

H B

154

COMMITTEE REPORT

HOUSE

FURTHER:

(9)

3/11/83

Date: 3-22-83

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 154

An Act relating to train crew size.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Mr. W. Miller Do Pass
Adelheid Horowitz Do Pass
Butte Co. Do Pass

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Butte Co. Do Pass
Mike ... Do Pass

Butte Co.
CHAIRMAN

MPT

8:00 AM, 3/22/83
Capitol, Room 108

HOUSE TRANSPORTATION COMMITTEE

CHAIR PERSON	✓ BETTE CATO	D-VALDEZ
VICE-CHAIR PERSON	✓ MIKE MILLER	
MEMBER	MITCH ABOOD	R
"	✓ RANDY PHILLIPS	R
"	✓ BARBARA LACHER	R
"	✓ ALDERHEID HERRMANN	D
"	MIKE SZYMANSKI	D
"	JACK McBRIDE	D
"	MIKE DAVIS	D

I am M. P. Taylor, Manager, Rail & Alaska Operations, resident of Skaqway, for the 20 mile narrow gauge. RR

After 85 years - Now in a non-competitive position

73 " - of successful operation without this legislation.

Only railroad in the 50 states - should not apply to international RR.

Applies to only 20 miles - ARR not effected, Law stems back to turn of the century steam days. *ARR only 3-person crews*

Top speed on grades in the 20 miles this law regulates, is 15 MPH, with all bridges, walls etc, reduced to 10 MPH

Belongs on bargaining table. Law does not allow free flexibility in union-management negotiations.

The F.R.R. ADM governs Safety

This law was not born out of safety. It was thoroughly studied by two federal governments, namely:

- 3) Three United States Presidential Commissions
- and One Canadian Royal Commission

(Alaska Human Rights Commission - Cantrell)

Today the RR industry on the Eastern seaboard is making a remarkable comeback because they are permitted to be competitive. Such consist rules are freely negotiated between management and labor. Two men, No caboose, 15 Cars.

(Display & Quote "MODERN RAILROADS

We are inspected and regulated by the US Federal Railroad Administration, and the Canadian Transport Commission. We must comply with the same safety and operating regulations as any standard gauge transcontinental RR. The only difference being, we only, still have to comply with the law under discussion. I hasten to point out that the FRA & CTC regulations now reflect reduced consist crew size is left strictly to management-labor negotiations.

OPERATING WITH A 3 MAN CREW.

Our RR is 110 miles long. In this 110 miles we are regulated by eight jurisdictional bodies - one for each 14 miles. In Alaska it is one for each 5 miles. A very difficult task to say the least.

We have management-labor negotiated crew consist on the Canadian portion of the RR. It is working successfully and is now a fact of life.

We have hauled passengers for 85 years without a fatality. In recent years in excess of 50 thousand annually and they still want to come - in fact they are calling every day expressing disappointment that the trip is not available for '83.

(Last fatality to a T&E was in 1947)

(F.E.L.A.)

Our earnings, except for most of our passenger business, are all in Canadian dollars. With the exchange rate we must earn \$1.23 Canadian for every dollar paid out in Alaska. This in itself is burden enough.

When a management-labor issue is regarded as a State issue, questions are inevitable. Crew consist should be a management-labor issue. We have a drain here with no ultimate plug. We need jointly (management-labor) to return to a competitive position and at the same time put a stopper in the drain. It just won't work any other way.

①

has
Last year the law was amended to permit a 3 man yard crew. Nothing changed on the property because there has been no management-labor negotiation.

A short while ago I recall one of our State airlines asked the State for assistance in determining crew consist. They were turned down and that is the way it should be.

With today's technology the continental RR's all, without exception, operate without ^{STATE} laws governing crew consist. Look at the changes taking place daily on the flight decks of our largest aircrafts in respect crew consist.

Frankly, we are no longer competitive. We have been a good Corporate citizen in Skagway - our objective is to get our 156 furloughed Skagway employees back to work at the earliest possible time. But we need your help.

*
We must have a window - a window of Hope - if we are to return to a competitive position. Our employees need the same window.

Honorable members of the Committee, I ask you to help provide a small portion of this window of Hope by lifting this unnecessary burden from our shoulders by repealing this law.

I would be pleased to answer any questions to the best of my ability.

* Simply put, The RR will not re-open until a number of things happen, and repeal of this law is one of those things. The RR has been losing money for years — 4 m back in '79 we're just not competitive under the present structure

FINANCIAL STATUS OF 3

Company no longer in a position to help

*...Financing conditions of our 3 operating companies; Railroad goes through 3 jurisdictions. Are all in trouble and that's not to say that the corporate wouldn't permit the rail to operate at some loss or at break even point, cause it is a link in all the rest of our corporate operations. But the corporate is no longer in a position to finance the losses of the rail operation.

I think we are a progressive company; we've proven that through the years.

Reason for shutdown is basically because of mining operations are shutdown?
(asked by Rep. Miller).

Mr. Taylor: That is one of several reasons

HOUSE FLOOR SESSION
HB 154
4/12/83

Hayes HB 154 before us in 2nd reading

Goll Move this amendment and ask unanimous consent.

