



AN ACT GENERALLY REVISING RAILROAD LAWS; UPDATING RAILROAD LAWS TO COMPLY WITH FEDERAL PREEMPTION OF STATE REGULATION OF RAILROADS; ELIMINATING CERTAIN PUBLIC SERVICE COMMISSION AUTHORITY OVER FREIGHT AND PASSENGER RAIL SERVICE; ELIMINATING CERTAIN RAILROAD REQUIREMENTS RELATED TO THE TRANSPORTATION OF PERSONS, PROPERTY, OR BOTH; ELIMINATING CERTAIN REQUIREMENTS RELATED TO RAILROAD EQUIPMENT; ELIMINATING COMMISSION AUTHORITY OVER RAILROAD RATES; ELIMINATING RAILROAD CORPORATION REQUIREMENTS; ELIMINATING REQUIREMENTS RELATED TO LOADING PLATFORMS AND SPURS; ELIMINATING CERTAIN RAILROAD EMPLOYEE PROTECTIONS RELATED TO RAILROAD CLOSURES; UPDATING FEDERAL REFERENCES TO RAILROAD REGULATIONS; AMENDING SECTIONS 10-3-1309, 15-6-227, 25-2-122, 69-12-209, 69-14-102, 69-14-111, 69-14-252, AND 69-14-1102, MCA; REPEALING SECTIONS 69-14-101, 69-14-112, 69-14-113, 69-14-114, 69-14-115, 69-14-116, 69-14-117, 69-14-118, 69-14-120, 69-14-131, 69-14-132, 69-14-133, 69-14-134, 69-14-135, 69-14-137, 69-14-201, 69-14-202, 69-14-203, 69-14-204, 69-14-205, 69-14-206, 69-14-207, 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212, 69-14-213, 69-14-214, 69-14-215, 69-14-216, 69-14-231, 69-14-232, 69-14-233, 69-14-234, 69-14-235, 69-14-236, 69-14-237, 69-14-238, 69-14-321, 69-14-322, 69-14-401, 69-14-402, 69-14-501, 69-14-502, 69-14-503, 69-14-504, 69-14-505, 69-14-506, 69-14-507, 69-14-508, 69-14-509, 69-14-510, 69-14-511, 69-14-512, 69-14-513, 69-14-514, 69-14-515, 69-14-531, 69-14-532, 69-14-533, 69-14-534, 69-14-535, 69-14-536, 69-14-537, 69-14-538, 69-14-539, 69-14-551, 69-14-552, 69-14-553, 69-14-554, 69-14-555, 69-14-556, 69-14-557, 69-14-558, 69-14-559, 69-14-560, 69-14-561, 69-14-562, 69-14-563, 69-14-801, 69-14-803, 69-14-804, 69-14-805, 69-14-811, 69-14-812, 69-14-813, 69-14-814, AND 69-14-1001, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Violations of railroad laws -- penalties. (1) If a railroad violates this chapter, fails or refuses to perform duties in accordance with this chapter, or fails, neglects, or refuses to act in accordance with

commission requirements or orders, the railroad, upon conviction in a court of competent jurisdiction, shall be fined not less than \$100 and not more than \$1,000 for each violation, failure, or refusal.

(2) The commission shall recover the fine in a civil action in a court of competent jurisdiction. Each day's violation, failure, or refusal is a separate offense subject to penalty in accordance with subsection (1).

(3) Enforcement of violations in this chapter is limited by 49 U.S.C. 20113.

Section 2. Section 10-3-1309, MCA, is amended to read:

"10-3-1309. Responsibilities of public service commission -- inspection of rails and trains -- agreements with neighboring states and provinces -- rulemaking. (1) After receiving notification from the disaster and emergency services division that high-level radioactive waste or transuranic waste will be shipped by railroad through the state, the public service commission shall establish a plan for inspecting the rails and the trains, as authorized in Title 69, chapter 14, ~~part 2~~, that will be involved in the transportation of the waste. The plan must include but is not limited to:

(a) coordination with the federal railroad administration on track and rolling stock inspections;

(b) inspection and approval by a federally certified inspector no later than 1 week prior to shipment; and

(c) a requirement that trains carrying radioactive waste or transuranic waste may not travel at greater than the speed required by federal regulations.

(2) The public service commission may enter into reciprocal agreements with adjacent states and bordering Canadian provinces that Montana's inspectors may inspect trains while they are stopped in those states or provinces before they cross the Montana border.

