

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@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

Also of possible interest:

Committee meeting of Senate Legislative Oversight Committee [and] Assembly Judiciary Committee : the Committees will receive testimony on issues regarding NJ Transit, including but not limited to the fatal train accident at Hoboken Terminal in September 2016; overall safety; maintenance; and reliability; commuters and other members of the public are encouraged to relay their experiences to the Committees [February 23, 2017, Hackensack, New Jersey]

Call number 974.90 T764, 2017c

Available online at <http://hdl.handle.net/10929/42017>

Committee meeting of Senate Legislative Oversight Committee [and] Assembly Judiciary Committee : the Committees will receive testimony from invited guests, including Wick Moorman, President and Chief Executive Officer of Amtrak, Scott Naparstek, Vice President and Chief Operating Officer of Amtrak, and Steven Santoro, Executive Director of NJ Transit; The hearing will focus on the causes of the recent Amtrak derailments at Pennsylvania Station in New York and the NJ Transit train breakdown in the North River Tunnels; the responsibility for safety and maintenance on the Northeast Corridor Line; the response of both agencies to the commuter delays and overcrowding that resulted from the incidents; and the impact of the planned Gateway Project on trans-Hudson rail train capacity, safety, and service [April 28, 2017 Trenton, New Jersey]

Call number 974.90 R152, 2017

Available online at <http://hdl.handle.net/10929/42972>

RWH/CL

P.L. 2019, CHAPTER 137, *approved June 26, 2019*
Senate, No. 3164 (*First Reprint*)

1 AN ACT concerning protections for New Jersey Transit employees
2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 ¹1. This act shall be known and may be cited as the “New Jersey
8 Transit Corporation Employee Protection Act.”¹
9

10 ¹**[1.] 2.**¹ The New Jersey Transit Corporation, the New Jersey
11 Transit Rail Operations, Inc., and any of their successors and
12 assigns who operate, manage, or develop the railroad system in this
13 State¹**[,]**¹ shall ¹**[waive] not assert¹** any defense of jurisdictional or
14 substantive sovereign immunity ¹with respect to any claim or cause
15 of action¹ arising ¹**[out of any state or federal claim or cause of**
16 **action against it or its successors and assigns. In addition, New**
17 **Jersey Transit Rail Operations, Inc., and any of its successors and**
18 **assigns who operate, manage or develop the railroad system in this**
19 **State, shall be subject to the provisions of all federal railroad laws,**
20 **including]** under the “Federal Employers’ Liability Act” (45 U.S.C.
21 s.51 et seq.),¹ the “Railway Labor Act” (45 U.S.C. s.151 et seq.),
22 ¹**[the “Federal Employers Liability Act” (45 U.S.C. s.51 et seq.),]**¹
23 the “Railroad Retirement Act of ¹**[1937] 1974¹**” (45 U.S.C. s.231 et
24 seq.), the “Railroad Retirement Tax Act” (26 U.S.C. s.3201 et seq.),
25 the “Railroad Unemployment Insurance Act” (45 U.S.C. s.351 et
26 seq.), the ¹**[Federal railroad safety laws]** “Federal Railroad Safety
27 Act”¹ (49 U.S.C. s.20101 et seq.), ¹**[whistleblower laws,**
28 **discrimination laws, and the “Interstate Commerce Act” (49 U.S.C.**
29 **s.10501 et seq.). Such waiver shall be retroactive to any lawsuit**
30 **currently pending in any state or federal court in New Jersey]** and
31 49 C.F.R. parts 200-272, asserted against any of those entities in State
32 or federal court and, if such defense is found to be available, the
33 defense shall be waived¹.

