

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@nstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L. 2019, CHAPTER 294, *approved January 9, 2020*
Senate, No. 3425 (*Second Reprint*)

1 AN ACT concerning vegetation management and supplementing
2 Title 48 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. a. Each railroad operator shall destroy or remove plants,
8 trees, brush, or other obstructive vegetation upon ²and within the
9 geographical bounds of² its right-of-way at each intersection with a
10 public road or highway, for a distance of 300 feet ²from the edge of
11 each side of the public road or highway² or such other distance
12 from ²the edge of each side of² the public road or highway that the
13 Commissioner of Transportation determines to be reasonably safe.

14 b. When any railroad operator fails to destroy or remove such
15 vegetation within ²**[10]** ²15² days following written notice, from the
16 Department of Transportation², ² or the governing body of a county
17 or municipality ²provided that an electronic or physical copy of the
18 notice is delivered concurrently to the department², served on the
19 local agent of the railroad operator, the department ¹**[**or the
20 governing body of the county or municipality having jurisdiction
21 over the intersection¹**]**¹ may destroy or remove the plants, trees,
22 brush, or other obstructive vegetation and the railroad operator shall
23 be responsible to reimburse the department ¹**[**or governing body¹**]**¹
24 for the costs of such removal. If the railroad operator fails to
25 reimburse the department ¹**[**or governing body¹**]**¹ within 30 days of
26 notice by certified mail, the department ¹**[**or governing body¹**]**¹ may
27 use all available remedies by law to recover the costs.

28
29 2. This act shall take effect immediately.

30
31 _____
32
33 Requires railroad operators to remove obstructive vegetation
34 near railroad crossings.

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:

¹Senate STR committee amendments adopted March 18, 2019.

²Senate floor amendments adopted March 25, 2019.

SENATE, No. 3425

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Requires railroad operators to remove obstructive vegetation near railroad crossings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning vegetation management and supplementing
2 Title 48 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. a. Each railroad operator shall destroy or remove plants,
8 trees, brush, or other obstructive vegetation upon its right-of-way at
9 each intersection with a public road or highway, for a distance of
10 300 feet or such other distance from the public road or highway that
11 the Commissioner of Transportation determines to be reasonably
12 safe.

13 b. When any railroad operator fails to destroy or remove such
14 vegetation within 10 days following written notice, from the
15 Department of Transportation or the governing body of a county or
16 municipality, served on the local agent of the railroad operator, the
17 department or the governing body of the county or municipality
18 having jurisdiction over the intersection may destroy or remove the
19 plants, trees, brush, or other obstructive vegetation and the railroad
20 operator shall be responsible to reimburse the department or
21 governing body for the costs of such removal. If the railroad
22 operator fails to reimburse the department or governing body within
23 30 days of notice by certified mail, the department or governing
24 body may use all available remedies by law to recover the costs.

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires a railroad operator to destroy or remove
32 obstructive vegetation upon its right-of-way at each intersection
33 with a public road or highway, for a distance of 300 feet or such
34 other distance from the public road or highway that the
35 Commissioner of Transportation determines to be reasonably safe.

36 Under the bill, if the railroad operator fails to destroy or remove
37 the obstructive vegetation within 10 days following written notice
38 from the Department of Transportation (department) or the
39 governing body of the county or municipality having jurisdiction
40 over the intersection, the department or governing body may
41 destroy or remove the obstructive vegetation and the railroad
42 operator will be responsible for the costs of removal.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3425

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3425.

As amended and reported, this bill requires a railroad operator to destroy or remove obstructive vegetation upon its right-of-way at each intersection with a public road or highway, for a distance of 300 feet or such other distance from the public road or highway that the Commissioner of Transportation determines to be reasonably safe.

Under the bill, if the railroad operator fails to destroy or remove the obstructive vegetation within 10 days following written notice from the Department of Transportation (department) or the governing body of the county or municipality having jurisdiction over the intersection, the department may destroy or remove the obstructive vegetation and the railroad operator will be responsible for the costs of removal.

The committee amended the bill to remove a provision that authorizes the governing body of the county or municipality having jurisdiction over an intersection with obstructive vegetation to destroy or remove the obstructive vegetation. The committee also amended the bill to remove reference to a railroad operator being responsible to reimburse the governing body for the cost of the removal of obstructive vegetation and to remove reference to a governing body having the authority to use all available remedies by law to recover the costs of removal.

