

2010 -- S 2789

LC02262

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Senators Crowley, Algieri, McBurney, Doyle, and DaPonte

Date Introduced: April 13, 2010

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.2-5 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 **42-64.2-5. Additional general powers.** -- In addition to the powers enumerated in  
4 section 42-64.2-4, except to the extent inconsistent with any specific provisions of this chapter,  
5 the Rhode Island public rail corporation shall have the power to:

6 (1) Receive from the state title to certain real estate situated in Providence, Rhode Island,  
7 more specifically described as: all of the right, title and interest, to the railroad right of way  
8 known as the Bristol Secondary, identified as Line Code 4165 in the records of the United States  
9 railway association and situated in the city of Providence and city of East Providence, county of  
10 Providence and state of Rhode Island, as extends in a general eastwardly direction from the  
11 westerly side of Canal Street in the city of Providence and to the Harbor Line of the Seekonk  
12 River in the city of East Providence on the East; the railroad right of way is set out and designed  
13 by -- PS -- on case plan no. 66190, together with all the real property in the cities lying in, under,  
14 above, along, and immediately contiguous to those lines as herein designated.

15 Being a part or portion of that same premises which Robert W. Blanchett, Richard C.  
16 Bond and John H. McArthur, as trustees of the property of Penn Central transportation company,  
17 debtor, by conveyance document no. PC-CRC-RP-223, dated March 30, 1976 and recorded in  
18 East Providence, Rhode Island on October 18, 1978 in book 372, page 244 etc., and conveyance

1 document no. PC-CRC-RP-227, recorded in the city of Providence, Rhode Island on October 18,  
2 1978 in book 1208, page 752 etc., granted and conveyed into the consolidated rail corporation.

3 (2) To acquire property and railroad operating rights from the Providence and Worcester  
4 railroad including that property and those rights relating to the railroad lines known as:

- 5 (i) Washington secondary branch;
- 6 (ii) Warwick industrial track;
- 7 (iii) Wrentham industrial track;
- 8 (iv) Pontiac secondary branch;
- 9 (v) Moshassuck Valley industrial track;
- 10 (vi) East Providence secondary branch.

11 (3) To transfer property rights and railroad operator's rights as it deems proper to achieve  
12 the purposes of this chapter to the state.

13 (4) At the request of the director of the department of transportation, and without any  
14 payment or consideration, to defend, indemnify and save harmless the National Railroad  
15 Passenger Corporation (Amtrak) for all damage or liability for personal injury, bodily injury,  
16 death, or property damage which would not have occurred or would not have been incurred but  
17 for the existence of any road or bridge owned or used by the State of Rhode Island or any  
18 municipality of the State of Rhode Island located on or above Amtrak's rail line, now or hereafter  
19 lawfully owned or used by Amtrak, where, on or after the effective date of this act, the State of  
20 Rhode Island, or any municipality located therein, requires a new permanent easement or other  
21 new interest in real estate necessary for construction or reconstruction of such road or bridge on  
22 or above such rail line or right-of-way.

23 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

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1           This act would empower the Rhode Island public rail corporation to defend, indemnify  
2 and save harmless National Railroad Passenger Corporation (Amtrak) and third-parties for  
3 claims, including personal injury and property damage, due to the existence of any road or bridge  
4 owned or used by the State of Rhode Island or any municipality of the State of Rhode Island  
5 which is located on or above Amtrak's Northeast Corridor rail line and it's right of way now or  
6 hereafter lawfully owned or used by Amtrak where the State of Rhode Island or any municipality  
7 requires a new permanent easement or other new interest in real estate necessary for construction  
8 or reconstruction of such road or bridge over such rail line or rights-of-way.

9           This act would take effect upon passage.

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