

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 767

S.P. 202

In Senate, February 13, 2001

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### An Act to Facilitate Passenger Rail Transportation by Limiting Liability.

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Submitted by the Department of Transportation pursuant to Joint Rule 204.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SAVAGE of Knox.  
Cosponsored by Senator O'GARA of Cumberland and  
Representatives: FISHER of Brewer, MARLEY of Portland.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §8012 is enacted to read:

**§8012. Passenger rail liability limitation**

The liability of passenger rail transportation service providers is limited to a maximum of \$75,000,000 in the aggregate for any claims and awards, compensatory or punitive, for property damage, personal injury, bodily injury or death arising from a rail incident or accident occurring in this State and involving a passenger train, but only if those providers have first secured and maintained liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. The \$75,000,000 aggregate limit is the maximum amount for all claims and awards against all potentially responsible passenger rail transportation service providers involved in a rail incident or accident collectively. A passenger rail transportation service provider may enter into contracts that allocate financial responsibility for claims or awards. For the purposes of this section, a "passenger rail transportation service provider" includes for-profit and non-profit corporations and legal entities that own, lease, operate or manage passenger trains or passenger rail service, the Northern New England Passenger Rail Authority, railroad companies and other legal entities contracting with the Northern New England Passenger Rail Authority for the provision of passenger rail service, railroad companies that own, lease, provide track rights or maintain rail lines over which passenger trains pass and operators of passenger train services, but does not include Amtrak or its successor organization. This section does not affect immunities provided state governmental entities under the Maine Tort Claims Act.

**SUMMARY**

This bill limits the liability arising from the providing of passenger rail service to \$75,000,000 in the aggregate.