

114TH CONGRESS
1ST SESSION

S. 1360

To amend the limitation on liability for passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2015

Mr. NELSON (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the limitation on liability for passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACCIDENT LIABILITY.**

4 (a) AMENDMENTS.—Section 28103 of title 49,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2), by striking
8 “\$200,000,000” and inserting “\$500,000,000,
9 except as provided in paragraph (3)”; and

1 (B) by adding at the end the following:

2 “(3) Subject to paragraph (4), the liability cap under
3 paragraph (2) shall be adjusted annually by the Secretary
4 of Transportation to reflect changes in the Consumer
5 Price Index-All Urban Consumers.

6 “(4) Not later than 2 years after the date of enact-
7 ment of this paragraph, the Secretary—

8 “(A) shall consider whether additional adjust-
9 ments are needed to the liability cap under para-
10 graph (2);

11 “(B) shall consider whether to establish or ad-
12 just mandatory coverage for an entity described in
13 subsection (e)(1)(A); and

14 “(C) may promulgate regulations.”; and

15 (2) in subsection (c), by striking “\$200,000,000
16 per accident or incident” and inserting
17 “\$500,000,000 per accident or incident, unless the
18 Secretary, by regulation, determines that a different
19 minimum level of financial responsibility is necessary
20 or sufficient to satisfy claims under this section.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 subsection (a) shall be effective for any passenger rail acci-
23 dent or incident occurring on or after May 12, 2015.

24 **SEC. 2. REIMBURSEMENT.**

25 (a) REIMBURSEMENT.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation may make a grant to an entity described in
3 section 28103(e)(1)(A) of title 49, United States
4 Code, to provide a reasonable reimbursement to off-
5 set any incremental increase in the cost of insur-
6 ance, if the Secretary determines that the additional
7 cost of insurance is a result of the amendments to
8 that section made by section 1 of this Act.

9 (2) DETERMINATIONS.—In determining the
10 amount of a reimbursement under paragraph (1),
11 the Secretary shall consider such factors as the enti-
12 ty's ability to meet the increased costs and impacts
13 on safety and service.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated such sums as are necessary
16 to carry out subsection (a).

○