

SENATE BILL 47

Introduced by Gage

1/03	Introduced
1/08	Referred to Business & Industry
1/08	First Reading
2/21	Tabled in Committee

SENATE BILL NO. 47

INTRODUCED BY GAGE

A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE REQUIREMENT THAT A CABOOSE IS REQUIRED TO BE THE REAR TRAIN CAR TO CONFORM TO THE DECISION IN BURLINGTON NORTHERN RAILROAD CO. V. STATE OF MONTANA, 880 F.2D 1104 (9TH CIR. 1989); AMENDING SECTION 69-14-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-14-232, MCA, is amended to read:

"69-14-232. Caboose--required--to--be--rear--train--car---size Size and equipment of caboose. (1) Every-railroad--must place,--as--the--last--car--on--any--freight--train--required--by federal-railroad-administration-rules-to-have-its-air-system and-cars-inspected-by-qualified-inspecting-employees-at--any designated--inspection--point--and--between--said--inspection points-and-operating-within-the-state,--a-caboose-occupied-by at-least-one-employee-of-the-railroad,--A-caboose-is-required on-all-through-freight,--local,--and--work--trains,--Provided however,--a-caboose--is--not--required-on-a-train-operating within--railroad--yard--or--switch--limits---as---presently established,--or-on-a-through-freight-if-not-more-than-2,000 feet-in-overall-length-operating-within-an--automatic--block

~~signal-system-or-within-centralized-traffic-control-limits.~~

(2) Caboosees shall must be at least 24 feet in length, exclusive of platforms, and shall must be provided with a door in each end and with cupolas or bay windows, platforms, guardrails, grabirons, and steps for the safety of persons in alighting or getting on cabooses. Caboosees shall must be of metal frame construction and be sufficiently insulated to eliminate track and other related noise above 85 decibels in any octave in the speech range. Other requirements for cabooses are as follows:

(a) The trucks shall must provide riding qualities at least equal to those of freight type trucks modified with elliptical or additional coil springs or other means of equal or greater efficiency and shall have at least two four-wheel trucks with standard steel wheels or their equivalent. Draft gears shall must have a minimum travel of 2 1/2 inches and a minimum capacity of 18,000 foot-pounds and shall comply with Association of American Railroads Standard M-901 or its equivalent.

(b) Electric lighting of at least 40 foot-candles shall must be provided for direct illumination of the caboose desk, reading areas, and lavatory facilities.

(c) A spotlight shall must be provided on the rear of the caboose with sufficient candlepower to illuminate the track for a distance of at least 300 feet to the rear of the

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1 caboose during the hours of darkness.

2 (d) The caboose marker or markers shall must be either
3 reflectorized or capable of illumination when required.

4 (e) Only glass of the safety-glass type shall may be
5 used in partitions, doors, windows, or wind deflectors.

6 (f) All seats and seat backs shall must conform to the
7 safety standards designated by the United States department
8 of transportation in its "Federal Motor Vehicle Safety
9 Standards", Motor Vehicle Safety Standard No. 201. All edges
10 and protrusions on seats and seat backs shall must be
11 rounded to prevent injury to employees.

12 (3)(2) Any A person, corporation, or company, operating
13 any railroad or railway in this state, violating any of the
14 provisions of this section and 69-14-233 is guilty of a
15 misdemeanor and upon conviction thereof shall be fined not
16 less than \$500 or more than \$1,000 for each offense."

17 NEW SECTION. Section 2. Effective date. [This act] is
18 effective on passage and approval.

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