

HOUSE BILL NO. 271

INTRODUCED BY DRISCOLL, VAN VALKENBURG, MENAHAN, CONNELLY,
RANEY, LYNCH, SCOTT, QUILICI, MEASURE, J. JOHNSON, COHEN,
PAVLOVICH, PIPINICH, NATHE, GALVIN, HOCKETT, HARRINGTON,
HANSEN, MCCAFFREE, B. BROWN, D. BROWN, DARKO, STRIZICH,
SQUIRES, WHALEN

IN THE HOUSE

JANUARY 19, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON LABOR & EMPLOYMENT RELATIONS.

 FIRST READING.

FEBRUARY 15, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
 AYES, 76; NOES, 22.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON LABOR & EMPLOYMENT RELATIONS.

 FIRST READING.

APRIL 3, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
 AYES, 46; NOES, 3.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

APRIL 10, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Raney* House BILL NO. 271 *Spick*
 2 INTRODUCED BY *Drewitt Van Valkenburg* *Messelhan* *Cannella*
 3 *John Johnson*
 4 *John Johnson* WITH *John Johnson* *John Johnson*
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 25 *John Johnson* *John Johnson* *John Johnson* *John Johnson*

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

Section 1. Section 69-14-116, MCA, is amended to read:

"69-14-116. General protection of health and safety on railroads -- rear-end telemetry systems. (1) The commission shall have full authority:

(a) after notice and hearing, to make and enforce rules providing for the installation on and equipment of trains, cars, or engines with safety appliances and providing for sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to trainmen, enginemen, yardmen, maintenance-of-way employees, highway crossing watchmen, and clerical, platform, freight house, and express employees; and

(b) to inspect the same safety appliances, sanitation facilities, and shelters and enforce regulations with regard thereto to the provisions of subsection (1)(a).

(2) (a) The commission shall require a railroad

operating trains in Montana to install a rear-end train telemetry system:

(i) on all trains operating within mountain grade territory as geographically defined and designated by mile posts in the railroad's official timetable and operating rules on file with the commission; and

(ii) on all trains both originating and terminating within Montana.

(b) As used in this section, "telemetry system" means a radio transmitter and receiver system with one device placed on the last car of a train and a second device placed in the cab of the controlling locomotive. The second device must be visible to the locomotive engineer and capable of indicating through electronic communication with the device located on the last car of the train the following:

(i) brake pipe pressure at the rear of the train, in increments of 1 pound per square inch;

(ii) rear car movement;

(iii) operation or nonoperation of the rear marker light;

(iv) remaining battery life powering the telemetry system;

(v) interruption of the communication link between the device located on the last car of the train and the device located in the cab of the controlling locomotive; and



-2- INTRODUCED BILL HB 271

1 (vi) total distance travelled in feet by the locomotive
2 to which the device is attached.

3 (c) A train operating in the area defined under this
4 subsection (2) may not depart a crew change point or its
5 local point of origin unless the train is equipped with the
6 telemetry system required under the rules established
7 pursuant to this section.

8 (d) Telemetry systems installed on a train in
9 conformity with rules made under this section must be
10 equipped so that an emergency application of brakes of the
11 train can be initiated by activation of the device placed on
12 the last car at the rear end of the train.

13 (e) Disciplinary action or other adverse administrative
14 or employment action may not be instituted against a person
15 who reports a violation of this subsection (2) or who acts
16 to enforce the provisions of this subsection (2).

17 (2)(3) Such The inspection, rules, and regulations to
18 required under subsections (1) and (2) must be from-time--to
19 time--coextensive-with-the-requirements-of-and-in-conformity
20 to-the-provisions-of-the-acts--of--congress--and--rules--and
21 regulations--of--the--interstate-commerce-commission-and-the
22 department-of-transportation, as then--effective compatible
23 with any federal provisions and May not create an undue
24 burden on interstate commerce."

25 NEW SECTION. Section 2. Severability. If a part of

1 [this act] is invalid, all valid parts that are severable
2 from the invalid part remain in effect. If a part of [this
3 act] is invalid in one or more of its applications, the part
4 remains in effect in all valid applications that are
5 severable from the invalid applications.

-End-

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 271

INTRODUCED BY DRISCOLL, VAN VALKENBURG, MENAHAN, CONNELLY,
RANEY, LYNCH, SCOTT, QUILICI, MEASURE, J. JOHNSON, COHEN,
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SQUIRES, WHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE PUBLIC
SERVICE COMMISSION TO REQUIRE A REAR-END TELEMETRY SYSTEM ON
CERTAIN RAILROAD TRAINS; PROVIDING AN EXEMPTION FOR A
CABOOSE-EQUIPPED TRAIN; AND AMENDING SECTION 69-14-116,
MCA."

