

SENATE BILL NO. 402  
INTRODUCED BY HARP, BACHINI

IN THE SENATE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 15, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 16, 1989	PRINTING REPORT.
FEBRUARY 17, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 20, 1989	THIRD READING, PASSED. AYES, 49; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 19, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 21, 1989	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 16, 1989	THIRD READING, CONCURRED IN. AYES, 91; NOES, 4.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *402*  
2 INTRODUCED BY *HARP Beckwith*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PUBLIC  
5 SERVICE COMMISSION'S AUTHORITY TO ORDER INSTALLATION OF  
6 SIGNALS AT RAILROAD CROSSINGS; AUTHORIZING THE HIGHWAY  
7 COMMISSION TO PRIORITIZE THE EXPENDITURE OF FUNDS ON  
8 RAILROAD CROSSINGS; PROVIDING FOR PUBLIC HEARINGS; AND  
9 REPEALING SECTIONS 69-14-621 THROUGH 69-14-625, MCA."

10  
11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because  
13 it delegates to the highway commission authority to adopt  
14 rules to prioritize the expenditure of funds on railroad  
15 crossings. It is the intent of the legislature that in  
16 adopting those rules, the commission comply with applicable  
17 statutes and with its own rules. The legislature further  
18 intends that the commission develop a system of  
19 prioritization of crossings to be applied by the department  
20 of highways, including but not limited to consideration of  
21 sight distance, number and speed of trains, traffic volume,  
22 approach angle, highway alignment, approach grades, crossing  
23 width, and any other hazardous conditions that warrant the  
24 installation of signals.  
25

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

2 NEW SECTION. **Section 1.** Authority of commission to  
3 prioritize expenditures on railroad crossings -- public  
4 hearing. (1) The commission shall adopt rules to prioritize  
5 the expenditure of funds on railroad crossings.

6 (2) If requested by the board of county commissioners  
7 of any county, the commission shall conduct a public hearing  
8 in the affected county on the priority assigned any railroad  
9 crossing, and based on the evidence presented at the public  
10 hearing, the commission may revise the priority of the  
11 railroad crossing.

12 NEW SECTION. **Section 2.** Repealer. Sections 69-14-621  
13 through 69-14-625, MCA, are repealed.

14 NEW SECTION. **Section 3.** Codification instruction.  
15 [Section 1] is intended to be codified as an integral part  
16 of Title 60, chapter 2, and the provisions of Title 60,  
17 chapter 2, apply to [section 1].

-End-

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION1 Asst. BILL NO. 402  
2 INTRODUCED BY HARP Beehive  
34 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PUBLIC  
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2 INTRODUCED BY *JANP. Raskin*  
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17 chapter 2, apply to [section 1].

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## SENATE BILL NO. 402

INTRODUCED BY HARP, BACHINI

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE PUBLIC SERVICE COMMISSION'S AUTHORITY TO ORDER INSTALLATION OF SIGNALS AT RAILROAD CROSSINGS; AUTHORIZING THE HIGHWAY COMMISSION TO PRIORITIZE THE EXPENDITURE OF FUNDS ON RAILROAD CROSSINGS; PROVIDING FOR PUBLIC HEARINGS; AND REPEALING SECTIONS 69-14-621 THROUGH 69-14-625, MCA."

## STATEMENT OF INTENT

A statement of intent is required for this bill because it delegates to the highway commission authority to adopt rules to prioritize the expenditure of funds on railroad crossings. It is the intent of the legislature that in adopting those rules, the commission comply with applicable statutes and with its own rules. The legislature further intends that the commission develop a system of prioritization of crossings to be applied by the department of highways, including but not limited to consideration of sight distance, number and speed of trains, traffic volume, approach angle, highway alignment, approach grades, crossing width, and any other hazardous conditions that warrant the installation of signals.

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

NEW SECTION. **Section 1.** Authority of commission to prioritize expenditures on railroad crossings -- public hearing. (1) The commission shall adopt rules to prioritize the expenditure of funds on railroad crossings.

(2) If requested by the board of county commissioners of any county, the commission shall conduct a public hearing in the affected county on the priority assigned any railroad crossing, and based on the evidence presented at the public hearing, the commission may revise the priority of the railroad crossing.

NEW SECTION. **Section 2.** Repealer. Sections 69-14-621 through 69-14-625, MCA, are repealed.

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