as amended by the committee, permits the Commissioner of Transportation, upon application from the governing body of a county or municipality in which a grade crossing is located, to exempt railroad companies from sounding a train whistle, bell or horn at a grade crossing in that county or municipality when the Federal Railroad Administration or the Secretary of Transportation of the United States has approved supplementary safety measures for that grade crossing which fully compensate for the absence of the warning provided by the locomotive horn and the grade crossing has received a waiver or exemption under 49 U.S.C.s. 20153(d).

The committee approved amendments which permit either the Federal Railroad Administration or the Secretary of Transportation to approve the supplementary safety measures, require that the grade crossing receive a waiver or exemption from the Federal Government, and define a supplementary safety measure based upon the federal law.

Office of the Governor
NEWS RELEASE

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TRENTON, NJ 08625

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RELEASE: March 5, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

A-560, sponsored by Assembly Members Richard H. Bagger (R- Middlesex/Morris/ Somerset/Union) and Alan M. Augustine (R- Middlesex/Morris/Somerset/Union), permits the Commissioner of Transportation to exempt railroad companies from sounding train whistles or horns at grade crossings under certain conditions. The bill provides that the Commissioner of Transportation may exempt railroad companies from State law which requires a bell or whistle to be sounded at grade crossings, provided that (1) the governing body of the county or municipality in which the grade crossing is located applies for such an exemption; (2) the county or municipality employs supplementary safety measures approved by the Federal Railroad Administration or U. S. Secretary of Transportation which fully compensate for the absence of the warning provided by the bell or whistle; and (3) the U. S. Secretary of Transportation has granted a waiver or exemption from the federal law which requires the sounding of a bell or whistle at a grade crossing.

AJR-49, sponsored by Assembly Members Leonard Lance (R- Warren/Hunterdon/Mercer) and Joseph Charles, Jr. (D-Hudson) and Senators John O. Bennett (R-Monmouth) and Richard J. Codey (D- Essex), establishes the Public Officers Salary Review Commission. The Commission will review the salaries of the Governor, cabinet officers, members of the Board of Public Utilities, members of the Casino Control Commission, workers' compensation judges, administrative law judges, members of the Legislature, members of the State Commission of Investigation, Justices of the Supreme Court, judges of the Superior Court, judges of the Tax Court and county prosecutors. The commission will consist of seven members: two members appointed by the Governor, no more than one of whom is of the same political party, and one member appointed by the President of the Senate, Senate minority leader, Speaker of the General Assembly, Assembly minority leader, and the Chief Justice of the New Jersey Supreme Court.