**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

Working draft for review at TIC meeting Sept 11, 2026

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

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

NEW SECTION. **Section 1. Montana state rail plan -- periodic review -- stakeholder involvement -- reporting requirements.** (1) There is a Montana state rail plan administered by the department. The Montana state rail plan must:

(a) follow federal railroad administration (FRA) state rail plan guidelines to the greatest extent possible, recognizing that certain provisions may conflict with or be infeasible under current state law;

(b) contain a comprehensive inventory and assessment of the existing freight and passenger rail transportation systems, services, and facilities within the state, identifying all markets and all types of rail service. The assessment must address the primarily private ownership of the rail network and the current level of private/public partnership for planning and investment in the rail network;

(c) list and describe the state's future freight and passenger rail service goals within the context of the statewide transportation system; and

(d) analyze the public benefits of freight and passenger rail to the state and its citizens, including how rail transportation contributes to transportation safety, economic competitiveness, and livability throughout the state.

(2) In order to position the state of Montana favorably for partnering with the federal government to support rail lines and intermodal transportation networks within Montana, the department shall update the Montana state rail plan during the 2027-28 interim and each successive second interim.

(3) During the periodic review of the Montana state rail plan, the department shall consider the following:

(a) federal railroad administration feedback on previously submitted updates, revisions, or amendments to the Montana state rail plan;

(b) information that is no longer accurate in the previous plan; and

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

(4) In the development and periodic review of the Montana state rail plan, the department shall invite stakeholders for consultation, including but not limited to:

(a) representatives of tribal governments as defined in 2-15-141;

(b) the office of economic development provided for in 2-15-218;

(c) 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;

(d) local governing bodies, including counties, municipalities, and chambers of commerce;

(e) urban transportation districts as provided in Title 7, chapter 14, part 2;

(f) railway authorities as provided in Title 7, chapter 14, part 6;

(g) port authorities created under Title 7, chapter 14, part 11;

(h) municipal bus services pursuant to Title 7, chapter 14, part 44;

(i) shippers, as defined in 30-7-102;

(j) airport authorities as provided in Title 67, chapter 11, part 1;

(k) railroads as defined in 69-14-102;

(l) local government land use planning commissions as provided in 76-25-104;

(m) the transportation planning programs of neighboring States, for facilities and services that cross state boundaries, especially where multi-state corridors and transportation systems are involved; and

(n) the federal railroad administration for purposes of technical assistance, guidance, analytic tools, and training.

(5) Nothing in this section may be construed to say the department 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 areas where federal rulemaking is anticipated, must be completed by September 1 of an even year preceding a legislative session, and must be provided to the energy and technology interim committee established in 5-5-230 and the transportation interim committee established in 5-5-233.

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

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

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

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

(2) The legislature further finds that:

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

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

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

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

(4) The legislature declares that loans and grants made available under 60-11-120 to railroads and to port authorities are in the interest of the state."

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

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