34 ¹The New Jersey Transit Corporation, the New Jersey Transit Rail
35 Operations, Inc., and any of their successors and assigns who operate,
36 manage, or develop the railroad system in this State shall be subject to
37 the provisions of the “Federal Employers’ Liability Act” (45 U.S.C.
38 s.51 et seq.), the “Railway Labor Act” (45 U.S.C. s.151 et seq.), the
39 “Railroad Retirement Act of 1974” (45 U.S.C. s.231 et seq.), the

1 “Railroad Retirement Tax Act” (26 U.S.C. s.3201 et seq.), the
2 “Railroad Unemployment Insurance Act” (45 U.S.C. s.351 et seq.), the
3 “Federal Railroad Safety Act” (49 U.S.C. s.20101 et seq.), and 49
4 C.F.R. parts 200-272.¹

5
6 ¹**[2.]** 3.¹ This act shall take effect immediately ¹and shall apply
7 to any cause of action arising under any of the laws provided in section
8 2 of this act asserted in a lawsuit filed on or after the effective date of
9 this act, as well as to any applicable cause of action arising under any
10 of those laws asserted in a lawsuit previously filed in any State or
11 federal court that has not been dismissed with prejudice or been finally
12 adjudicated, including any cases pending in any court of appeals as of
13 the effective date of this act¹.

14
15
16
17
18 “New Jersey Transit Corporation Employee Protection Act”;
19 prohibits NJT from asserting sovereign immunity in certain
20 situations and subjects NJT to certain federal statutes and
21 regulations.

SENATE, No. 3164

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

SYNOPSIS

Waives sovereign immunity of NJ Transit to provide certain protections for NJ Transit employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2019)

1 AN ACT concerning protections for New Jersey Transit employees
2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. The New Jersey Transit Corporation, the New Jersey Transit
8 Rail Operations, Inc., and any of their successors and assigns who
9 operate, manage, or develop the railroad system in this State, shall
10 waive any defense of jurisdictional or substantive sovereign
11 immunity arising out of any state or federal claim or cause of action
12 against it or its successors and assigns. In addition, New Jersey
13 Transit Rail Operations, Inc., and any of its successors and assigns
14 who operate, manage or develop the railroad system in this State,
15 shall be subject to the provisions of all federal railroad laws,
16 including the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the
17 "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.), the
18 "Railroad Retirement Act of 1937" (45 U.S.C. s.231 et seq.), the
19 "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.), the
20 "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et seq.),
21 the Federal railroad safety laws (49 U.S.C. s.20101 et seq.),
22 whistleblower laws, discrimination laws, and the "Interstate
23 Commerce Act" (49 U.S.C. s.10501 et seq.). Such waiver shall be
24 retroactive to any lawsuit currently pending in any state or federal
25 court in New Jersey.
26

27 2. This act shall take effect immediately.
28
29

30 STATEMENT
31

32 This bill provides that New Jersey Transit waives sovereign
33 immunity for claims arising out of the Railway Labor Act, the
34 Federal Employers Liability Act, the Railroad Retirement Act, the
35 Railroad Retirement Tax Act, the Railroad Unemployment
36 Insurance Act, the Federal railroad safety laws, whistleblower laws,
37 discrimination laws, and the Interstate Commerce Act.

38 Employees of New Jersey Transit are not covered by many State
39 laws protecting employees and providing employees with certain
40 rights, including workers' compensation and "whistleblower laws."
41 Federal laws exist to provide certain protections and rights to these
42 employees. However, New Jersey Transit employees who have
43 brought actions against New Jersey Transit under these laws have
44 been unsuccessful in obtaining relief as New Jersey Transit has
45 claimed sovereign immunity as a defense.

46 This bill would waive New Jersey Transit's defense of sovereign
47 immunity against claims arising from federal laws intended to
48 protect these employees and provide certain rights to employees.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 3164

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 2019

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 3164.

