

2011 -- H 5598

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND PUBLIC RAIL
CORPORATION ACT

Introduced By: Representatives Lally, and Walsh

Date Introduced: March 03, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.2-4 of the General Laws in Chapter 42-64.2 entitled "Rhode
2 Island Public Rail Corporation Act" is hereby amended to read as follows:

3 **42-64.2-4. General powers.** -- Except to the extent inconsistent with any specific
4 provision of this chapter, the Rhode Island public rail corporation shall have power:

5 (1) To sue and be sued, complain and defend, in its corporate name;

6 (2) To have a seal, which may be altered at pleasure and to use the seal by causing it, or
7 a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

8 (3) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and
9 otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

10 (4) To re-convey, lease, or sell real property acquired. Upon the sale of any real property
11 or interest therein which is held by the corporation, the proceeds from the sale shall be transferred
12 to the general fund of the state.

13 (5) To make contracts and guarantees and incur liabilities, borrow money at any rates of
14 interest that the corporation may determine;

15 (6) To make and execute agreements of lease, conditional sales contracts, installment
16 sales contracts, loan agreements, mortgages, construction contracts, operation contracts, and other
17 contracts and instruments necessary or convenient in the exercise of the powers and functions of
18 the corporation granted by this chapter;

1 (7) To lend money for its purposes, invest and reinvest its funds, and at its option to take
2 and hold real and personal property as security for the payment of funds so loaned or invested;

3 (8) To acquire, or contract to acquire, from any person, firm, corporation, municipality,
4 the federal government or the state, or any agency of either the federal government or state, by
5 grant, purchase, lease, gift, condemnation or otherwise, or to obtain options for the acquisition of
6 any property, real or personal, improved or unimproved, and interests in land less than the fee
7 thereof; and to own, hold, improve, develop, and rehabilitate, and to sell, assign, exchange,
8 transfer, convey, lease, mortgage, or otherwise dispose or encumber the property for the purposes
9 of carrying out the provisions and intent of this chapter, for any consideration the corporation
10 shall determine;

11 (9) To conduct its activities, carry on its operations, and have offices, and exercise the
12 powers granted by this chapter, within or without the state;

13 (10) To elect or appoint officers and agents of the corporation, and define their duties
14 and fix their compensation;

15 (11) To make and alter by-laws, not inconsistent with this chapter, for the administration
16 and regulation of the affairs of the corporation; those by-laws may contain provisions
17 indemnifying any person who is or was a director, officer, employee, or agent of the corporation,
18 or is or was serving at the request of the corporation as a director, officer, employee, or agent of
19 another corporation, partnership, joint venture, trust, or other enterprise, in the manner and to the
20 extent provided in section 7-1.2-814;

21 (12) To be a promoter, partner, member, associate, or manager of any partnership,
22 enterprise, or venture; and

23 (13) To have and exercise all powers necessary or convenient to effect its purposes.

24 (14) To defend, indemnify and save harmless the National Railroad Passenger
25 Corporation ("Amtrak") and third parties for all damage or liability for personal injury or property
26 damages which would not have occurred or would not have been incurred but for the existence of
27 commuter rail service south of Providence or the presence on Amtrak's properties of any trains,
28 passengers, employees, contractors, or invitees of the state or its designated operator.

29 (15) To defend, indemnify and save harmless its designated operator for all damage or
30 liability for personal injury or property damages which would not have occurred or would not
31 have ~~not~~ been incurred but for the existence of commuter rail service south of Providence or the
32 designated operator's activities ~~except for damages or liability attributable directly to the~~
33 ~~designated operator's own negligence or misconduct, all~~ pursuant to the terms and conditions ~~to~~
34 ~~be~~ set forth in the designated operator's agreement for ~~an agreement to be entered into by and~~

1 ~~between the corporation and the designated operator prior to implementation of the commuter~~ [the](#)
2 [designated operator's agreement for](#) rail service south of Providence.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND PUBLIC RAIL
CORPORATION ACT

1 This act would empower the Rhode Island Public Rail Corporation to defend, indemnify
2 and save harmless the Massachusetts Bay Transportation Authority (MBTA) to the extent that
3 MBTA is required to defend and indemnify third-parties for liabilities which would not have
4 occurred or would not have been incurred but for the existence of commuter rail service south of
5 Providence or the designated operator's activities pursuant to the South County Operating
6 Agreement.

7 This act would take effect upon passage.

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