

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING EQUAL TREATMENT OF RAILROAD RIGHT-OF-
6 WAY USERS; REQUIRING RECORDING OF RIGHT-OF-WAY PROPERTY DESCRIPTIONS; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11 NEW SECTION. Section 1. Equal treatment of railroad right-of-way users. (1) A railroad, as
12 defined in 69-14-102, shall treat all users with the same terms and conditions for perpendicular crossings of a
13 railroad line or for use of a longitudinal right-of-way along a railroad line. This section applies to:

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

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

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

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

23 (4) (a) A railroad may deny an application for a perpendicular crossing of its line or for use of its
24 longitudinal right-of-way if the railroad can demonstrate good cause.

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

28 (5) For the purposes of this section, "user" means a public utility, rural telephone cooperative, rural

1 electric cooperative, transmission company, gas utility, municipal utility, municipal power utility, municipality,
2 local government, pipeline company, rural water system, or telephone, telegraph, telecommunications, cable, or
3 fiber optic provider.

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

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8 NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured,
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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

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