As amended and reported, this bill provides that the New Jersey Transit Corporation, the New Jersey Transit Rail Operations, Inc., and any of their successors and assigns (NJ Transit) are prohibited from asserting the defense of sovereign immunity with respect to any claim or cause of action arising under the “Federal Employers’ Liability Act” (45 U.S.C. s.51 et seq.), the “Railway Labor Act” (45 U.S.C. s.151 et seq.), the “Railroad Retirement Act of 1974” (45 U.S.C. s.231 et seq.), the “Railroad Retirement Tax Act” (26 U.S.C. s.3201 et seq.), the “Railroad Unemployment Insurance Act” (45 U.S.C. s.351 et seq.), the “Federal Railroad Safety Act” (49 U.S.C. s.20101 et seq.), and 49 C.F.R. parts 200-272. The bill provides that if the defense of sovereign immunity is found to be available, the defense is to be waived.

The bill also provides that NJ Transit is to be subject to the provisions of the “Federal Employers’ Liability Act,” “Railway Labor Act,” “Railroad Retirement Act of 1974,” “Railroad Retirement Tax Act,” “Railroad Unemployment Insurance Act,” “Federal Railroad Safety Act,” and 49 C.F.R. parts 200-272.

The committee amended the bill to:

- provide that the bill is to be known and may be cited as the “New Jersey Transit Corporation Employee Protection Act”;
- provide that NJ Transit is prohibited from asserting any defense of sovereign immunity in certain situations and, if the defense is found to be available, waive the defense, instead of requiring NJ Transit to waive any defense of sovereign immunity for any claim or cause of action;
- limit the situations in which NJ Transit is prohibited from asserting the defense of sovereign immunity to claims or causes of actions arising under: the “Federal Employers’ Liability Act,” “Railway Labor Act,” “Railroad Retirement Act of 1974,” “Railroad Retirement Tax Act,” “Railroad Unemployment Insurance Act,” “Federal Railroad Safety Act,” and certain federal regulations;

- removes provisions of the bill that provide that NJ Transit is subject to the provisions of the “Interstate Commerce Act” and whistleblower laws and discrimination laws;
- provide that NJ Transit is subject to certain federal regulations;
- provide that the bill is to apply to any cause of action arising under the federal laws listed in the bill that is asserted in a lawsuit filed on or after the effective date of the bill, as well as to any applicable cause of action arising under those laws asserted in a lawsuit previously filed in any State or federal court that has not been dismissed with prejudice or been finally adjudicated, including any cases pending in any court of appeals as of the effective date of the bill; and
- change the synopsis of the bill to reflect these changes.

ASSEMBLY, No. 4689

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

**Assemblywoman Jones, Assemblymen Giblin, Space, Wirths, A.M.Bucco
and Assemblywoman B.DeCroce**

SYNOPSIS

Waives sovereign immunity of NJ Transit to provide certain protections for NJ Transit employees.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2019)

1 AN ACT concerning protections for New Jersey Transit employees
2 and supplementing P.L.1979, c.150 (C.27:25-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. The New Jersey Transit Corporation, the New Jersey Transit
8 Rail Operations, Inc., and any of their successors and assigns who
9 operate, manage, or develop the railroad system in this State, shall
10 waive any defense of jurisdictional or substantive sovereign
11 immunity arising out of any state or federal claim or cause of action
12 against it or its successors and assigns. In addition, New Jersey
13 Transit Rail Operations, Inc., and any of its successors and assigns
14 who operate, manage or develop the railroad system in this State,
15 shall be subject to the provisions of all federal railroad laws,
16 including the "Railway Labor Act" (45 U.S.C. s.151 et seq.), the
17 "Federal Employers Liability Act" (45 U.S.C. s.51 et seq.), the
18 "Railroad Retirement Act of 1937" (45 U.S.C. s.231 et seq.), the
19 "Railroad Retirement Tax Act" (26 U.S.C. s.3201 et seq.), the
20 "Railroad Unemployment Insurance Act" (45 U.S.C. s.351 et seq.),
21 the Federal railroad safety laws (49 U.S.C. s.20101 et seq.),
22 whistleblower laws, discrimination laws, and the "Interstate
23 Commerce Act" (49 U.S.C. s.10501 et seq.). Such waiver shall be
24 retroactive to any lawsuit currently pending in any state or federal
25 court in New Jersey.
26