Hayes There is objection.

Goll This bill that addresses 5 man crew law has been considered by committees of this body. During that time been approached by numerous representatives of the community of Skagway, notably those employed by the White Pass RR requesting some modifications be made to protect the health and safety of those employees. Historically, these laws of this kind have received some criticism and rightly so, in mandating the labor-mgmt relations between railroads and for this reason I support the intent of the legislation, specifically, the AK legislature may find itself in possession of AK RR and this RR is exempt from the 5 man crew law because it is a federal RR, but upon transfer to AK, it becomes subject to that restriction, which I don't feel is appropriate and would urge passage of this bill. However, in Skagway, we have a different situation, a narrow gauge RR there which traverses some difficult mountain passes there and presents threat and danger to health and safety because of nature of the track. The tressels are dilapidated but more important, they don't have walkways between them, and on the RR it is sometimes difficult or impossible for the crews to move freely between the cars to deal with certain instances with passengers or operations of the train itself. The union has stated most emphatically, and it should be noted that the union is protected by contract with regard to the crew and there would not be any change in relations between labor and mgmt at this time of the White Pass RR. Nonetheless, what the people who work on the trains are looking for are increased modification of the track to provide for access in case of emergency across or along the edges of these tressels and barring that, some sort of protection which will provide for crew members in various parts of the train in case of emergency. I have been assured by the unions involved and the individual employees on variety of occasions that at such time as health and safety needs are met, by improvement of the track or walkway adjacent there to, that the union itself would take action to see that the rest of this law was repealed. With regards to the amendment specifically, it seems rather wordy, all it really is is a reproduction of the existing statute, with the addition of the word narrow gauge. This would provide

for all RR in AK to have absolutely free reign in determining their crew size with the exception of the narrow gauge RR which in my opinion and opinions of the employees and many residents of Skagway, require special treatment at this time. I hope you will support this amendment for the sake of the life and safety concerns of the people who operate the White Pass and upon doing so I would then urge your passage of the entire bill. Thank you very much.

Furnace

As this party is aware of, the Labor and Commerce Committee did hold hearings on this particular piece of legislation and we did invite mgmt and labor to come in and they did support passage of the legislation as presented here today for discussion. One of the central reasons for that is strongly felt that this is indeed a labor relation matter-one that should be solved at the table and it appears to me reading through the amendment, although there may be some merit here, it has a tendency to defeat the purpose of the bill as it has been discussed to the committee, and that is to put this responsibility back in the hands of labor and mgmt and let them collectively resolve the issue. Support of this amendment would again defeat the purpose of the bill as we have it today. I'm sure that there are additional members on this floor that have more information than I have on it. I would simply urge the body not to support the amendment however.

Duncan

As I interpret the amendment, I may be wrong, it does not defeat the intent of the bill. The amendment speaks only to narrow gauge RR. It does, as the Rep from Haines explained, does allow the AK RR or any other RR to have whatever size crew determined at the bargaining table. This amendment would say that for narrow gauge RR there shall be 5 member crew and as far as I know that is only one RR and that is in the Skagway area. So, I don't think it defeats the intent of the legislation at all.

Phillips

Really didn't want to get into the debate here but I'll try to give a summation of our meeting with White Pass and the Yukon RR officials in Whitehorse. We had met with Tom King and other man from Skagway, counterpart-on American side, and they were in opinion that they must have, one of their bottom lines for survival of the RR, was to have this law changed from a 5 man crew to 3 man crew and as I understand it, the 5 man crew also applies in the yards itself and not just along the track. But this was one of their bottom line recommendations in order for the survival of the RR as a whole in the near future. Of course, we have the Cyprus Anvil mine being closed there and if that reopens that will solve quite a bit of the problem with the RR but that's just only one of the problems, this other

thing the crew size is another problem that needs to be solved in order for RR to reopen. Now it was reemphasized that this alone, the crew size will not save the RR but it will help and we have asked numerous questions and this was one of their bottom lines in order to fulfill the reopening of the RR.

Uehling

Question through the chair to the sponsor of the amendment. Basically, why are we giving this particular group, the narrow gauge RR a special exemption over other RR in the state?

Goll

Let me answer the questions raised in reverse order. First, with regards to the appearance of special exemption, we are not exempting this particular company or anything of that sort, it is my belief and belief of those who work the RR that what we have here is very winding tracks that go around the mountain passes and is very treacherous. The conditions of the tressels and facilities have not been upgraded for many years and there have been alot of near misses and the last thing I would like to do is contribute to creating fewer personnel on a RR where emergency situations are not unheard of. If you drove on flat ground, all have to do is stop train, but you have a situation on these tracks it is considered to be very dangerous by the people involved. This law would provide a professional person on the train for such emergencies. To try to stress the point would like to refer to comments of first speaker from Anchorage, it is important to recognize that it is very valid to free up the ability of surface transport industry to make its own contract determinations, this particular case is that of life and safety protection, at least that is my view of the matter, and for that reason, I support this amendment, not in order to hamstring mgmt or labor in its negotiating process, but to insure that where necessary, we have adequate safety standards on these railroads. With the regards to comments from Rep from Eagle River, its all very well for Canadian mgmt to state that they can not operate under these circumstances, not withstanding that, they have been successfully operating under these circumstances for many years, reason that the White Pass RR is closed is because mines in Yukon Territory are closed. 85% White Pass's business is based on transport of mineral materials. It's not appropriate and not correct to imply that by reducing the crews by 2 men that the RR will somehow overcome an 85% loss of revenue nor is it correct to assert that if they were to overcome those revenues they would be unable to operate with this crew size. I have great respect for the needs of mgmt and owners of RR, or trucks or property of any sort, but here we have the safety of the workers in question and a long history of successful operation under the existing law and don't think its correct to assert that this will create such difficulties for the

