

SENATE BILL 465

By Finney L

AN ACT to amend Tennessee Code Annotated, Title 65,  
relative to railroads.

WHEREAS, as Tennessee's population grows its highways and roads are increasingly becoming congested; and

WHEREAS, gridlock on Tennessee's roads dampens economic efficiency and growth; and

WHEREAS, the greater availability of rail passenger service will provide broader economic development opportunities as well as greater labor mobility and tourist development; and

WHEREAS, a prominent factor for increased rail passenger service in Tennessee is examining the use of existing tracks as well as acquiring rights-of-way for new railroad tracks; and

WHEREAS, a task force can gather information and present focused recommendations to the general assembly for consideration and implementation; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-6-303, is amended deleting such section in its entirety and by substituting instead the following:

Any railroad company neglecting or refusing to comply with this part shall be liable for all damages sustained by anyone by reason of such neglect or refusal; and, in order for the injured party to recover all damages such person sustained, it shall be only necessary for such person to prove such neglect or refusal, and the amount of such damages; provided, that such company shall not be liable if it is shown that the opening of such field was made capriciously and with intent to annoy and molest such company.

The prevailing party in a court action relative to this part shall be entitled to reasonable attorney's fees and costs.

SECTION 2. Tennessee Code Annotated, Section 65-12-103, is amended by deleting such section in its entirety and by substituting instead the following:

If any passenger refuses to pay the required fare, the conductor may put such passenger off the cars at any station.

SECTION 3.

(a) There is created by the general assembly a task force to conduct a study of the barriers and incentives to increasing passenger rail service in Tennessee.

(b) The task force shall consist of three (3) members each from the house of representatives and senate, appointed by the speaker of the house of representatives and the speaker of the senate. The senate makeup shall consist of one (1) member of the senate transportation and safety committee, one (1) member of the senate state and local committee, and one (1) member of the senate commerce and labor committee. The house of representatives makeup shall consist of one (1) member from the house transportation committee, one (1) member from the house local government committee, and one (1) member from the house business and utilities committee.

(c) The task force shall seek input from the department of transportation, the department of economic and community development, representatives from the Tennessee Public Transportation Association, CSX, and Norfolk Southern railroads, and any other parties the task force deems appropriate.

(d) All appropriate state agencies shall provide assistance to the task force upon request of the chair.

(e) All legislative members of the task force who are duly elected members of the general assembly shall remain members of such task force until the task force reports its findings and recommendations to the general assembly.

(f) The task force shall be convened by the member with the most years of continuous service in the general assembly, and at its first meeting shall elect from

among its legislative membership a chair, vice-chair, and such other officers the committee deems necessary.

(g) The task force shall timely report its findings and recommendations, including any proposed legislation, to the one hundred and ninth general assembly no later than February 1, 2015, at which time the task force shall cease to exist.

SECTION 4. This act shall take effect July 1, 2013, the public welfare requiring it.