

By: Harper-Brown

H.B. No. 3120

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to limiting the liability of certain transportation  
3 authorities and railroads for certain incidents involving the  
4 provision of public passenger rail services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 452, Transportation Code,  
7 is amended by adding Section 452.0601 to read as follows:

8 Sec. 452.0601. LIABILITY LIMITED FOR RAIL INCIDENTS. (a)  
9 The aggregate liability of an authority and a railroad that enter  
10 into an agreement to provide public passenger rail services, and  
11 the governing boards, directors, officers, employees, and agents of  
12 the authority and railroad, may not exceed \$125 million for all  
13 claims for damages arising from a single incident involving the  
14 provision of public passenger rail services under the agreement.

15 (b) Subsection (a) does not affect the amount of damages  
16 that may be recovered under Subchapter D, Chapter 112, or the  
17 Federal Employers' Liability Act (45 U.S.C. Section 51 et seq.).

18 (c) This section does not affect any immunity, limitation on  
19 damages, limitation on actions, or other limitation of liability or  
20 protection applicable under other law to an authority or other  
21 provider of public passenger rail services.

22 (d) The limitation of liability provided by this section  
23 does not apply to damages arising from the wilful misconduct or  
24 gross negligence of the railroad.

1       (e) The limitation of liability provided by this section  
2 applies to an incident involving the National Railroad Passenger  
3 Corporation using facilities of an authority under an agreement  
4 with the authority.

5       SECTION 2. Subchapter C, Chapter 460, Transportation Code,  
6 is amended by adding Section 460.1041 to read as follows:

7       Sec. 460.1041. LIABILITY LIMITED FOR RAIL INCIDENTS. (a)  
8 The aggregate liability of an authority and a railroad that enter  
9 into an agreement to provide public passenger rail services, and  
10 the governing boards, directors, officers, employees, and agents of  
11 the authority and railroad, may not exceed \$125 million for all  
12 claims for damages arising from a single incident involving the  
13 provision of public passenger rail services under the agreement.

14       (b) Subsection (a) does not affect the amount of damages  
15 that may be recovered under Subchapter D, Chapter 112, or the  
16 Federal Employers' Liability Act (45 U.S.C. Section 51 et seq.).

17       (c) This section does not affect any immunity, limitation on  
18 damages, limitation on actions, or other limitation of liability or  
19 protections applicable under other law to an authority or other  
20 provider of public passenger rail services.

21       (d) The limitation of liability provided by this section  
22 does not apply to damages arising from the wilful misconduct or  
23 gross negligence of the railroad.

24       (e) The limitation of liability provided by this section  
25 applies to an incident involving the National Railroad Passenger  
26 Corporation using facilities of an authority under an agreement  
27 with the authority.

1           SECTION 3. The change in law made by this Act applies only  
2 to a cause of action that accrues on or after the effective date of  
3 this Act.

4           SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.