

1 **** BILL NO. ****

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

Working draft for discussion at
TIC meeting 7/8/2026

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF TRANSPORTATION TO
6 UPDATE THE MONTANA STATE RAIL PLAN; ESTABLISHING STATE RAIL PLAN REQUIREMENTS;
7 ESTABLISHING REVIEW TIMELINE; ESTABLISHING STAKEHOLDER CONSULTATION; ESTABLISHING
8 REPORTING REQUIREMENTS; AMENDING SECTION 60-11-121, MCA."

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

11
12 NEW SECTION. Section 1. Montana state rail plan -- periodic review -- stakeholder involvement
13 -- reporting requirements. (1) There is a Montana state rail plan. In accordance with the requirements of 49
14 U.S.C. Section 22705, and the rules adopted by the federal railroad administration to implement that act, the
15 Montana state rail plan must contain:

16 (a) a comprehensive inventory and assessment of the existing freight and passenger rail
17 transportation systems, services, and facilities within the state, addressing all markets and all types of rail
18 service. The assessment must address both the primarily private ownership of the rail network and the
19 necessity of private/public partnership for planning and investment in the rail network, to create situations where
20 both freight and passenger operations can flourish;

21 (b) an explanation of the state's freight and passenger rail service goals and objectives within the
22 context of the statewide transportation system;

23 (c) a vision of the future freight and passenger rail transportation system in the state, in the form of
24 a rail service and investment program (RSIP) that provides guidelines and lists the rail investments needed to
25 achieve the stated vision, including:

26 (i) a short-term biennial outlook for current freight and passenger rail infrastructure in the state;

27 and

28 (ii) a long-range investment program for current and future freight and passenger rail infrastructure

1 in the state.

2 (d) an analysis of the public benefits of freight and passenger rail to the state and its citizens,
3 including how rail transportation contributes to transportation safety, economic competitiveness, environmental
4 sustainability, energy efficiency, state of good repair, and livability throughout the state; and

5 (e) a discussion of potential environmental mitigation activities that could be incorporated into
6 subsequent work conducted in accordance with the environmental review requirements of the national
7 environmental policy act (NEPA).

8 (2) In order to position the state of Montana favorably for partnering with the federal government
9 on the development of intercity rail lines and intermodal transportation networks within Montana, the state rail
10 transportation authority shall update the Montana state rail plan during the 2027-28 interim and each (every 4 years)
11 successive second interim, to comply with the provisions of Public Law 110-432, Division B, the Passenger Rail
12 Investment and Improvement Act of 2008, and the rules adopted by the federal railroad administration to
13 implement that act.

14 (3) During the periodic review of the Montana state rail plan, the state rail transportation authority
15 shall consider the following: Subsection (3) details are specified in FRA PRIIA guidance - may not be necessary to codify
https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/3382/Final_State_Rail_Plan_Guidance_September_2013.pdf

16 (a) FRA recommendations on previously submitted updates, revisions, or amendments to the
17 Montana state rail plan; FRA = Federal Railroad Administration

18 (b) information that is no longer accurate in the previous plan, as a result of plan implementation,
19 action by a government entity or railroad, or changed conditions;

20 (c) coordination with the freight provisions of the most recent comprehensive state freight plan
21 pursuant to Public Law 112-141, Moving Ahead for Progress in the 21st Century (MAP-21), Section 1118,
22 considering shifts in freight demand and freight types in assessing emerging freight markets; and

23 (d) statewide transportation planning documents required under 23 U.S.C. 134 and 135 and 49
24 U.S.C. 5303 and 5304 that are funded and administered by FHWA/FTA; and FHWA = Federal Highway Administration
FTA = Federal Transit Administration

25 (e) updates to rail system maps and rail line descriptions, including the operating carrier and the
26 location of the freight and passenger rail routes.

