**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING EQUAL TREATMENT OF RAILROAD RIGHT-OF-WAY USERS; REQUIRING RECORDING OF RIGHT-OF-WAY PROPERTY DESCRIPTIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Equal treatment of railroad right-of-way users.** (1) A railroad, as defined in 69-14-102, shall treat all users with the same terms and conditions for perpendicular crossings of a railroad line or for use of a longitudinal right-of-way along a railroad line. This section applies to:

(a) any applicant within 100 miles of where a previous user was authorized to perpendicularly cross a railroad line or occupy a longitudinal railroad right-of-way; and

(b) all railroads operating within the state of Montana, to include their predecessors, agents, or assigns.

(c) where a public right-of-way has been established by the department of transportation or relevant entity and is within 50 feet of an identified public right-of-way.

(2) (a) Prior to July 1, 2027, a railroad shall record all right-of-way property descriptions within each county in which the railroad operates.

(b) On or after July 1, 2027, any person or entity may request right-of-way property descriptions from a railroad at no cost to the requestor. A railroad must provide requested right-of-way property descriptions within a reasonable amount of time after receiving the request.

(3) The fee charged for a new crossing or use of a longitudinal right-of-way may not exceed what the railroad previously charged for the nearest perpendicular crossing or use of a longitudinal right-of-way, adjusted for inflation by the same numerical inflation factor calculated in accordance with 20-9-326.

(4) (a) A railroad may deny an application for a perpendicular crossing of its line or for use of its

longitudinal right-of-way if the railroad can demonstrate good cause.

(b) Good cause exists if the proposed crossing or longitudinal right-of-way use is likely to damage the railroad, its structures or any other property on the premises of the railroad, or if a crossing endangers the safety of railroad operations or is likely to cause injury or death to a person.

(c) The railroad must demonstrate good cause to the applicant by providing when the proposed crossing or longitudinal right-of-way is outside of a public right-of-way and limits access and easement outside of 20 feet from the railroad track.

(d) For the purposes of this section, all structures longitudinal must be at least 20 feet from a railroad track. When crossing, all pits and any associated work must be performed 20 feet from a railroad track with a flagger on-site.

(5) For the purposes of this section, "user" means a public utility, rural telephone cooperative, rural electric cooperative, transmission company, gas utility, municipal utility, municipal power utility, municipality, local government, pipeline company, rural water system, or telephone, telegraph, telecommunications, cable, or fiber optic provider.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 14, and the provisions of Title 69, chapter 14, apply to [section 1].

NEW SECTION. **Section 3. 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].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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