



243528

CHAMBER ACTION

Senate

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House

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1 Senator Dockery moved the following **amendment**:

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3 **Senate Amendment**

4 Between line(s) 2348 and 2349  
5 and insert:

6 6. Any such contract must include an express prohibition  
7 against the freight rail operator, or its successors,  
8 transporting or storing any railroad car containing any hazardous  
9 substance listed in Table 302.4 of 40 C.F.R. s. 302.4 in any  
10 department-owned rail corridor during the operating hours of the  
11 commuter rail service; and, notwithstanding any other provision  
12 of this subsection, the department shall have no duty or  
13 authority to contractually assume any duty to protect, defend,  
14 indemnify, and hold harmless a freight operator for any liability  
15 arising while a freight operator is in violation of this  
16 subparagraph.  
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