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Section 1. Section 69-14-116, MCA, is amended to read:

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railroads -- rear-end telemetry systems -- EXEMPTION FOR A
CABOOSE-EQUIPPED TRAIN. (1) The commission shall have has
full authority:

(a) after notice and hearing, to make and enforce rules
providing for the installation on and equipment of trains,
cars, or engines with safety appliances and providing for
sanitation and adequate shelter as it affects the health of
all railroad employees, including but not limited to
trainmen, enginemen, yardmen, maintenance-of-way employees,

highway crossing watchmen, and clerical, platform, freight
house, and express employees; and

(b) to inspect the same safety appliances, sanitation
facilities, and shelters and enforce regulations with regard
thereto to the provisions of subsection (1)(a).

(2) (a) The EXCEPT AS PROVIDED IN SUBSECTION (4), THE
commission shall require a railroad operating trains in
Montana to install a rear-end train telemetry system:

(i) on all trains operating within mountain grade
territory as geographically defined and designated by mile
posts in the railroad's official timetable and operating
rules on file with the commission; and

(ii) on all trains both originating and terminating
within Montana.

(b) As used in this section, "telemetry system" means a
radio transmitter and receiver system with one device placed
on the last car of a train and a second device placed in the
cab of the controlling locomotive. The second device must be
visible to the locomotive engineer and capable of indicating
through electronic communication with the device located on
the last car of the train the following:

(i) brake pipe pressure at the rear of the train, in
increments of 1 pound per square inch;

(ii) rear car movement;

(iii) operation or nonoperation of the rear marker

SECOND READING

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1 light;
 2 (iv) remaining battery life powering the telemetry
 3 system;
 4 (v) interruption of the communication link between the
 5 device located on the last car of the train and the device
 6 located in the cab of the controlling locomotive; and
 7 (vi) total distance travelled in feet by the locomotive
 8 to which the device is attached.
 9 (c) A train operating in the area defined under this
 10 subsection (2) may not depart a crew change point or its
 11 local point of origin unless the train is equipped with the
 12 telemetry system required under the rules established
 13 pursuant to this section.
 14 (d) Telemetry systems installed on a train in
 15 conformity with rules made under this section must be
 16 equipped so that an emergency application of brakes of the
 17 train can be initiated by activation of the device placed on
 18 the last car at the rear end of the train.
 19 (e) Disciplinary action or other adverse administrative
 20 or employment action may not be instituted against a person
 21 who reports a violation of this subsection (2) or who acts
 22 to enforce the provisions of this subsection (2).
 23 †2) (3) Such The inspection, rules, and regulations to
 24 required under subsections (1) and (2) must be from-time--to
 25 time--coextensive-with-the-requirements-of-and-in-conformity

1 ~~to the provisions of the acts of congress and rules and~~
 2 ~~regulations of the interstate commerce commission and the~~
 3 ~~department of transportation, as then effective compatible~~
 4 ~~with any federal provisions and May not create an undue~~
 5 ~~burden on interstate commerce.~~

6 (4) THE COMMISSION MAY NOT REQUIRE THE INSTALLATION AND
 7 USE OF A TELEMETRY SYSTEM AS DESCRIBED IN THIS SECTION ON A
 8 TRAIN EQUIPPED WITH A CABOOSE THAT:

- 9 (A) MEETS THE REQUIREMENTS OF MONTANA LAW;
- 10 (B) IS PLACED AS THE LAST CAR OF THE TRAIN; AND
- 11 (C) IS OCCUPIED BY A MEMBER OF THE TRAIN CREW.

12 NEW SECTION. Section 2. Severability. If a part of
 13 [this act] is invalid, all valid parts that are severable
 14 from the invalid part remain in effect. If a part of [this
 15 act] is invalid in one or more of its applications, the part
 16 remains in effect in all valid applications that are
 17 severable from the invalid applications.

-End-

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INTRODUCED BY DRISCOLL, VAN VALKENBURG, MENAHAN, CONNELLY,
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CERTAIN RAILROAD TRAINS; PROVIDING AN EXEMPTION FOR A
CABOOSE-EQUIPPED TRAIN; AND AMENDING SECTION 69-14-116,
MCA."

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Section 1. Section 69-14-116, MCA, is amended to read:

"69-14-116. General protection of health and safety on
railroads -- rear-end telemetry systems -- EXEMPTION FOR A
CABOOSE-EQUIPPED TRAIN. (1) The commission ~~shall have~~ has
full authority:

(a) after notice and hearing, to make and enforce rules
providing for the installation on and equipment of trains,
cars, or engines with safety appliances and providing for
sanitation and adequate shelter as it affects the health of
all railroad employees, including but not limited to
trainmen, enginemen, yardmen, maintenance-of-way employees,

highway crossing watchmen, and clerical, platform, freight
house, and express employees; and

(b) to inspect the same safety appliances, sanitation
facilities, and shelters and enforce regulations with regard
thereto to the provisions of subsection (1)(a).

