

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 514 Session of 2015

INTRODUCED BY TAYLOR, MILLARD, MURT, HEFFLEY, HELM, W. KELLER,  
M. K. KELLER, GIBBONS, SONNEY, DAVIS, V. BROWN, MAHONEY,  
THOMAS, YOUNGBLOOD, O'BRIEN, DRISCOLL, D. COSTA, ROZZI,  
WATSON, JOZWIAK, VEREB, WHITE AND COHEN, SEPTEMBER 30, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 30, 2015

## A RESOLUTION

1 Urging the Congress of the United States to pass legislation to  
2 increase the current liability limit on damages resulting  
3 from passenger rail accidents.

4 WHEREAS, On May 12, 2015, at 9:21 p.m. eastern standard time,  
5 northbound Amtrak passenger train No. 188 derailed at MP 81.62  
6 in Philadelphia; and

7 WHEREAS, The train had seven passenger cars and one  
8 locomotive; and

9 WHEREAS, The train had just entered the Frankford Junction  
10 curve at a speed of 106 miles per hour where the speed is  
11 restricted to 50 miles per hour; and

12 WHEREAS, As the train entered the curve, the engineer applied  
13 the emergency brakes; and

14 WHEREAS, Seconds later, the locomotive and all seven  
15 passenger cars derailed; and

16 WHEREAS, Of the 250 passengers and 8 Amtrak employees that  
17 were on board, 8 passengers were killed and more than 200 others

1 were transported to area hospitals; and

2 WHEREAS, In the reauthorization of Amtrak in 1997, Congress  
3 capped the liability against the company at \$200 million for any  
4 single train accident; and

5 WHEREAS, The provision, which does not account for inflation,  
6 was aimed at keeping railroad companies in operation when  
7 subject to major lawsuits; and

8 WHEREAS, In rulings in previous rail accidents, judges have  
9 struggled with how to properly compensate victims because of the  
10 Federal limit on damages; and

11 WHEREAS, In a 2008 commuter train accident in California that  
12 left 24 people dead and 109 people injured, Judge Peter D.  
13 Lichtman, now retired, said an additional \$64 million beyond the  
14 liability cap was needed to properly compensate victims; and

15 WHEREAS, A provision in a bill to finance the Highway Trust  
16 Fund would raise the cap to \$295 million and index it every five  
17 years for inflation; and

18 WHEREAS, Other legislation, introduced by United States  
19 Senate Commerce Committee ranking member Bill Nelson (D-Fla.),  
20 also aims at helping victims of the deadly Amtrak derailment on  
21 May 12, 2015; and

22 WHEREAS, The legislation seeks to amend the limitation on  
23 liability for passenger rail accidents by raising the cap on  
24 payments to victims to \$500 million; and

25 WHEREAS, Given the scope of the potential damages in the May  
26 12, 2015, Amtrak derailment, the current liability cap may not  
27 be sufficient to pay medical and other expenses in connection  
28 with the fatal Amtrak derailment; therefore be it

29 RESOLVED, That the House of Representatives of the  
30 Commonwealth of Pennsylvania urge the Congress of the United

1 States to pass legislation to increase the current \$200 million  
2 liability limit on damages resulting from passenger rail  
3 accidents; and be it further

4       RESOLVED, That copies of this resolution be transmitted to  
5 the presiding officers of each house of Congress and to each  
6 member of Congress from Pennsylvania.