

HOUSE BILL NO. 419

INTRODUCED BY LASZLOFFY, BERGREN, BRUEGGEMAN, BUTCHER, DEPRATU, ELLIOTT, GRIMES, KASTEN, KEANE, MAHLUM, MOOD, MUSGROVE, PATTISON, B. RYAN, F. THOMAS, WILSON, WITT

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A RAILROAD CORPORATION TO ERECT SIGNS IN ADVANCE OF A CROSSING AT WHICH A LOCOMOTIVE HORN AND BELL MUST BE SOUNDED; REQUIRING THE HORN AND BELL TO BE SOUNDED FOR AT LEAST 15 SECONDS PRIOR TO A LOCOMOTIVE OCCUPYING A CROSSING IF THE TRAIN IS STOPPED WITHIN A CERTAIN DISTANCE OF THE CROSSING; CLARIFYING THE MEANING OF THE PHRASE "PUBLIC HIGHWAY, PUBLIC ROAD, OR PUBLIC RAILROAD CROSSING" FOR THE PURPOSES OF DETERMINING WHEN A LOCOMOTIVE HORN AND BELL MUST BE SOUNDED; ~~AND~~ AMENDING SECTION 69-14-562, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-14-562, MCA, is amended to read:

"69-14-562. Regulation of safety on railroads. (1) A railroad corporation within this state is guilty of a misdemeanor and upon conviction is subject to the penalties provided in subsection (2) if the corporation:

- (a) neglects to provide comfortable and convenient cars or coaches for the transportation of its passengers and their baggage or safe cars for the transportation of express matter and freight;
- (b) runs a train over an unsafe bridge, trestlework, or aqueduct;
- (c) fails to have a locomotive in use by it equipped with a properly functioning horn and bell;
- (d) permits a locomotive to approach a public highway, public road, or public railroad crossing without causing the locomotive horn and bell to be sounded at a point 1,320 feet from the crossing, ~~the~~; OR The horn and bell to must be sounded from the specified point until the crossing is reached. If the owner or permitholder of a private crossing makes a written request to the railroad corporation to have the locomotive horn and bell sounded at the private crossing, the railroad shall comply with the request. The owner or permitholder is not subject to any liability as a result of not making a request. The railroad corporation shall erect and maintain a sign at a minimum of 1,320 feet in advance of a crossing at which the horn and bell are required to be sounded to indicate to the locomotive crew the beginning point of a crossing that requires the locomotive horn and bell to be sounded.

(e) willfully fails to make any report required by law.

(2) FOR THE PURPOSES OF SUBSECTION (1)(D):

(A) THE HORN AND BELL MUST BE SOUNDED FROM THE SPECIFIED POINT UNTIL THE CROSSING IS OCCUPIED, BUT IF A TRAIN HAS STOPPED WITHIN 1,320 FEET OF A CROSSING, THE HORN AND BELL MUST BE SOUNDED FOR A MINIMUM OF 15 SECONDS PRIOR TO THE TRAIN OCCUPYING THE CROSSING;

(B) THE RAILROAD CORPORATION SHALL ERECT AND MAINTAIN A SIGN AT A MINIMUM OF 1,320 FEET IN ADVANCE OF A CROSSING AT WHICH THE HORN AND BELL ARE REQUIRED TO BE SOUNDED TO NOTIFY THE LOCOMOTIVE CREW IN ADVANCE OF A CROSSING THAT REQUIRES THE LOCOMOTIVE HORN AND BELL TO BE SOUNDED;

(C) IF THE OWNER OR PERMITHOLDER OF A PRIVATE CROSSING MAKES A WRITTEN REQUEST TO THE RAILROAD CORPORATION TO HAVE THE LOCOMOTIVE HORN AND BELL SOUNDED AT A PRIVATE CROSSING, THE RAILROAD SHALL COMPLY WITH THE REQUEST, BUT THE OWNER OR PERMITHOLDER IS NOT SUBJECT TO ANY LIABILITY AS A RESULT OF NOT MAKING A REQUEST; AND

(D) THE PHRASE "PUBLIC HIGHWAY, PUBLIC ROAD, OR PUBLIC RAILROAD CROSSING" MEANS THAT THE EASEMENT, RIGHT-OF-WAY, OR FEE TITLE FOR THE PUBLIC HIGHWAY, PUBLIC ROAD, OR PUBLIC RAILROAD CROSSING IS HELD IN THE NAME OF A FEDERAL, STATE, TRIBAL, OR LOCAL GOVERNMENT ENTITY ON BOTH SIDES OF THE CROSSING AND THAT THE EASEMENT, RIGHT-OF-WAY, OR FEE TITLE IS RECORDED IN THE OFFICE OF THE CLERK AND RECORDER IN THE COUNTY WHERE THE CROSSING IS LOCATED.

~~(2)(3)~~ Upon conviction of the offenses provided in subsection (1), a railroad corporation is subject to a fine of:

(a) \$1,000 for the first offense;

(b) \$2,000 for the second violation of the same provision; and

(c) not less than \$5,000 or more than \$10,000 for subsequent violations of a provision for which it has twice been found guilty.

~~———— (3) For the purposes of subsection (1)(d), the phrase "public highway, public road, or public railroad crossing" means that the easement, right-of-way, or fee title for the public highway, public road, or public railroad crossing is held in the name of a federal, state, tribal, or local government entity on both sides of the crossing and that the easement, right-of-way, or fee title is recorded in the office of the clerk and recorder in the county where the crossing is located."~~

NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

- END -