STATEMENT TO
[First Reprint]
SENATE, No. 3425

with Senate Floor Amendments
(Proposed by Senator DIEGNAN)

ADOPTED: MARCH 25, 2019

These amendments increases the number of days from 10 to 15 that are given to a railroad operator to destroy or remove obstructive vegetation following written notice from the Department of Transportation (department), a county, or a municipality. The amendments require that a county or municipality provide a written copy to the department of any notice given to a railroad operator under the bill. The amendments also clarify that the obstructive vegetation to be destroyed or removed by a railroad operator is the obstructive vegetation that is within the geographical bounds of the railroad's right-of-way and that is within a distance of 300 feet from each side of the public road or highway.

ASSEMBLY, No. 4958

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 28, 2019

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires railroad operators to remove obstructive vegetation near railroad crossings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/15/2019)

1 AN ACT concerning vegetation management and supplementing
2 Title 48 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. a. Each railroad operator shall destroy or remove plants,
8 trees, brush, or other obstructive vegetation upon its right-of-way at
9 each intersection with a public road or highway, for a distance of
10 300 feet or such other distance from the public road or highway that
11 the Commissioner of Transportation determines to be reasonably
12 safe.

13 b. When any railroad operator fails to destroy or remove such
14 vegetation within 10 days following written notice, from the
15 Department of Transportation or the governing body of a county or
16 municipality, served on the local agent of the railroad operator, the
17 department or the governing body of the county or municipality
18 having jurisdiction over the intersection may destroy or remove the
19 plants, trees, brush, or other obstructive vegetation and the railroad
20 operator shall be responsible to reimburse the department or
21 governing body for the costs of such removal. If the railroad
22 operator fails to reimburse the department or governing body within
23 30 days of notice by certified mail, the department or governing
24 body may use all available remedies by law to recover the costs.

25

26 2. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires a railroad operator to destroy or remove
32 obstructive vegetation upon its right-of-way at each intersection
33 with a public road or highway, for a distance of 300 feet or such
34 other distance from the public road or highway that the
35 Commissioner of Transportation determines to be reasonably safe.

36 Under the bill, if the railroad operator fails to destroy or remove
37 the obstructive vegetation within 10 days following written notice
38 from the Department of Transportation (department) or the
39 governing body of the county or municipality having jurisdiction
40 over the intersection, the department or governing body may
41 destroy or remove the obstructive vegetation and the railroad
42 operator will be responsible for the costs of removal.

ASSEMBLY TRANSPORTATION AND INDEPENDENT
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4958

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Assembly Transportation and Independent Authorities Committee reports favorably Assembly Bill No. 4958.

As reported, this bill requires a railroad operator to destroy or remove obstructive vegetation upon its right-of-way at each intersection with a public road or highway, for a distance of 300 feet or such other distance from the public road or highway that the Commissioner of Transportation determines to be reasonably safe.

Under the bill, if the railroad operator fails to destroy or remove the obstructive vegetation within 10 days following written notice from the Department of Transportation (department) or the governing body of the county or municipality having jurisdiction over the intersection, the department or governing body may destroy or remove the obstructive vegetation and the railroad operator will be responsible for the costs of removal.

STATEMENT TO
ASSEMBLY, No. 4958

with Assembly Floor Amendments
(Proposed by Assemblywoman LOPEZ)

ADOPTED: MARCH 25, 2019

These amendments increases the number of days from 10 to 15 that are given to a railroad operator to destroy or remove obstructive vegetation following written notice from the Department of Transportation (department), a county, or a municipality. The amendments require that a county or municipality provide a written copy to the department of any notice given to a railroad operator under the bill. The amendments clarify that the obstructive vegetation to be destroyed or removed by a railroad operator is the obstructive vegetation that is within the geographical bounds of the railroad's right-of-way and that is within a distance of 300 feet from each side of the public road or highway. The amendments also remove the ability of a municipality or county to destroy or remove obstructive vegetation and leave that power exclusively to the department.

Governor Murphy Signs Legislation Requiring the Removal of Obstructive Vegetation Near Railroad Crossings

01/9/2020

TRENTON – Governor Phil Murphy today signed legislation that will require railroad operators to remove obstructive vegetation near railroad crossings. The bill (S3425) aims to increase safety for passenger trains and commercial operators, and motorists and pedestrians crossing railroad tracks.