27 2. This act shall take effect immediately.
28
29

30 STATEMENT
31

32 This bill provides that New Jersey Transit waives sovereign
33 immunity for claims arising out of the Railway Labor Act, the
34 Federal Employers Liability Act, the Railroad Retirement Act, the
35 Railroad Retirement Tax Act, the Railroad Unemployment
36 Insurance Act, the Federal railroad safety laws, whistleblower laws,
37 discrimination laws, and the Interstate Commerce Act.

38 Employees of New Jersey Transit are not covered by many State
39 laws protecting employees and providing employees with certain
40 rights, including workers' compensation and "whistleblower laws."
41 Federal laws exist to provide certain protections and rights to these
42 employees. However, New Jersey Transit employees who have
43 brought actions against New Jersey Transit under these laws have
44 been unsuccessful in obtaining relief as New Jersey Transit has
45 claimed sovereign immunity as a defense.

46 This bill would waive New Jersey Transit's defense of sovereign
47 immunity against claims arising from federal laws intended to
48 protect these employees and provide certain rights to employees.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4689

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 16, 2019

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 4689.

As amended, this bill provides that New Jersey Transit may be sued in any State or federal court with respect to any cause of action that may be asserted against those entities that arises under any provision of the “Federal Employers Liability Act,” 45 U.S.C. s.51 et seq., whistleblower laws, discrimination laws, or the “Federal Railroad Safety Act,” 49 U.S.C. s.20109. The bill waives defenses of sovereign immunity in actions arising under the “Federal Employers Liability Act” (45 U.S.C. s.51 et seq.), whistleblower laws, discrimination laws, and the “Federal Railroad Safety Act” (49 U.S.C. s.20109).

Employees of New Jersey Transit are not covered by many State laws protecting employees and providing employees with certain rights, including workers’ compensation and “whistleblower laws.” Federal laws exist to provide certain protections and rights to these employees. However, New Jersey Transit employees who have brought actions against New Jersey Transit under these laws have been unsuccessful in obtaining relief as New Jersey Transit has claimed sovereign immunity as a defense.

This bill would waive New Jersey Transit’s defense of sovereign immunity against claims arising from federal laws intended to protect these employees and provide certain rights to employees.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1. Provide that New Jersey Transit may be sued in any State or federal court with respect to any cause of action that may be asserted against those entities that arises under any provision of the “Federal Employers Liability Act,” 45 U.S.C. s.51 et seq., whistleblower laws, discrimination laws, or the “Federal Railroad Safety Act,” 49 U.S.C. s.20109;
2. Limit the waiver of sovereign immunity to actions arising under the “Federal Employers Liability Act” (45 U.S.C. s.51 et seq.), whistleblower laws, discrimination laws, and the “Federal Railroad Safety Act” (49 U.S.C. s.20109); and

3. Provide that the waiver of sovereign immunity is effective under those acts in any cause of action asserted in a lawsuit filed on or after the effective date of the bill, as well as to any cause of action arising under those acts asserted in a lawsuit previously filed in any State or federal court that has not been dismissed with prejudice or been finally adjudicated, including any cases pending in any court of appeals as of the effective date of the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4689

with Assembly Floor Amendments
(Proposed by Assemblyman BENSON)

ADOPTED: JUNE 10, 2019

These Assembly floor amendments:

- provide that the bill is to be known and may be cited as the “New Jersey Transit Corporation Employee Protection Act”;
- provide that NJ Transit is prohibited from asserting any defense of sovereign immunity in certain situations and, if the defense is found to be available, waive the defense, instead of requiring NJ Transit to waive any defense of sovereign immunity for any claim or cause of action;
- limit the situations in which NJ Transit is prohibited from asserting the defense of sovereign immunity to claims or causes of actions arising under: the “Federal Employers’ Liability Act,” “Railway Labor Act,” “Railroad Retirement Act of 1974,” “Railroad Retirement Tax Act,” “Railroad Unemployment Insurance Act,” “Federal Railroad Safety Act,” and certain federal regulations;
- remove provisions of the bill that provide that NJ Transit is subject to the provisions of whistleblower laws and discrimination laws;
- provide that NJ Transit is subject to certain federal laws and regulations; and
- provide that the bill is to apply to any cause of action arising under the federal laws listed in the bill that is asserted in a lawsuit filed on or after the effective date of the bill, as well as to any applicable cause of action arising under those laws asserted in a lawsuit previously filed in any State or federal court that has not been dismissed with prejudice or been finally adjudicated, including any cases pending in any court of appeals as of the effective date of the bill.

These amendments make this bill identical to Senate bill No. 3164 (1R) of the 2018-2019 session.



Governor Phil Murphy

- [Home](#)
- [Administration](#)
- [Key Initiatives](#)
- [News and Events](#)
- [Social](#)
- [Contact Us](#)

Newark, N.J.

Governor Murphy Takes Action on Legislation

06/26/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

A5381 (Reynolds-Jackson, Verrelli/Turner) – Authorizes State Treasurer to sell surplus real property located in City of Trenton, Mercer County.

S2863 (Sarlo, Sweeney/Benson, Jones, Calabrese) – Revises requirements for grant recipients of Transportation Trust Fund Authority local aid program.

S2920 (Smith, Bateman, Greenstein/McKeon, Pinkin, Zwicker) – Establishes funding allocations for constitutionally dedicated CBT revenues for Fiscal Year 2020 and thereafter and revises law for State's open space, farmland, and historic preservation programs; appropriates \$500,000.

S3164 (Greenstein, Diegnan/Benson, Lopez, Murphy) – "New Jersey Transit Corporation Employee Protection Act"; prohibits NJT from asserting sovereign immunity in certain situations and subjects NJT to certain federal statutes and regulations.

S3587 (Turner/Reynolds-Jackson, Verrelli) – Establishes Trenton Capital City Aid Program; appropriates \$10 million.

S3651 (Pou, Singleton/Conaway, Mukherji) – Revises law concerning Medicare supplement insurance coverage.

Governor Phil Murphy

[Home](#)

[Key Initiatives](#)

[Social](#)

[Administration](#)

[Economy & Jobs](#)

[Facebook](#)

Statewide

[Back to top](#)

[NJ Home](#)

[Services A to Z](#)

[Departments/Agencies](#)

[Governor Phil Murphy](#)

[Lt. Governor Sheila](#)

[Oliver](#)

[First Lady Tammy](#)

[Snyder Murphy](#)

[Cabinet](#)

[Boards, Commissions &](#)

[Authorities](#)

[Internship Opportunities](#)

[Governor's Residence -](#)

[Drumthwacket](#)

[Education](#)

[Environment](#)

[Health](#)

[Law & Justice](#)

[Transportation](#)

[News & Events](#)

[Press Releases](#)

[Public Addresses](#)

[Executive Orders](#)

[Statements on](#)

[Legislation](#)

[Administration Reports](#)

[Transition Reports](#)

[Press Kits](#)

[Twitter](#)

[Instagram](#)

[Snapchat](#)

[YouTube](#)

[Contact Us](#)

[Scheduling Requests](#)

[Contact Us](#)

[FAQs](#)

[Contact Us](#)

[Privacy Notice](#)

[Legal Statement &](#)

[Disclaimers](#)

[Accessibility Statement](#)



Copyright © State of New Jersey, 1996-
Office of Governor PO Box 001
Trenton, NJ 08625
609-292-6000

powered by njoit