White Pass and I'd like to refer you to line 3 of the amendment which states specifically that this only deals with operation outside of the yards, in the case of the RR, impacted is essentially on these mountains outside of town and that's the rationale behind this amendment.

Hurlbert

Support the amendment. Urge the body to give courtesy to the member from area that deals with that.

Szymanski

I raise in support of the amendment also and I think that the knowledge that the Rep from Southeastern has concerning The White Pass RR is evident. The amendment does narrowly define the application of the law to the narrow gauge RR and there is only one in existence and possibly the only one in the future. I think public safety is one of the charges that we have here as the body to protect and I don't see any harm to continue the language and supporting the language of the narrow gauge RR service protection as outlined in the amendment and would urge all members to consider it before they dismiss it out of hand. Haven't heard any testimony in committee indicating that there would be any significant advantage at all to repeal the language.

Uehling

Basically, I oppose the amendment and I believe that the Rep from Haines did answer some of my questions. I think that by adding this amendment we will be giving certain exemption to this particular Railway and basically, don't think its fair to put a crew size of 5 people in that particular situation and not allow other situations through out the state. And considering the fact that it goes into Canada and it a Canadian RR.

Barnes

Discuss a moment the relevancy of this amendment to the bill. My understanding and discussion of White Pass RR was that one of the reasons the RR was not running was exactly what is encompassed in the amendment that is presently before us. And it is my feeling that if the amendment is adopted, we simply have no reason to pass the bill because we are back at the starting point, where we were when we initially began and it would be my opinion then that since we would have no need for the bill, that we would at that point return it to rules.

Goll

Did discuss amendment with office of the sponsor and it was understood that was of particular concern was that the AK RR not be impacted by this sort of restriction. That it be free to set its crew sizes appropriate to its needs. The way the law is written in so far as there are not any other operating RR in the state, that would now occur with the transfer of the AK RR to the state. It was my hope to protect the health and safety of the employees and the passengers and believe this particular RR or any RR

of its type requires these sorts of safeguards and that was the sole intent of the amendment. My feeling is that due to the circumstances upcoming with the AK RR it still is very valid that we pass this bill amended.

McBride

I was at the Whitehorse conference and heard the gentlemen that runs the RR. We need to understand that he is a very good manager and does his job well and he would like to accomplish as much as he can while the RR is shut down. Foolish to think that because there is 2 people that he thinks may or may not need to be on that RR to think that is the reason it isn't operating. There was quite a bit of discussion on that earlier when RR was talking about shutting down and when they did shut down and it just absolutely doesn't have anything to do with it; what matters is that the mines are not running and while they are not operating and he is going to get as much as he can in every segment of that, including negotiating with the mine etc also. It is in the matter of labor negotiation as this just sets a minimum crew size and the labor and mgmt could very well decide to have 10 men run that crew. Our interest here is just to protect the public safety and we have to realize that the most treacherous part of the trip on that RR is on the AK side and therefore that is the thing that we should be considering today, if the public safety is well addressed w/o a minimum crew law on that particular RR and I believe it should.

Duncan

Speak in support of amendment introduced by Rep from Haines. Been some statements made that this amendment is going to cause the RR to be closed down indefinitely and the reason it did close down and one of the reasons as because of the requirement of 5 crew members. That is not true and I think that the Rep from Haines indicated very clearly that that wasn't the case. The real reason why the White Pass is not running now is because 85% of its revenues are gone because of the closure of the mines, not because of the size of the crew they are required to operate with on passenger service. That full crew law did not force the closure of the White Pass RR. That law only applies to passenger service. There are only 2 crews that operate on the passenger end of that operation. What we are really talking about is 4 jobs, difference between the 5 member crew and 3 member crew on 2 crews - that's 4 positions. The requirement that they put those 4 people on or 2 members on each crew in order to maintain safety is not going to cause the RR to stay closed down. The real point is the safety of the passengers and the crew and not the normal RR operation that you are running across miles of prairie. You are running up in the mountains of some winding passes, tressels and if something happened on that train, it is very important to have crew men there who can handle it. Seems to me we should rely on the information that the individual