“Vegetation can pose a serious hazard to passenger and commercial train traffic, as well as those crossing railroad tracks,” **said Governor Murphy**. “This legislation will improve safety on our railroads and hold railroad operators responsible for removal of obstructive vegetation at our many railroad crossings.”

“NJ TRANSIT’s top priority is always the safety of our customers, employees and the public so we support initiatives like this to increase safety for all,” **said NJ TRANSIT President & CEO Kevin Corbett**. “Removal of vegetation, especially near grade crossings, enhances the line of sight for our locomotive engineers as well as drivers, bicyclists and pedestrians. That’s why these efforts have and will continue to be a critical component of our preventative maintenance efforts.”

S3425 requires railroad operators to destroy or remove obstructive vegetation upon and within its right-of-way at each intersection with a public road or highway, for 300 feet from the edge of the public road or highway or such other distance that the Commissioner of Transportation determines to be reasonably safe.

Primary sponsors of the bill include Senators Patrick J. Diegnan Jr. and M. Teresa Ruiz, and Assemblymembers Yvonne Lopez, Daniel R. Benson, and BettyLou DeCroce.

“Vegetation impedes the flow of transportation and presents safety hazards whether it be roads with automobiles and schools buses or on the tracks with trains,” **said Senator Diegnan**. “This law will enhance the safety of railroad crossings in the state by providing travelers on the road, or on the track, an unobstructed view while crossing.”

“For the safety of the rail riders, train operators and motorists, we must keep our railroad crossings clear of dangerously overgrown vegetation,” **said Senator Ruiz**. “This legislation will remove a potential hazard and reduce the likelihood of accidents.”

“Every day, trains weighing hundreds of thousands of pounds traveling at great speeds crisscross the rails throughout our State. As a major transit hub, the safety of our railroads is of paramount importance,” **said first primary sponsor Assemblywoman Lopez**. “Train tracks that are not kept clear of obstruction can prevent inspectors from noticing defects and can limit the visibility of important signage and signals at crossings. New Jersey must address any safety concerns that can place individuals at risk, and ensuring that overgrown vegetation is maintained is one way we can safeguard the wellbeing of operators, passengers and bystanders alike.”

“Weeds and trees that have grown too close to train tracks or even begun to extend onto them pose an often-overlooked danger to both commuters and railroad employees,” **said Assemblyman Benson, chairman of the Assembly Transportation Committee**. “This overgrowth can contribute to the degradation of track structure and can cause more injuries among maintenance crews as they work in the vicinity of the tracks. Railroad operators can help prevent these issues by clearing obstructive vegetation along their routes.”

“Train conductors and automobile drivers need to be able to see clearly to prevent accidents,” **said Assemblywoman DeCroce**. “This law will help expedite the removal of obstructive brush at dangerous crossings and save lives.”

“Clearing vegetation and obstructions from all railroad crossings is just another measure that will keep the driving

public, our children, and railroad employees safe,” **said Jerome Johnson, General Chairman and President of SMART Transportation Division Local 60.** “I would like to thank Governor Murphy and the Legislatures for all their efforts protecting the citizens of NJ.”

“Excessive vegetation has the potential to cause harm to commuters, railroad workers, and many others,” **said Ronald Sabol, state legislative director for the SMART Transportation Division.** “Thank you to the Governor for signing this important legislation that will improve safety across our statewide rail system.”

TRENTON - Governor Phil Murphy today signed S4141, also known as “Paul’s Law”, which will authorize parents or guardians to request the use of an individualized health care plan for students with epilepsy or seizure disorders. The law is named after Paul St. Pierre, a 13-year-old boy from Maple Shade who has epilepsy and advocated for the legislation.

“Every student deserves to learn and thrive in their educational environment, without worrying about their safety.” **said Governor Murphy.** “Paul’s Law will ensure that the safety of children with seizure disorders is a priority in our schools. I thank Paul and his family for bringing attention to this issue that affects so many parents and children across our state.”

