



435164

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 lines 3308 and 3309,

5 insert:

6 6. Any such contract shall expressly include an express
7 prohibition against the freight rail operator, or its successors,
8 from transporting or storing any railroad car containing any
9 hazardous substance listed in Table 302.4 of 40 C.F.R. 302.4 in
10 any department-owned rail corridor during the operating hours of
11 the commuter rail service; and, notwithstanding any other
12 provision of this subsection to the contrary, the department
13 shall have neither any duty nor the authority to contractually
14 assume any duty to protect, defend, indemnify, and hold harmless
15 a freight operator for any liability arising while a freight
16 operator is in violation of this subparagraph.