(3) The public service commission shall, in cooperation with the department of transportation, the disaster and emergency services division, and the highway patrol, establish rules to carry out the provisions of this part. The rules must address:

(a) the process by which local authorities will be notified when a motor carrier or a train carrying high-level radioactive waste or transuranic waste is approaching their jurisdictions;

(b) which local authorities will receive notification;

(c) the process by which local governments and local emergency response entities may apply for and receive training and reimbursement money from the radioactive waste transportation monitoring, emergency response, and training account, as provided in 10-3-1304;

- (d) the criteria for qualifying to receive money from the account;
- (e) acceptable means for monitoring a train that is carrying high-level radioactive waste or transuranic waste; and
- (f) other processes or procedures that the public service commission, the department of transportation, the disaster and emergency services division, and the highway patrol determine are necessary to efficiently carry out the provisions of this part and to ensure the safe transportation of high-level radioactive waste or transuranic waste through Montana."

Section 3. Section 15-6-227, MCA, is amended to read:

"15-6-227. Property on railroad land leased by nonprofit organizations. (1) A building and appurtenant land or just the appurtenant land, not exceeding 2.5 acres, owned by a railroad as defined in ~~69-14-101~~ 69-14-102 and leased for less than \$100 a year to a nonprofit organization exempt from taxation under section 26 U.S.C. 501(c)(3) or to a government entity is exempt from property taxation if:

- (a) the building was constructed on a railroad right-of-way by a railroad prior to the year 2000; and
- (b) the property is directly used for purely public charitable purposes.

(2) A building and land exempted under this section are subject to fees and assessments for services and special improvements that are collected with property taxes."

Section 4. Section 25-2-122, MCA, is amended to read:

"25-2-122. Torts. (1) Except as provided in subsections (2) through (4), the proper place of trial for a tort action is:

- (a) the county in which the defendants or any of them reside at the commencement of the action; or
- (b) the county in which the tort was committed. If the tort is interrelated with and dependent upon a claim for breach of contract, the tort was committed, for the purpose of determining the proper place of trial, in the county in which the contract was to be performed.

(2) Except as provided in subsection (4), if the defendant is a corporation incorporated in a state other than Montana, the proper place of trial for a tort action is:

- (a) the county in which the tort was committed;
- (b) the county in which the plaintiff resides; or

(c) the county in which the corporation's resident agent is located, as required by law.

(3) Except as provided in subsection (4), if the defendant is a resident of a state other than Montana, the proper place of trial for a tort action is:

(a) the county in which the tort was committed; or

(b) the county in which the plaintiff resides.

(4) If the defendant is a railroad, as defined in ~~69-14-101~~ 69-14-102, and the plaintiff is a Montana resident, the proper place of trial of a claim subject to the federal Employers' Liability Act, 45 U.S.C. 51, et seq., is any county in which the railroad does business."

Section 5. Section 69-12-209, MCA, is amended to read:

"69-12-209. Enforcement procedures. (1) Orders and final determinations of the commission in all proceedings pursuant to the provisions of this chapter ~~shall~~ must be enforced in the manner provided for ~~the enforcement of orders of~~ by the commission by the provisions of parts 1, 3, 4, and 8 of chapter 14 in accordance with Title 69, chapter 14, part 1.

(2) If any motor carrier ~~shall operate in violation of~~ violates the provisions of this chapter or ~~shall fail or neglect~~ fails or neglects to obey ~~any lawful order of the~~ a commission order, the commission or any party injured may apply to any court of competent jurisdiction, in any county where ~~such the~~ the motor carrier is engaged in business, for the enforcement of this chapter or ~~such the~~ the order. The court shall enforce ~~obedience thereto~~ the provisions of this chapter or commission orders by writ of injunction or other proper process, mandatory or otherwise, to restrain ~~such the~~ the carrier or its officers, agents, employees, or representatives from further violation of ~~this the requirements of this~~ the requirements of this chapter or ~~such the~~ the order or to ~~enjoin upon it or them~~ require the carrier or its officers, agents, employees, or representatives to obey the requirements of this chapter or the order.

Section 6. Section 69-14-102, MCA, is amended to read:

"69-14-102. Application -- definition. This (1) In accordance with the commission's authority pursuant to 69-14-111, this chapter applies to all persons, firms, or companies, incorporated or otherwise, that do business as common carriers on any of the lines of railroad in this state.

(2) As used in this chapter, "railroad" means a corporation, company, or individual owning or operating

a railroad in whole or in part in this state. The term also includes express companies, sleeping-car companies, and a rail authority established under Title 7, chapter 14, part 16."

Section 7. Section 69-14-111, MCA, is amended to read:

"69-14-111. General supervision of railroads. (1) The commission shall have the general supervision of all railroads subject to the provisions of this chapter supervise railroads subject to the provisions of this chapter.

(2) The commission may:

(a) adopt or enforce regulations and orders related to railroad safety or security in accordance with 49 U.S.C. 20106;

(b) bring civil action in a district court for violations of federal railroad safety regulations in accordance with 49 U.S.C. 20113; and

(c) participate in investigative and surveillance activities in accordance with 49 U.S.C. 20105."

