

HOUSE BILL NO. 803

INTRODUCED BY B. PHALEN, B. LER, G. PARRY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LOCOMOTIVE CREW REQUIREMENTS FOR FREIGHT TRAINS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Locomotive crew requirements.** (1) Except as provided in subsection (2), a railroad may not operate a train or locomotive engine engaged in transporting freight in this state unless the train or locomotive engine is operated by a crew of not fewer than two individuals, one of whom is certified by the federal railroad administration as a locomotive engineer, and the other who is certified by the federal railroad administration as a conductor.

(2) Subsection (1) does not apply when:

- (a) operating a locomotive engine in helper service; or
- (b) operating a locomotive engine in hostler service.

(3) As used in this section, the following definitions apply:

(a) "Helper service" means assisting a train that is experiencing a mechanical failure or that is ascending or descending a grade by coupling a locomotive engine to the front or rear of the train.

(b) "Hostler service" means moving a locomotive engine a short distance within a railroad yard or mechanical facility.

(c) "Train" means one or more locomotive engines, coupled with or without cars, that are required to undergo federal airbrake testing.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 69, chapter 14, part 10, and the provisions of Title 69, chapter 14, part 10, apply to [section 1].