The legislation signed today authorizes a parent or guardian of a student with epilepsy or a seizure disorder to request use of an individualized health care plan. This individualized health care plan will be developed for each student by the school nurse, in consultation with the parent or guardian of a student with a seizure disorder and other appropriate medical professionals. The plan will be consistent with the recommendations of the student’s health care providers and will outline a set of procedural guidelines that provide specific directions about what to do in an emergency. Additionally, boards of education will be required to ensure that all building staff are trained in the care of students with epilepsy and seizure disorders.

“It is impossible to describe the magnitude of Governor Murphy signing Paul’s Law. This law will not only help my son Paul feel safe in school, it will protect 12,000 children in New Jersey that have epilepsy. Furthermore, It will give parents across the state peace of mind while their children are in school,” **said Paul St. Pierre, the namesake of the law, and his mother, Colleen Quinn.** “None of this would have been possible without Senator James Beach who spearheaded this legislation after our initial meeting. He has shown us that citizens, even a 13 year old boy can help to make change in the world. We are forever grateful to him. Lastly, we would like to thank Governor Murphy for signing this legislation into law. Today our governor has made New Jersey only the 5th state in the nation to create seizure safe schools. We would like to thank Governor Murphy for making this law a reality.”

“Schools must provide safe spaces for all children, including students who experience seizure disorders,” **said Dr. Lamont O. Repollet, Commissioner of Education.** “Providing training to staff will enable adults to recognize the early signs of seizures in students and provide them with swift access to the care they need.”

“Approximately 12,000 children in New Jersey have been diagnosed with epilepsy, according to the U.S. Centers for Disease Control,” **said Department of Health Acting Commissioner Judith Persichilli.** “Paul St. Pierre is a brave young man and I commend him for his advocacy to help protect other children with this neurological disorder. It is critical that teachers, principals and other school personnel receive training in how to recognize and respond to a student experiencing a seizure in school. It’s also important for parents to ensure their child’s school has an up-to-date health plan for their child.”

Primary sponsors of the legislation include Senators Jim Beach and Kip Bateman, and Assemblymembers Mila Jasey, Annette Quijano, and John McKeon.

“As a former teacher, I know that an unexpected crisis can occur at any time during the school day. However, if a student has a seizure disorder, appropriate training, complete information and an individualized health care plan can allow school personnel to be better prepared,” **said Senator Beach.** “Thanks to the advocacy of Paul St. Pierre, this legislation will go a long way in educating our teachers and school personnel on how to handle a situation when one of their students has a seizure, whether it is in the classroom or at an after-school event.”

“There are 12,000 students throughout New Jersey with a seizure disorder,” **said Senator Kip Bateman.** “If you’re the parent of a child with epilepsy, you want to be assured that all teachers, nurses, and school bus drivers are properly trained and can care for your child until advanced medical help arrives. I applaud Paul for his successful advocacy to ensure Garden State schools have the tools to create a ‘seizure smart’ epilepsy action plan which will save lives.”

In a joint statement, **Assemblymembers Jasey, Quijano, and McKeon said:**

“It’s vitally important that New Jersey’s schools and teachers are well-equipped with the tools and knowledge to provide safe, enriching learning environments for students with epilepsy.

“In creating the mechanisms for schools to work with parents and guardians alongside nurses, teachers and administrators, children suffering from seizures would be guaranteed the extra support and care they need to see their full potential in the classroom realized.

“We’d like to give special thanks to Paul St. Pierre, who the bill is named for, and Miranda West, a Columbia High School student and National Epilepsy Foundation teen spokesperson, for their continued advocacy and help in ensuring New Jersey schools are safe for all students.”

“Paul St. Pierre is a leader and a role model for all children living in New Jersey. Paul’s advocacy not only for himself, but for the 12,000 children living with epilepsy in the Garden State, will make our schools a safer place for all children living with epilepsy,” **said Liza Gundell, CEO of the Family Resource Network which includes Epilepsy Services of New Jersey.** “Children spend the majority of their day in school under the care of school personnel and in the company of their peers. Empowering educators and students with knowledge to not only recognize seizures, but the skills to act and treat a student who may be experiencing a seizure can ultimately save a child’s life. Epilepsy Services of New Jersey is proud to provide monthly on-line seizure first aid and recognition training, as well as in-person training for school’s throughout New Jersey. Paul’s Law ensures that all New Jersey Schools are well-equipped with the tools necessary to provide a safe and enriching environment.”