

SENATE BILL NO. 249

INTRODUCED BY YELLOWTAIL
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 25, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 10, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
FEBRUARY 11, 1993	SECOND READING, DO PASS.
FEBRUARY 12, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 15, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 29, 1993	SECOND READING, CONCURRED IN.
MARCH 31, 1993	THIRD READING, CONCURRED IN. AYES, 92; NOES, 7.
APRIL 1, 1993	RETURNED TO SENATE.

IN THE SENATE

APRIL 2, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 **Senate** BILL NO. **249**
 2 INTRODUCED BY Hollenstein
 3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
 6 REQUIREMENT FOR REAR-END TELEMETRY DEVICES ON TRAINS; AND
 7 AMENDING SECTION 69-14-116, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "69-14-116. General protection of health and safety on
 12 railroads -- rear-end telemetry systems -- exemption for a
 13 caboose-equipped train. (1) The commission has full
 14 authority:

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

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

1 (2) (a) Except as provided in subsection (4), the
 2 commission shall, to the extent permitted by federal law,
 3 require a railroad operating trains in Montana to install a
 4 rear-end train telemetry system on all trains operating
 5 within mountain grade territory as geographically defined
 6 and designated by mile posts in the railroad's official
 7 timetable and operating rules on file with the commission.

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

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

17 (ii) rear car movement;

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

20 (iv) remaining battery life powering the telemetry
 21 system;

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

25 (vi) total distance travelled in feet by the locomotive

1 to which the device is attached.

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

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

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

16 (3) The inspection, rules, and regulations required
17 under subsections (1) and (2) must be compatible with any
18 federal provisions and may not create an undue burden on
19 interstate commerce.

20 (4) The commission may not require the installation and
21 use of a telemetry system as described in this section on a
22 train equipped with a caboose that:

23 (a) meets the requirements of Montana law;

24 (b) is placed as the last car of the train; and

25 (c) is occupied by a member of the train crew."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY*Senate* BILL NO. *249*INTRODUCED BY *Hillertail*
BY REQUEST OF THE SENATE JUDICIARY COMMITTEEA BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
REQUIREMENT FOR REAR-END TELEMETRY DEVICES ON TRAINS; AND
AMENDING SECTION 69-14-116, MCA."

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 -- exemption for a
caboose-equipped train. (1) The commission 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,engineers,yardmen,maintenance-of-way--employees,
highway--crossing--watchmen,and-clerical,-platform-freight
house,-and-express-employees; and

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

(2) (a) Except as provided in subsection (4), the
commission shall, to the extent permitted by federal law,
require a railroad operating trains in Montana to install a
rear-end train telemetry system 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.

(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

(vi) total distance travelled in feet by the locomotive

1 to which the device is attached.

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

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

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

16 (3) The inspection, rules, and regulations required
17 under subsections (1) and (2) must be compatible with any
18 federal provisions and may not create an undue burden on
19 interstate commerce.

20 (4) The commission may not require the installation and
21 use of a telemetry system as described in this section on a
22 train equipped with a caboose that:

23 (a) meets the requirements of Montana law;

24 (b) is placed as the last car of the train; and

25 (c) is occupied by a member of the train crew."

-End-

Senate BILL NO. *249*

INTRODUCED BY *Hellenfus*
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
REQUIREMENT FOR REAR-END TELEMTRY DEVICES ON TRAINS; AND
AMENDING SECTION 69-14-116, MCA."

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 telemtry systems -- exemption for a
caboose-equipped train. (1) The commission 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--enginemn--yardmen--maintenance-of-way--employees,
highway--crossing--watchmen--and-clerical--platform--freight
house--and-express-employees; and

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

(2) (a) Except as provided in subsection (4), the
commission shall, to the extent permitted by federal law,
require a railroad operating trains in Montana to install a
rear-end train telemtry system 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.

(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

(vi) total distance travelled in feet by the locomotive

1 to which the device is attached.

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

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

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

16 (3) The inspection, rules, and regulations required
17 under subsections (1) and (2) must be compatible with any
18 federal provisions and may not create an undue burden on
19 interstate commerce.

20 (4) The commission may not require the installation and
21 use of a telemetry system as described in this section on a
22 train equipped with a caboose that:

- 23 (a) meets the requirements of Montana law;
24 (b) is placed as the last car of the train; and
25 (c) is occupied by a member of the train crew."

-End-

SENATE BILL NO. 249

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE REQUIREMENT FOR REAR-END TELEMETRY DEVICES ON TRAINS; 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 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,--engineers,--yardmen,--maintenance-of-way--employees, highway--crossing--watchmen,--and--clerical,--platform,--freight house,--and--express--employees; and

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

(2) (a) Except as provided in subsection (4), the commission shall, to the extent permitted by federal law, require a railroad operating trains in Montana to install a rear-end train telemetry system 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.

(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

(vi) total distance travelled in feet by the locomotive.

1 to which the device is attached.

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

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

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

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17 under subsections (1) and (2) must be compatible with any
18 federal provisions and may not create an undue burden on
19 interstate commerce.

20 (4) The commission may not require the installation and
21 use of a telemetry system as described in this section on a
22 train equipped with a caboose that:

23 (a) meets the requirements of Montana law;

24 (b) is placed as the last car of the train; and

25 (c) is occupied by a member of the train crew."

-End-

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