Section 8. Section 69-14-252, MCA, is amended to read:

"69-14-252. Accident reports. Every A railroad company operating any line of railroad within this state shall promptly upon the occurrence of any accident mentioned in 69-14-112(2) report the same accident to the commission. ~~In the~~ The report ~~shall be stated~~ must include the time and place of the accident, the names of ~~the~~ any persons killed or injured, and the value of any property destroyed."

Section 9. Section 69-14-1102, MCA, is amended to read:

"69-14-1102. Conditions for transfer of line of railroad. Thirty days prior to filing with the ~~interstate commerce commission~~ federal surface transportation board of an application to purchase, sell, or transfer any section of a line of railroad, the seller and buyer shall:

(1) file a notice of intent and other information, as described in 69-14-1103, with the attorney general and the commission; and

(2) require representatives to attend meetings, upon reasonable notice, with the attorney general and the commission to respond to questions and requests for information on the proposed transaction directly related to the requirements of 69-14-1103."

Section 10. Repealer. The following sections of the Montana Code Annotated are repealed:

- 69-14-101. Definitions.
- 69-14-112. Investigatory authority.
- 69-14-113. Attendance and examination of witnesses.
- 69-14-114. Investigation of existing rules.
- 69-14-115. Investigation, enforcement, and report concerning railroad safety laws.
- 69-14-116. General protection of health and safety on railroads -- rear-end telemetry systems -- exemption for a caboose-equipped train.
- 69-14-117. Provision of adequate accommodations and service.
- 69-14-118. Maintenance of stations where several rail lines come together.
- 69-14-120. Violations of provisions relating to rails coming together.
- 69-14-131. Enforcement duties of commission.
- 69-14-132. Legal assistance for commission.
- 69-14-133. Collection and disposition of penalties and forfeitures.
- 69-14-134. Court enforcement of commission actions.
- 69-14-135. General right to supreme court review.
- 69-14-137. Violations.
- 69-14-201. General duties of railroad corporation.
- 69-14-202. Duty to furnish shipping and passenger facilities.
- 69-14-203. Posting of information concerning train schedules.
- 69-14-204. Effect of refusal to accept passengers or property.
- 69-14-205. Accommodations for and care to be taken of passengers.
- 69-14-206. Rules for fare and conduct of passengers.
- 69-14-207. Expulsion of passengers refusing to pay fare.
- 69-14-208. Officers and employees of corporation to wear badges.
- 69-14-209. Issuance of passenger tickets.
- 69-14-210. Baggage checks.
- 69-14-211. Certificate of authority for ticket agents.
- 69-14-212. Unlawful sale of tickets.

- 69-14-213. Redemption of unused tickets.
- 69-14-214. Penalty for failure to redeem ticket.
- 69-14-215. Issuance of bills of lading by railroad station agents -- penalty.
- 69-14-216. Restriction on contractual time limitations for notification of injury to transported livestock.
- 69-14-231. Brake equipment.
- 69-14-232. Size and equipment of caboose.
- 69-14-233. Failure of caboose equipment or maintenance.
- 69-14-234. Authorization for exemption from caboose provisions.
- 69-14-235. Application of caboose provisions.
- 69-14-236. Headlights and speedometers for locomotives.
- 69-14-237. Locomotive engines and electric motors to be marked with identifying numbers.
- 69-14-238. Equipment for track motor cars.
- 69-14-321. Complaints of unjust rate discrimination.
- 69-14-322. Actions to recover excess charges.
- 69-14-401. Court review of commission actions.
- 69-14-402. Lawsuit to determine reasonableness of commission actions.
- 69-14-501. Organization of railroad corporation.
- 69-14-502. Organization of board of directors.
- 69-14-503. Capital stock of railroad corporations.
- 69-14-504. Payment for stock in installments.
- 69-14-505. Procedure in case of delinquency in payment of installments.
- 69-14-506. Increase of capital stock.
- 69-14-507. Authorization to issue securities.
- 69-14-508. Amendment of certificate of incorporation.
- 69-14-509. Record of amendment.
- 69-14-510. Additional amendments permitted.
- 69-14-511. Authorization to consolidate railroad corporations.
- 69-14-512. Procedure to consolidate.
- 69-14-513. Lease or purchase of other railroads.