from Haines has. He has worked very diligently over past few weeks with White Pass trying to resolve the problem there and I am confident that if he felt that reduction to a 3 member crew was going to get that RR going again, then he would support that. On the other hand, he does feel that safety is a very high requirement on the RR. And a 5 member crew meets that. Again, the reason for that closure was not because of the full crew law but because of the fact that 85% of the revenues are gone. Also remind some of the members that have been here for some years, at least for the past 5 or 6 years we have fought this same battle. This proposal has been before us for the past 5-6 years. There has been attempts to reduce the size of the crews on the passenger service for White Pass and Yukon. And they didn't close down because they didn't get that reduction. White Pass-Yukon continued to operate. They only closed this past year when the mines closed and the revenues dropped considerably. All we are talking about are 4 positions, 4 members of the crew. That difference will not cause the White Pass-Yukon to close down. I think we should rely on information from Rep from Haines has and has worked closely with them, most knowledgable on this floor as far as White Pass-Yukon RR goes and we should accept his advice and support his amendment.

Miller

Correct one statement. Mentioned that full crew law applied even in the yard. The amendment of Rep. of Haines specifically lowers the 5 crew down to 3 person crew while in the yard (sec 2). Another indication of the correctness of this amendment. Urge my colleagues to vote yes.

Grussendorf

Some concern in relation to negotiation between mgmt and labor on the operation of the RR. I would like to remind this body that we are talking about a foreign owned RR that is doing commerce in the US with AK. It is not uncommon for the US or a state to demand a certain level of standards that the mgmt would have to comply with for the safety and general commerce actions that are going to occur. And this says something that I think we are overlooking, we have been comparing it to the other RR throughout the state of AK which we don't have that many, but its a different thing, we don't have the handle on it as much as we don't have a handle on Panamanian ships and how they handle crews and passengers. You can see that if there was an emergency on the RR (for those who have ridden it or driven alongside it) , it would be nice to have 5 crew members because you would want someone at both ends as well as in the middle to tell the passengers to stay on or where to get off. Would be important from a safety point of view and therefore I support the amendment.

Bettisworth

Rarely do I have a chance to agree with my colleague in Juneau, but basically, everything he said is correct.

But there is another approach to this situation: This amendment is not necessary primarily because it is not the prerogative of the State of AK or any other state to dictate by law to any organization how many people they should or should not use to perform a function. That is the prerogative of negotiations between labor and mgmt if those negotiations exist. Certainly, safety is a factor and should be a factor. All you are quite familiar with the Teamsters Union 959 in the State of AK who is the rep. bargaining agent for that RR. And in bargaining sessions, it is established between labor and mgmt that they need 10 people to operate that train, certainly it will be in their agreement. However, if they determine it takes 3-4 people they cannot do it because the State of AK has interfered with their right as mgmt and labor to negotiate an agreement. Therein is the problem with this amendment. It doesn't necessarily have anything to do with whether the RR will or will not operate that's correct, if this amendment should pass and certainly we should all vote against the bill, because the object of this whole legislation is to remove an archaic law that was put on the books over 40yrs ago when RR were converting to coal fire to oil fire engines and was a move to preserve jobs by organized labor and nothing else. This is the last state in the union to fail to remove that archaic law from books. This is our opportunity to do it and we ought to do it. The amendment completely defeats the purpose of the bill.

Goll

Repeat once again. Agree completely with previous speaker that in most cases and particularly in the case of the AK RR we do not wish to have these sort of constraints. This law is devoted to this particular RR. This narrow gauge RR has a real need for this size crew, simply for the life and safety reasons that have stated. It is important that the law, the original bill do pass, in order that the AK RR be free from unnecessary regulations. I am not a supporter of unnecessary regulation and I do feel that in this case, just as in other life and safety issues, the State of AK has obligation to protect its citizens and would like to see this amendment passed on the White Pass RR.

Abood

For the edification of this body, there is only one operating narrow gauge RR. They have many crew members on it and that's in Disney Land. Very peculiar, you've got 15% of the narrow gauge RR when it's operating again will be devoted to passenger service. Right now the RR isn't running and its costing them a great deal of money to keep the things sitting the way it is. I don't think this amendment is good because it doesn't do a thing. All the rest of the US have elected the 5 man crew is not in the best interests of the state. I have to agree with the Rep from Fairbanks, we are trying to pull it down, make it less costly. I would urge the body against the amendment and if the amendment passes I personally vote against the bill.

Wendte Agree with the gold miner from Flat lands to the extent that we are not talking about labor-mgmt issue, not talking the existence of the RR for financial reasons, but point out that the 40's was probably when the same cars, track and whole same set up has changed very little on that RR. Wonder how many of you on this floor has ridden that RR as I have and would hope that before you leave SE you would do that and in doing that I would hope that there be 5 crew members so that you would be back next year. The concern is one of safety and I don't think...I don't care to leave it up to labor to tell me that we can get by with one person for a crew of a 747 for example. I think in areas of public safety the record is very clear to the extent that we have a responsibility to provide safety for our citizens. I think the arguments on this floor clearly revolve around the issue of safety for the operation of one particular RR. That has been one that has been there, it is archaic, it needs additional concern for safety than do other RR or "the" RR in this state and I would support the amendment and think it is our responsibility to provide for the safety of travelers on that RR and hope we would adopt that today.