(2) (a) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (4), THE
commission shall require a railroad operating trains in
Montana to install a rear-end train telemetry system:

(i) on all trains operating within mountain grade
territory as geographically defined and designated by mile
posts in the railroad's official timetable and operating
rules on file with the commission; and

(ii) on all trains both originating and terminating
within Montana.

(b) As used in this section, "telemetry system" means a
radio transmitter and receiver system with one device placed
on the last car of a train and a second device placed in the
cab of the controlling locomotive. The second device must be
visible to the locomotive engineer and capable of indicating
through electronic communication with the device located on
the last car of the train the following:

(i) brake pipe pressure at the rear of the train, in
increments of 1 pound per square inch;

(ii) rear car movement;

(iii) operation or nonoperation of the rear marker

THIRD READING

1 light;
 2 (iv) remaining battery life powering the telemetry
 3 system;
 4 (v) interruption of the communication link between the
 5 device located on the last car of the train and the device
 6 located in the cab of the controlling locomotive; and
 7 (vi) total distance travelled in feet by the locomotive
 8 to which the device is attached.
 9 (c) A train operating in the area defined under this
 10 subsection (2) may not depart a crew change point or its
 11 local point of origin unless the train is equipped with the
 12 telemetry system required under the rules established
 13 pursuant to this section.
 14 (d) Telemetry systems installed on a train in
 15 conformity with rules made under this section must be
 16 equipped so that an emergency application of brakes of the
 17 train can be initiated by activation of the device placed on
 18 the last car at the rear end of the train.
 19 (e) Disciplinary action or other adverse administrative
 20 or employment action may not be instituted against a person
 21 who reports a violation of this subsection (2) or who acts
 22 to enforce the provisions of this subsection (2).
 23 (2)(3) Such The inspection, rules, and regulations to
 24 required under subsections (1) and (2) must be from-time--to
 25 time--coextensive-with-the-requirements-of-and-in-conformity

1 ~~to-the-provisions-of-the-acts--of--congress--and--rules--and~~
 2 ~~regulations--of--the--interstate-commerce-commission-and-the~~
 3 ~~department-of-transportation,as-then--effective compatible~~
 4 ~~with any federal provisions and May not create an undue~~
 5 ~~burden on interstate commerce.~~
 6 (4) THE COMMISSION MAY NOT REQUIRE THE INSTALLATION AND
 7 USE OF A TELEMETRY SYSTEM AS DESCRIBED IN THIS SECTION ON A
 8 TRAIN EQUIPPED WITH A CABOOSE THAT:
 9 (A) MEETS THE REQUIREMENTS OF MONTANA LAW;
 10 (B) IS PLACED AS THE LAST CAR OF THE TRAIN; AND
 11 (C) IS OCCUPIED BY A MEMBER OF THE TRAIN CREW.
 12 NEW SECTION. Section 2. Severability. If a part of
 13 [this act] is invalid, all valid parts that are severable
 14 from the invalid part remain in effect. If a part of [this
 15 act] is invalid in one or more of its applications, the part
 16 remains in effect in all valid applications that are
 17 severable from the invalid applications.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 3, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 271 (third reading copy -- blue), respectfully report that House Bill No. 271 be amended and as so amended be concurred in:

1. Page 2, line 8.
Following: "system"
Strike: "i"

2. Page 2, line 9.
Strike: "(i)"

3. Page 2, line 12.
Following: "commission"
Strike: "; and"
Insert: "."

4. Page 2, lines 13 and 14.
Strike: subsection (ii) in its entirety

5. Page 4, line 12.
Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 220 is passed and approved and if it includes a section that amends 69-14-116(1)(a) and (1)(b), then the language in [section 1 of this act], amending 69-14-116(1)(a) and (1)(b), must read as follows:
"(1) The commission has full authority:
(a) after notice and hearing, to adopt and enforce rules providing for the installation on and equipment of trains, cars, or engines with safety appliances and providing for sanitation and adequate shelter as it affects the health of all railroad employees; and
(b) to conduct inspections necessary to implement subsection (1)(a)."
Renumber: subsequent section

Signed: Richard E. Manning
Richard E. Manning, Chairman

AM 4-3-91
Am. Coord.