- 69-14-514. Interrailroad business arrangements and out-of-state operations.
- 69-14-515. Acceptance of federal laws by railroad.
- 69-14-531. Authorization to operate railroad.
- 69-14-532. Authority to plan, lay out, and construct rail lines.
- 69-14-533. Authority to enter land for survey purposes.
- 69-14-534. Change of location or grade.
- 69-14-535. Crossing of roads and streams.
- 69-14-536. Extension of rail lines into Montana.
- 69-14-537. Annual work and completion of road.
- 69-14-538. Railroads on Indian and military reservations.
- 69-14-539. Connections between lines of different railroads.
- 69-14-551. Establishment of principal office.
- 69-14-552. Authority to hold and transfer property.
- 69-14-553. Acquisition and transfer of real estate.
- 69-14-554. Right-of-way through canyons.
- 69-14-555. Judgment liens against railroad property.
- 69-14-556. Authorization to borrow money and secure payment.
- 69-14-557. State not liable for obligations of railroad.
- 69-14-558. Transportation of passengers and property.
- 69-14-559. Maintenance of hotels in parks and along lines.
- 69-14-560. Regulation of rates of railroad corporations.
- 69-14-561. Regulation of railroad equipment.
- 69-14-562. Regulation of safety on railroads.
- 69-14-563. Construction and operation of telegraph line.
- 69-14-801. Maintenance of loading platform by railroad.
- 69-14-803. Enlargement of platform.
- 69-14-804. Erection of scales.
- 69-14-805. Violations of loading platform provisions.
- 69-14-811. Industrial and commercial spurs.

- 69-14-812. Power of commission with respect to sidetracks, stockyards, and chutes.
- 69-14-813. Removal of sidetrack, spur track, or loading facility.
- 69-14-814. Violations of sidetrack, spur track, or loading facility provisions.
- 69-14-1001. Protection of employees affected by closure, consolidation, or centralization of station or other facility.

Section 11. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 14, part 1, and the provisions of Title 69, chapter 14, part 1, apply to [section 1].

Section 12. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

- END -

I hereby certify that the within bill,
HB 0061, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 61
INTRODUCED BY M. LANG
BY REQUEST OF THE PUBLIC SERVICE COMMISSION

AN ACT GENERALLY REVISING RAILROAD LAWS; UPDATING RAILROAD LAWS TO COMPLY WITH FEDERAL PREEMPTION OF STATE REGULATION OF RAILROADS; ELIMINATING CERTAIN PUBLIC SERVICE COMMISSION AUTHORITY OVER FREIGHT AND PASSENGER RAIL SERVICE; ELIMINATING CERTAIN RAILROAD REQUIREMENTS RELATED TO THE TRANSPORTATION OF PERSONS, PROPERTY, OR BOTH; ELIMINATING CERTAIN REQUIREMENTS RELATED TO RAILROAD EQUIPMENT; ELIMINATING COMMISSION AUTHORITY OVER RAILROAD RATES; ELIMINATING RAILROAD CORPORATION REQUIREMENTS; ELIMINATING REQUIREMENTS RELATED TO LOADING PLATFORMS AND SPURS; ELIMINATING CERTAIN RAILROAD EMPLOYEE PROTECTIONS RELATED TO RAILROAD CLOSURES; UPDATING FEDERAL REFERENCES TO RAILROAD REGULATIONS; AMENDING SECTIONS 10-3-1309, 15-6-227, 25-2-122, 69-12-209, 69-14-102, 69-14-111, 69-14-252, AND 69-14-1102, MCA; REPEALING SECTIONS 69-14-101, 69-14-112, 69-14-113, 69-14-114, 69-14-115, 69-14-116, 69-14-117, 69-14-118, 69-14-120, 69-14-131, 69-14-132, 69-14-133, 69-14-134, 69-14-135, 69-14-137, 69-14-201, 69-14-202, 69-14-203, 69-14-204, 69-14-205, 69-14-206, 69-14-207, 69-14-208, 69-14-209, 69-14-210, 69-14-211, 69-14-212, 69-14-213, 69-14-214, 69-14-215, 69-14-216, 69-14-231, 69-14-232, 69-14-233, 69-14-234, 69-14-235, 69-14-236, 69-14-237, 69-14-238, 69-14-321, 69-14-322, 69-14-401, 69-14-402, 69-14-501, 69-14-502, 69-14-503, 69-14-504, 69-14-505, 69-14-506, 69-14-507, 69-14-508, 69-14-509, 69-14-510, 69-14-511, 69-14-512, 69-14-513, 69-14-514, 69-14-515, 69-14-531, 69-14-532, 69-14-533, 69-14-534, 69-14-535, 69-14-536, 69-14-537, 69-14-538, 69-14-539, 69-14-551, 69-14-552, 69-14-553, 69-14-554, 69-14-555, 69-14-556, 69-14-557, 69-14-558, 69-14-559, 69-14-560, 69-14-561, 69-14-562, 69-14-563, 69-14-801, 69-14-803, 69-14-804, 69-14-805, 69-14-811, 69-14-812, 69-14-813, 69-14-814, AND 69-14-1001, MCA.