Hayes Further debate? Are you ready for the question? The question is Shall the House adopt amendment number 1 to HB 154?

Clerk Roll: 17 yeas, 20 nays

Hayes House has failed to adopt amendment number 1. Does the Clerk have further amendments?

Clerk No

Hayes HB 154 before us in 2nd reading. Any amendments?

Clerk No

Barnes Move and ask unanimous consent that HB 154 be considered engrossed, advanced to 3rd reading and placed on final passage.

Hayes No objections, so ordered. Clerk please read bill for 3rd time

Clerk Reads bill

Hayes Debate? Ready for the question? Question is Shall HB 154...

Ducan Just a couple points more based on discussion during second reading when amendment offered. A couple points made by members who voted against the amendment that they didn't feel we should become involved in a labor-mgmt dispute, the legislature should stay out of that, something

that should be done at the table, point out that by not adopting the amendment, we did get the legislature involved in a labor-mgmt dispute only we took mgmt's side. It's mgmt that didn't want the 5 crew, full crew law; labor supports that, so contrary to the arguments that we should stay out of it and therefore not adopt the amendment, we involved ourselves directly in it, however the Legislature took mgmt's side. Which of course, I don't think is any better than taking labor's side. We should have left it as was. It was also mentioned that this law has been on books for 40 yrs. That is incorrect. The information I have is that it was probably about 12 yrs ago that this law was actually adopted by legislature. Wanted to make those points and urge the legislature to defeat the bill at this time.

Hayes Further debate? Ready with question?
Question is Shall HB 154 pass the House?
Rep Lindauer changed vote from yes to no

Clerk Roll: 24 yeas 12 nays

Hayes HB 154 has passed the House

Goll Would like to give notice of reconsideration
on vote for HF 154

Hayes Notice has been given

HOUSE FLOOR SESSION
HB 154
4/18/84

Hayes Unfinished business before body

Goll Bring up reconsideration of HB 154

Hayes Rep Goll has brought up reconsideration of HB 154. Clerk please read bill.

Clerk HB 154 by Rules Committee by request of the Governor. An Act relating to train crew size

Hayes HB 154 before us in 3rd reading under reconsideration. Is there debate?

Goll Like to return it to 2nd reading for purposes of introducing a specific amendment.

Hayes There is objection. Clerk please read amendment.

Clerk I don't have amendment.

Goll Same amendment introduced last week. Exempts narrow gauge RR from repeal of crew law in order to provide adequate health and safety for the crew and passengers on narrow gauge RR.

Hayes We have motion to return HB 154 to 2nd reading for purpose of specific amendment. The amendment has been previously submitted. Clerk please give page reference. There was objection to your motion Rep Goll to return to 2nd reading. Is there debate?

Goll No, Mr. Speaker we have probably covered the arguments pretty well and I would be ready for the question.

Wendte Urge body to recall my statements in bringing their conscience back to consistency last week when discussing deregulating the TV's and urge you develop that consistency as in our discussion that time of public convenience and you chose to regulate partially, deregulate at that time and to continue partial regulation. I would note in regard of the specific amendment being requested, that in this instance and I remind you we are talking safety and I consider in terms of the partial deregulation which is the effect of the amendment that safety is a much more justifiable reason to do it than just public convenience as you chose to do last week. I urge passage of the motion and adoption of amendment when it is before us. Remind us, as those of us involved in business since this did get a mgmt

versus labor, I hope the body would keep in mind that they would not consider it more important for the mgmt of a foreign corporation as opposed to Alaska workers, in this instance; particularly among those who may have visited Skagway—a community of 80% unemployed where every job counts. Primarily, I urge your adoption of the safety factor.

- Bettisworth Fail to see the parallel between TV and RR. Certainly, there is no worry that someone will put a parallel RR along the White Pass and Yukon. I would remind members and strongly urge you to vote against the amendment that under current law if determined by labor and management that they need 10 people on the RR they can do it. But if determined only need 4 people on it, they cannot. Decision needs to be worked out. Safety factor has been overworked on this subject and certainly we are all concerned, but we should also be concerned whether the train will be able to operate or not. Strongly urge you to vote against this amendment.
- Pestinger Understand the train is not operating now and there are no plans to operate it because of economics of mining in the region. If that is so, safety is not a factor, it's a moot factor. I respectfully submit that economics of mining in the territory may have a bigger issue than what we are debating.
- Hurlburt Rise in support of amendment and going back to 2nd reading. Safety is a factor. Think they are trying to get the most they can out of the White Pass RR being closed now. I support going back to 2nd reading.
- Hayes Further debate? Ready for the question?
Question is Shall HD 154 before us on reconsideration be returned to 2nd reading for purpose of a specific amendment. Proceed to vote.
- Clerk Roll: 18 Yeas 21 Nays
- Hayes Motion to return to 2nd reading failed. Is there debate?
Question is Shall HB 154 before us on reconsideration pass the House?
- Clerk Roll: 26 Yeas 13 Nays
- Hayes HB 154 has passed the House on reconsideration

this chapter committed within a period of two years after a previous conviction for a violation of §§ 405—415 of this chapter. Other convictions are first convictions. Each day's violation of the provisions of §§ 405—415 of this chapter is a separate offense. (§ 43-2-3 ACLA 1949)