SPB 4-3 1:50
Sec. of Senate

SENATE
HB 271

HOUSE BILL NO. 271

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(a) after notice and hearing, to make and enforce rules providing for the installation on and equipment of trains, cars, or engines with safety appliances and providing for sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to trainmen, enginemen, yardmen, maintenance-of-way employees,

highway crossing watchmen, and clerical, platform, freight house, and express employees; and

(b) to inspect the same safety appliances, sanitation facilities, and shelters and enforce regulations with regard thereto to the provisions of subsection (1)(a).

(2) (a) The EXCEPT AS PROVIDED IN SUBSECTION (4), THE commission shall require a railroad operating trains in Montana to install a rear-end train telemetry system:

(i) on all trains operating within mountain grade territory as geographically defined and designated by mile posts in the railroad's official timetable and operating rules on file with the commission; and.

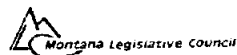
(ii) on all trains both originating and terminating within Montana;

(b) As used in this section, "telemetry system" means a radio transmitter and receiver system with one device placed on the last car of a train and a second device placed in the cab of the controlling locomotive. The second device must be visible to the locomotive engineer and capable of indicating through electronic communication with the device located on the last car of the train the following:

(i) brake pipe pressure at the rear of the train, in increments of 1 pound per square inch;

(ii) rear car movement;

(iii) operation or nonoperation of the rear marker



1 light;
 2 (iv) remaining battery life powering the telemetry
 3 system;
 4 (v) interruption of the communication link between the
 5 device located on the last car of the train and the device
 6 located in the cab of the controlling locomotive; and
 7 (vi) total distance travelled in feet by the locomotive
 8 to which the device is attached.
 9 (c) A train operating in the area defined under this
 10 subsection (2) may not depart a crew change point or its
 11 local point of origin unless the train is equipped with the
 12 telemetry system required under the rules established
 13 pursuant to this section.
 14 (d) Telemetry systems installed on a train in
 15 conformity with rules made under this section must be
 16 equipped so that an emergency application of brakes of the
 17 train can be initiated by activation of the device placed on
 18 the last car at the rear end of the train.
 19 (e) Disciplinary action or other adverse administrative
 20 or employment action may not be instituted against a person
 21 who reports a violation of this subsection (2) or who acts
 22 to enforce the provisions of this subsection (2).
 23 f2+(3) Such The inspection, rules, and regulations to
 24 required under subsections (1) and (2) must be from-time--to
 25 time--coextensive-with-the-requirements-of-and-in-conformity

1 to-the-provisions-of-the-acts--of--congress--and--rules--and
 2 regulations--of--the--interstate-commerce-commission-and-the
 3 department-of-transportation,-as-then--effective compatible
 4 with any federal provisions and may not create an undue
 5 burden on interstate commerce.
 6 (4) THE COMMISSION MAY NOT REQUIRE THE INSTALLATION AND
 7 USE OF A TELEMETRY SYSTEM AS DESCRIBED IN THIS SECTION ON A
 8 TRAIN EQUIPPED WITH A CABOOSE THAT:
 9 (A) MEETS THE REQUIREMENTS OF MONTANA LAW;
 10 (B) IS PLACED AS THE LAST CAR OF THE TRAIN; AND
 11 (C) IS OCCUPIED BY A MEMBER OF THE TRAIN CREW.
 12 NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF
 13 SENATE BILL NO. 220 IS PASSED AND APPROVED AND IF IT
 14 INCLUDES A SECTION THAT AMENDS 69-14-116(1)(A) AND (1)(B),
 15 THEN THE LANGUAGE IN [SECTION 1 OF THIS ACT], AMENDING
 16 69-14-116(1)(A) AND (1)(B), MUST READ AS FOLLOWS:
 17 "(1) THE COMMISSION HAS FULL AUTHORITY:
 18 (A) AFTER NOTICE AND HEARING, TO ADOPT AND ENFORCE
 19 RULES PROVIDING FOR THE INSTALLATION ON AND EQUIPMENT OF
 20 TRAINS, CARS OR ENGINES WITH SAFETY APPLIANCES AND PROVIDING
 21 FOR SANITATION AND ADEQUATE SHELTER AS IT AFFECTS THE HEALTH
 22 OF ALL RAILROAD EMPLOYEES; AND
 23 (B) TO CONDUCT INSPECTIONS NECESSARY TO IMPLEMENT
 24 SUBSECTION (1)(A)."
 25 NEW SECTION. Section 3. Severability. If a part of

HB 0271/03

1 [this act] is invalid, all valid parts that are severable
2 from the invalid part remain in effect. If a part of [this
3 act] is invalid in one or more of its applications, the part
4 remains in effect in all valid applications that are
5 severable from the invalid applications.

-End-