

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING AN INTERSTATE MOUNTAINS TO PLAINS
5 PASSENGER RAIL TRANSPORTATION COMPACT; LEGALLY JOINING THE COMPACT AND AGREEING
6 TO THE REQUIREMENTS OF THE COMPACT; ESTABLISHING A MOUNTAINS TO PLAINS PASSENGER
7 RAIL TRANSPORTATION COMMISSION; PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE
8 COMMISSION; AND PROVIDING RULEMAKING AUTHORITY."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. **Section 1. Authority to join Interstate Mountains to Plains Passenger Rail**
13 **Transportation Compact.** (1) This compact is effective upon ratification by one or more other states and the
14 United States Congress. A state not mentioned may become a party to the compact, subject to approval by the
15 majority of commissioners in accordance with [section 2].

16 (2) (a) The governor of Montana, the members of the commission for Montana, and a compact
17 administrator are granted the powers provided in [section 2].

18 (b) Officers representing the state of Montana are authorized and directed to do all things within their
19 respective jurisdictions that are necessary or incidental to carrying out the purpose of this compact.

20
21 NEW SECTION. **Section 2. Text of compact.** The Interstate Mountains to Plains Passenger Rail
22 Transportation Compact referred to in [sections 1 and 2] is enacted into law and entered into with all
23 jurisdictions legally joining in the compact, in the form substantially as set forth below.

Article I. Purpose

24 The purpose of this compact is to:

25 (1) study, design, develop, and operate intercity passenger rail service within Montana and
26 connecting states, and to establish a joint interstate commission to assist in this effort; and

27 (2) allow multiple states to jointly operate passenger rail service through all or part of a participating

1 state.

Article II. Definitions

2 For the purposes of this compact, the following definitions apply:

3 (1) "Commission" means the Mountains to Plains Passenger Rail Transportation Commission
4 established in this compact.

5 (2) "Party state" means a state that enters into this compact in a form substantially the same as what
6 is contained in this section.

Article III. Establishment of the Commission and Commission Membership

7 (1) The states that are parties to this compact establish and create a joint agency, known as the
8 Mountains to Plains Passenger Rail Transportation Commission. The membership of the commission consists
9 of:

10 (a) the governor of each party state, or their designee;

11 (b) one representative each from the department of transportation, its successor, or equivalent
12 agency of each state; and

13 (c) subject to subsection (2), five citizens representing each party state, appointed by the governor of
14 each party state.

15 (2) The five citizens representing each party state must include representatives whose residence is
16 along an existing intercity passenger rail corridor, and representatives whose residence is along a possible
17 future intercity passenger rail corridor and connecting motor carrier coach service routes. In Montana, one of
18 the five citizen members must be designated as the presiding officer, or designee, of the Big Sky Passenger
19 Rail Authority, established by joint county resolution.

20 (3) The appointed members of the commission serve 4-year terms.

21 (4) (a) Vacancies on the commission must be filled by appointment by the governor for the
22 unexpired portion of the term.

23 (b) Members may serve multiple terms, and their term expires upon appointment of their successor.

24 (5) The members of the commission may not be compensated for service on the commission, but
25 each of the appointed members is entitled to actual and reasonable expenses incurred in attending meetings or
26 incurred otherwise in the performance of the member's duties as a member of the commission.

1 (6) The members of the commission shall hold regular quarterly meetings and special meetings as its
2 business may require.

3 (7) (a) The commission shall annually select a chairman, vice chairman, and secretary-treasurer
4 from among their members.

5 (b) The three members selected in subsection (7)(a) comprise an executive committee, and its
6 members must rotate each year among the party states, in order of their acceptance of this compact.

7 (8) (a) The members of the commission, once appointed, may serve before the commission is
8 ratified by another state or by the U.S. Congress.

9 (b) During a period served under subsection (8)(a), members may hold meetings, hold hearings,
10 publish reports, and other activities necessary to establish the feasibility of intercity passenger rail
11 transportation within the commission's jurisdiction.

12 (9) The commission shall adopt rules and regulations for the transaction of its business, and a record
13 must be kept of all its business.

14 (10) It is the duty of the commission to study, design, develop, and operate intercity passenger rail
15 service within and between the party states.

Article IV. Commission Powers

16 (1) The commission has the power to:

17 (a) hold hearings;

18 (b) conduct studies and surveys of all problems, benefits, and other matters associated with
19 passenger rail service, and to make reports on its findings;

20 (c) seek or acquire, by gift, grant, or otherwise, from local, state, federal, or private sources of money,
21 real property, and personal property as necessary for the proper performance of its function, and to hold and
22 dispose of the money or property;

23 (d) engage planners, engineers, policy advisors, and other professionals in the furtherance of
24 designing and developing intercity passenger rail service within the party states;

25 (e) operate or provide for the operation of intercity passenger rail services within the party states;

26 (f) operate or provide for the operation of any connecting transit or motor coach service to connect
27 with new or existing intercity passenger rail services;

1 (g) cooperate with other public or private groups, whether local, state, regional, or national, having an
2 interest in passenger rail service;

3 (h) formulate and execute plans and policies for emphasizing the purpose of this compact before the
4 U.S. Congress of the United States and other appropriate officers and agencies of the United States;

5 (i) develop state rail plans and other plans to ensure eligibility for federal funds; and

6 (j) exercise other powers as may be appropriate to enable it to accomplish its functions and duties
7 and to carry out the purposes of this compact.

8 (2) The commission may jointly:

9 (a) make funding decisions regarding service;

10 (b) apply for and receive federal and private funding;

11 (c) enter into public-private partnerships, taxing districts, or both;

12 (d) determine types of service provided and rail operations, and enter into service agreements with
13 host railroads and select service operators;

14 (e) fund required and agreed upon capital improvements;

15 (f) choose stop locations and stop frequencies;

16 (g) engage in all required interactions with the Federal Railroad Administration on behalf of the
17 authority;

18 (h) allow future parties to join the authority; and

19 (i) provide for connectivity with other modes of transportation and bridge services.

Article V. Commission Funding

20 (1) Party states shall negotiate cost sharing for the establishment and operation of the commission.

21 The contribution of each party state must be determined through mutual agreement, but nothing in this article
22 binds the legislature of a party state to make an appropriation or to make a set amount of funds available at any
23 particular time.

24 (2) The commission may apply annual state payments to leverage any federal funding that is
25 available for interstate passenger rail commissions.

Article VI. Limitations on Commission

26 (1) Nothing in this compact may be construed to conflict with any existing statute, to limit the powers

1 of any party state, to repeal or prevent legislation, or to impair any existing or future cooperative arrangement or
2 relationship between any federal agency and a party state.

3 (2) (a) This compact remains binding upon each party state until the legislature and governor of
4 each or any state takes action to withdraw from the commission.

5 (b) Withdrawal is not effective until 6 months after the date of the action taken by the legislature or
6 governor.

7 (c) Notice of a withdrawal must be given to the other party state or states by the secretary of state of
8 the party state that withdraws.

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10 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified
11 as an integral part of Title 60, and the provisions of Title 60 apply to [sections 1 and 2].

12 - END -