Sec. 23.10.420. Train crews. (a) No person operating an Interstate Commerce Commission-regulated railroad offering passenger service in this state may operate a train or engine, outside of yard limits, regardless of the form of energy used for propulsion, unless it meets the following requirements:

(1) a passenger train shall have at least a minimum passenger crew, which shall consist of one locomotive engineer, one locomotive fireman (or helper), one conductor, one brakeman, and one flagman;

(2) a freight train shall have at least a minimum freight crew, which shall consist of one locomotive engineer, one locomotive fireman (or helper), one conductor, and two brakemen;

(3) a light engine without cars shall have at least a minimum light engine crew, which shall consist of one locomotive engineer, one locomotive fireman (or helper), and one conductor.

(b) Except for hostling movements and duties as negotiated for each railroad company, no person operating an Interstate Commerce Commission-regulated railroad offering passenger service in this state may operate an engine or locomotive, regardless of the form of energy used for propulsion, for switching cars or in transfer movements, unless every engine or locomotive is manned by a minimum crew consisting of one locomotive engineer, one locomotive fireman (or helper), one conductor, and two helpers.

(c) In this section "engine" includes connected, multiple units under single control.

(d) A person who violates a provision of this section may be fined up to \$500 upon conviction. Each violation constitutes a separate offense. (§ 1 ch. 150 SLA 1970)

Legislative committee report.—For 666 am S), see 1970 House Journal, p. report on ch. 150. SLA 1970 (CSHB 604.

HB 154 TITLE & SPONSOR SUMMARY
 AMENDED TITLE:
 AN ACT RELATING TO TRAIN CREW SIZE

11:43 2/20/84 PAGE 1

PRIME SPONSOR: HOUSE RULES COMMITTEE.
 CO-SPONSORS:

CURRENT STATUS: 7/01/83 CHAPTER 0040 JLA 83

HB 154 HOUSE ACTION 11:44 2/20/84 PAGE 2 OF 3
 LEGISLATIVE ACTION

DATE	SEC	PAGE	LEGISLATIVE ACTION
02/02/83	01	0158	FIRST READING -- COMMITTEE REPORTS
02/02/83	02	0159	F/NOTE EQUALS ZERO/ANALYSIS
02/02/83	03	0159	GOV TRANSMITTAL LETTER
03/11/83	04	0452	L&C -- DP03, NR02
03/23/83	05	0592	TRAN -- DP04, NR03
04/12/83	06	0825	SECOND READING
04/12/83	07	0827	AM01 NOT ADOPTED BY DIV 17-20-03
04/12/83	08	0827	ADVANCED TO 3RD READING BY UNAN CONSENT
04/12/83	09	0827	THIRD READING
04/12/83	10	0827	PASSED BY DIV 24-12-04
04/12/83	11	0827	NOTICE OF RECONSIDERATION GIVEN
04/18/83	12	0849	POSTPONED UNTIL 04/18/83 BY UNAN CONSENT
04/18/83	13	0906	FAILED TO RETN 2ND READING BY DIV 18-11-04
04/18/83	14	0907	PASSED ON RECONSIDERATION BY DIV 26-13-04
06/15/83	23	2131	TRANSMITTED TO GOVERNOR
07/01/83	24	2126	SIGNED BY GOVERNOR-CH0040, EFF 09/29/83

HB 154 SENATE ACTION 11:44 2/20/84 PAGE 3 OF 3
 LEGISLATIVE ACTION

DATE	SEC	PAGE	LEGISLATIVE ACTION
04/19/83	15	0746	FIRST READING -- COMMITTEE REPORTS
06/01/83	16	1100	TRAN -- DP03, NR01
06/22/83	17	1460	L&C -- DP02, NR02
06/24/83	18	1482	RLS --
			TAKEN UP IMMEDIATELY
06/24/83	19	1484	SECOND READING
06/24/83	20	1484	ADVANCED TO 3RD READING BY UNAN CONSENT
06/24/83	21	1485	THIRD READING
06/24/83	22	1485	PASSED BY DIV 10-00-06

Alaska State Legislature

House of Representatives



Rep. Bette Cato, Chairman

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

February 24, 1984

Maurice Byblow
Yukon Legislative Assembly
PO Box 2770
Whitehorse, Yukon Y1A 2C6

Dear Mr. Byblow:

Enclosed please find the information you requested on the White Pass-Yukon Railroad when visiting Juneau. In addition to the bill HB 154, "An Act relating to train crew size", the following information is contained in this packet:

- . The Alaska Statute on Train Crews
- . A letter from Governor Sheffield to the Speaker of the House concerning his position on the bill
- . The minutes for the House Floor Sessions on the bill and the minutes of the Committees that heard the bills
- . Copies of all Committee tapes and House and Senate Floor Session tapes on HB 154
- . Senate Bill 849, "An Act relating to minimum crew requirements for the operation of railroad trains and engines; and providing for an effective date".
- . The United Transportation Union's position on on SB 849
- . Committee minutes on SB 849

I hope this information will be sufficient for your needs. Please let me know if I can offer you any other assistance.

