



109112

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2009	.	
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	.	

The Committee on Transportation (Dockery) recommended the following:

Senate Amendment (with title amendment)

Between lines 350 and 351
insert:

6. Any such contract must expressly prohibit the freight rail operator, or its successors, from transporting or storing any railroad car containing any hazardous substance listed in Table 302.4 of 40 C.F.R. 302.4 in any department-owned rail corridor during the operating hours of the commuter rail service; and, notwithstanding any other provision of this



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12 subsection to the contrary, the department does not have any
13 duty or authority to contractually assume any duty to protect,
14 defend, indemnify, and hold harmless a freight operator for any
15 liability arising while a freight operator is in violation of
16 this subparagraph.

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20
21 Delete line 18
22 and insert:

23
24 indemnification; prohibiting a freight rail operator from
25 transporting or storing any railroad car containing any
26 hazardous substance in any department-owned rail corridor during
27 the operating hours of the commuter rail service; authorizing
28 the department to