27 (4) In the development and periodic review of the Montana state rail plan, the state rail
28 transportation authority shall consult with stakeholders, including but not limited to:

- (a) airport authorities as provided in Title 67, chapter 11, part 1;
 - (b) the board of environmental review as provided in 2-15-3502;
 - (c) the historic preservation officer provided for in 2-15-1512;
 - (d) local governing bodies, including counties, municipalities, and chambers of commerce;
 - (e) local government land use planning commissions as provided in 76-25-104;
 - (f) municipal bus services pursuant to Title 7, chapter 14, part 44;
 - (g) the office of economic development provided for in 2-15-218;
 - (h) port authorities created under Title 7, chapter 14, part 11;
 - (i) railroads as defined in 69-14-102;
 - (j) railway authorities as provided in Title 7, chapter 14, part 6;
 - (k) urban transportation districts as provided in Title 7, chapter 14, part 2;
 - (l) shippers, as defined in 30-7-102;
 - (m) the transportation commission as provided in 2-15-2502;
 - (n) transportation network carriers as defined in 69-12-101;
 - (o) the federal railroad administration for purposes of technical assistance, guidance, analytic tools, and training;
 - (p) where federal installations are involved, or where military preparedness is affected by rail facilities and service, the department of military affairs provided in 2-15-1201; and
 - (q) the transportation planning programs of neighboring States or Canadian provinces, for facilities and services that cross state boundaries, especially where multi-state corridors and transportation systems are involved.
- (5) Nothing in this section may be construed to say the department of transportation cannot update the Montana state rail plan more frequently than the minimum standard of every four years.
- (6) A report of the progress of the plan update, including an identification of how the Montana state rail plan update complies with Public Law 110-432 and areas where federal rulemaking is anticipated, must be completed by September 1 of an even year preceding a legislative session, and must be presented to the transportation interim committee established in 5-5-233.
- (7) The state rail plan approval authority is responsible for reviewing and approving the final draft

FRA = Federal Railroad Administration

1 state rail plan for submission to the FRA, and ensuring that the planned investments are integrated with other
2 State and metropolitan transportation plans and priorities.

3 (8) For the purposes of administering the Montana state rail plan, the following definitions apply:

4 (a) "State rail transportation authority" means the department of transportation; and

5 (b) "State rail plan approval authority" means the transportation commission provided for in 2-15-
6 2502.

7

8 **Section 2.** Section 60-11-121, MCA, is amended to read:

9 **"60-11-121. Legislative findings.** (1) The legislature finds that it is in the interests of the state of
10 Montana to preserve and encourage, whenever possible, Montana's railroad transportation infrastructure,
11 especially:

12 (a) those railroads classified as Class III carriers under 49 CFR, chapter X, that operate mainly
13 within the state; and

14 (b) those railroads within the state that are eligible for rail freight assistance programs under 49
15 U.S.C. 1654.

16 (2) The legislature further finds that:

17 (a) the railroad transportation infrastructure of the state is enhanced by the development and
18 improvement of intermodal transportation facilities by port authorities created under Title 7, chapter 14, part 11;

19 ~~and~~

20 (b) abandonment of railroad branch lines and the increased demands for shipping have a negative
21 impact on the highways of the state-; and

22 (c) the periodic review of the Montana state rail plan established in [section 1] serves the interests
23 of the state by keeping rail information up-to-date and ensuring Montana's eligibility for federal funding.

24 (3) The legislature further finds that the preservation of those railroads described in subsection
25 (1)(b) and the development and improvement of intermodal transportation facilities are necessary to enhance
26 access to markets, to mitigate rural isolation and long-term negative impacts on the highways of the state, and
27 to promote the efficiency and effectiveness of the state's transportation system.

28 (4) The legislature declares that loans and grants made available under 60-11-120 to railroads and

1 to port authorities are in the interest of the state."

2

3 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 60, chapter 11, part 1, and the provisions of Title 60, chapter 11, part 1, apply to [section 1].

5 - END -

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