I truly enjoyed meeting with you and your delegation from the Yukon Territory and hope we may have the chance to do so again.

Sincerely,

A handwritten signature in cursive script that reads "Bette".

Representative Bette Cato
Chairman, House Transportation Committee

FEB 28 1984



FEB 28 1984

united transportation union

February 24, 1984

Representative Bette Cato
Box 775
Valdez, Alaska 99686

Dear Representative Cato:

Enclosed are copies of various articles from the Whitehorse Star, as well as Senator Stevens' entry into the Congressional Record January 26, 1984, and also an article from the Seattle Post Intelligencer, August 7, 1977. This organization strongly asks for similar type of action or statements from your respective position in the legislature.

At this time this organization still stands opposed to the year around opening of the Klondike Highway that would impact the White Pass Railroad as well as the tourist industry. You are well aware of the constant bleating of these foreign corporations putting all their woes on labor in general, and American labor here in Skagway in particular.

Sincerely,

Larry Jacquot
General Chairman
United Transportation Union
Local 1787

LJ:jb

Enclos



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, SECOND SESSION

Vol. 130

WASHINGTON, THURSDAY, JANUARY 26, 1984

No. 4

Senate

THURSDAY, JANUARY 26, 1984

(Legislative day of Monday, January 23, 1984)

S 224

ALASKANS ARE UNITED TO SAVE SKAGWAY

Mr. STEVENS. Mr. President, on December 15, 1983, the Canadian Transport Commission (CTC) completed an exhaustive inquiry into the transportation requirements of the Yukon and issued a draft report for comment by affected Canadian and Alaska interests. The formal comment period does not conclude until February 15. But public comment on certain findings and recommendations of the Commission is necessary and appropriate at this time.

It is possible that certain major shippers in the private sector will make fundamental transport decisions—perhaps as early as next week—which will profoundly affect Alaska. Those decisions should not be made without a full understanding of the probable consequences.

BACKGROUND

Mr. President, the city of Skagway is the closest year-round tidewater port for the Yukon Territory. For the past 84 years, the principal transportation system serving the Yukon has been the White Pass & Yukon Railway, providing passenger and freight service between Skagway and the territorial capital of Whitehorse. Of the total railway length, 59.1 miles are located in Yukon, 30.9 miles in the Province of British Columbia, and 20.4 miles in the State of Alaska.

As a private sector business enterprise, the railway, to say the least, is unique. It is owned and operated by the White Pass & Yukon Corp. Ltd., and the railway business in Alaska is carried on by a U.S. subsidiary, the Pacific & Arctic Railway & Navigation Co. (PARN). The PARN operates under a certificate of public convenience and necessity issued by the ICC. The Canadian operations are certificated by the CTC. Operations in Canada, of course, are governed by Canadian transport law.

The conflicting regulatory requirements of the United States and Canadian Governments have never been a serious problem. The challenges have been overcome by good-faith negotiations, and relations between the United States and Canada remain most harmonious in respect to the international railway system which serves vital interests in both countries.

Although owned by Canadian interests, the railroad's principal employment base is in Skagway. The maintenance shops are located in Skagway. The majority of the operating personnel are Alaskans. Alaskans for four generations have served the transport requirements of Yukon through the facilities at Skagway.

Unfortunately, Mr. President, railway operations between Whitehorse and Skagway were suspended following the closure of the Cyprus Anvil Mining Corp.'s (CAMC) open pit lead/zinc/silver mine and mill near Faro, Yukon Territory, in June 1982.

As noted in the CTC draft report—

(The main difficulty faced by the WPY Rail Division is that it is essentially a captive railway—captive to CAMC. Without CAMC traffic, it does not have the economic power to operate. Some believe it should op-

erate even without the high volume bulk freight but that would be impractical, for the fair rate to cover costs would be astronomical. (CTC draft report, p. 81).

Under controlling Canadian law, according to the CTC, the—

WPY Rail Division is a regulated mainline rail carrier and as such . . . it cannot set rates which are less than the compensatory rate (that is the rate must cover the long run variable cost of operation). (Id.)

In the last full year of operations prior to the closing of CAMC—

More than 9,900 tons of freight, 44,500 tons of petroleum products, 416,000 tons of (CAMC) mineral concentrate and approximately 55,000 passengers were carried by the railway. (Id., p. 26).

The Skagway employees, for the most part, have been without jobs since June 1982. The situation these employees now face is quite simple: if the CAMC resumes operations and converts to trucking rather than rail service for its ore concentrate transportation requirements, the White Pass & Yukon Railway, after all these years, will probably be abandoned under controlling Canadian law. Of course, PARN cannot operate a viable railroad from Skagway to a point on the Canadian border—so PARN will be abandoned as well.

The city of Skagway, under those circumstances, will have had a glorious past—but no future.

