

1 Senate BILL NO. 354
 2 INTRODUCED BY DeVane

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 72-159, R.C.M. 1947, PROVIDING FOR REMOVAL OF SIDETRACKS,
 6 SPUR TRACKS, STOCK FACILITY, AND STOCK LOADING OR UNLOADING
 7 FACILITIES UNDER CERTAIN CONDITIONS WHEN SUCH FACILITY IS NO
 8 LONGER REQUIRED BY PUBLIC CONVENIENCE AND NECESSITY."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 72-159, R.C.M. 1947, is amended to
 12 read as follows:

13 "72-159. Power of railroad the commission as to
 14 sidetracks, stockyards and chutes. The commission shall have
 15 full power and authority, after notice and hearing, to
 16 compel railroads, railways, or common carriers operating
 17 within the state of Montana, to construct or extend public
 18 loading or unloading tracks at stations, and shall likewise
 19 have full power and authority to compel the construction or
 20 extension of stockyards, stockchutes, or stockpens, whenever
 21 the necessity therefor has been established to the
 22 satisfaction of the commission; provided, however, where a
 23 sidetrack, spur track or loading and unloading facility has
 24 been constructed for a single shipper or industry and is not
 25 used by the public and the individual shipper or industry

1 requests that such track or facility be removed from its
 2 property then such removal may be made by giving notice of
 3 such request for removal to the commission and without
 4 necessity for approval of such removal; and, provided
 5 further, that in the event such sidetrack, spur track or
 6 stock facility formerly used by the public, has not been
 7 used by the public for loading or unloading rail shipments
 8 for a period of five (5) years, and proof thereof is
 9 established by affidavit of a railroad officer having
 10 knowledge thereof, then such installation or facility may be
 11 removed after the railroad involved has given thirty (30)
 12 days notice to the Montana public service commission, and to
 13 the Montana consumer counsel, unless the commission, within
 14 the thirty (30) day period notifies the railroad that such
 15 removal may not be made until approval by the commission, in
 16 which case the commission shall set a public hearing within
 17 thirty (30) days of such notice to the railroad, to
 18 determine whether public convenience and necessity requires
 19 the continued maintenance of such installation or facility."

-End-

Approved by Committee
on Highways & Transportation

1 Senate BILL NO. 354
2 INTRODUCED BY Levine

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18 determine whether public convenience and necessity requires
19 the continued maintenance of such installation or facility."

-End-

HOUSE OF REPRESENTATIVES

March 15, 1975

HOUSE COMMITTEE ON STATE ADMINISTRATION AMENDMENT TO SENATE BILL 354

1. Amend page 1, section 1. line 24.

Following: "for"

Insert: "and used exclusively by"

2. Amend page 2. section 1, line 2.

Following: "be"

Strike: the remainder of the bill

Insert: "authorized"

AS SO AMENDED
BE CONCURRED IN

1 SENATE BILL NO. 354

2 INTRODUCED BY DEVINE

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20 extension of stockyards, stockchutes, or stockpens, whenever
21 the necessity therefor has been established to the
22 satisfaction of the commission; provided, however, where a
23 sidetrack, spur track or loading and unloading facility has
24 been constructed for AND USED EXCLUSIVELY BY a single
25 shipper or industry and is not used by the public and the

1 individual shipper or industry requests that such track or
2 facility be removed from its property then such removal may
3 be made-by-giving-notice-of-such-request-for-removal-to-the
4 commission--and--without--necessity--for--approval--of--such
5 removal;--and--provided--further--that--in--the-event-such
6 sidetrack, spur track or stock facility formerly used by the
7 public, has not been used by the public for loading or
8 unloading rail shipments for a period of five (5) years, and
9 proof thereof is established by affidavit of a railroad
10 officer having knowledge thereof, then such installation or
11 facility may be removed after the railroad involved has
12 given thirty (30) days notice to the Montana public--service
13 commission--and to the Montana consumer council, unless the
14 commission, within the thirty (30) day period, notifies the
15 railroad that such removal may not be made until approval by
16 the commission, in which case the commission shall set a
17 public hearing within thirty (30) days of such notice to the
18 railroad, to determine whether public convenience--and
19 necessity--requires--the--continued--maintenance--of--such
20 installation or facility AUTHORIZED."

-End-