

## 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

1 ~~to be sounded.~~

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

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

4 (A) THE HORN AND BELL MUST BE SOUNDED FROM THE SPECIFIED POINT UNTIL THE CROSSING IS OCCUPIED, BUT  
 5 IF A TRAIN HAS STOPPED WITHIN 1,320 FEET OF A CROSSING, THE HORN AND BELL MUST BE SOUNDED FOR A MINIMUM OF  
 6 15 SECONDS PRIOR TO THE TRAIN OCCUPYING THE CROSSING;

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

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

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

19 ~~(2)~~(3) Upon conviction of the offenses provided in subsection (1), a railroad corporation is subject to  
 20 a fine of:

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

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

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

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

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