THE ALASKAN PUBLIC INTEREST

Mr. President, I am pleased and gratified to note that the Alaskan public interest was considered by the CTC inquiry officers in the preparation of their report. The CTC met with State and local officials, and made the following observation:

The Alaskan Government realizes the historic role which the port of Skagway has played in the development of Yukon. A commonality is viewed between the region about Skagway and Yukon in terms of remoteness and reliance on the transportation industry. If the WPY railway is abandoned, there is serious concern about the continued existence of Skagway. *There is also doubt that Skagway could survive as a city on the basis of seasonal tourism.* Even the WPY railway was abandoned and trucking was permitted on the Alaskan portion of the South Klondike highway, the railway jobs would not be replaced in number by jobs in trucking—most trucking jobs would go to Canadians. As well, if major trucking to Haines or elsewhere was adopted and the WPY railway was abandoned and there was no trucking on the South Klondike Highway, *that would be the beginning of the end for Skagway.* (Emphasis supplied). (Id., p. 47).

The American employees of the railway, rail and longshore units are represented by General Teamsters Local 959, State of Alaska. Railway trainmen and engineers in Alaska are represented by the United Transportation Union (UTU) Local 1757. And Teamsters Local 213 represents all Canadian employees of the White Pass and Yukon.

According to the draft report, "every attempt was made to meet with the Union representatives and spokesmen for the employees" of the railroad. In

addition the CTC met with the United for Skagway Committee, a group composed of municipal officers and community leaders, as well as the Teamsters Union and the UTU.

The Alaskan public interest, therefore, was taken into consideration in the development of the CTC report, along with, obviously, the interests of Canada in general, and the Yukon in particular.

THE CAMC POSITION

The CAMC is not only the dominant and controlling shipper on the White Pass and Yukon, it is also the dominant industrial enterprise in the Yukon Territory. Accordingly, in order to facilitate the reopening of mining operations on the initial target date of June 1983, the Canadian Federal Government and the Yukon Territorial government extended approximately \$25 million in aid to CAMC. The mine and mill, however, remain closed. According to the draft CTC Report.—

CAMC requires 6 months lead time, after a decision to reopen the mill is made, in order to finalize marketing, to staff operations, to make capital expenditures and to secure supply contracts. CAMC will not start up the mill during the winter due to the harsh Yukon climate. Consequently, the earliest time for mill start up would be late 1984, and the decision to do so would have to be made in or before April 1984 . . . In this context all transportation arrangements including trucking approvals (if necessary) must be in place by mid-March 1984 or it will be unlikely that the mill would reopen and that shipments would resume prior to the fall of 1985." (Italic supplied). (Id., p. 7).

Mr. President, CAMC informed the CTC that—

Trucking either to Skagway or Haines results in CAMC costs being reduced, and that the preferred route for trucking will be Faro to Skagway. In the event the Skagway road is not open to traffic, CAMC would pursue trucking to Haines. (Id., p. 14)

With respect to the prospective Faro-Skagway trucking operation, CAMC stated that there are no physical restrictions which would require limiting the gross vehicle weight to levels below 134,500 lbs, and that operations would be based on—

70 foot, 7-axle B-train trucks with facility to handle loaded and empty ore containers and loaded backhaul containers for such items as coal, iron, combination with lime, soda ash, fuel, rods and balls, and general freight . . .

And with respect to the alternative Faro-Haines route, CAMC stated:

The Haines route is not restricted . . . and appears capable of facilitating 134,500 lb. loads. (Id., p. 14).

The final CAMC position was characterized by CTC as follows:

If the 134,500 lb. load is not permitted on the Alaska sections of either the Skagway or the Haines alternative, a shuttle operation (i.e., the splitting of B-train configurations to a single trailer operation in order to meet Alaskan road weight limits) was recognized by CAMC to be a possible requirement. (Id., p. 15.)

Mr. President, the best evidence available to me indicates that CAMC

will reopen its mining and mill operations at Faro later this year. Thus, CAMC must decide in the immediate future whether to pursue its trucking option. I am informed that meetings will be held in Whitehorse next week, involving railroad management, CAMC, the Canadian Federal Government, and the Yukon Territorial government. Alaskan interests, I am further informed, will not participate in those meetings.

I wish to stress, therefore, the intolerable burdens that Alaska and the United States will bear if the decision is made by CAMC, for whatever reason, to pursue the trucking option for transportation from the Faro mining facility to tidewater Alaskan ports.

THE ALASKA BURDEN OF CAMC'S TRUCKING OPTION

First, the conversion to trucking—if successfully implemented—will mean the forced abandonment of the White Pass & Yukon Railway in the United States and Canada.

Second, the conversion to trucking will mean the elimination of the Skagway employment base, and the export of most of the available jobs from Alaska to Canada.

Third, the tourism industry in southeastern Alaska will suffer irreparable harm. Not only will the scenic railway trip be eliminated permanently as an attraction for up to 55,000 visitors annually, but if the South Klondike Highway is used for ore concentrate trucking and backhaul, the scenic value of that highway system will be lost to virtually uninterrupted movements of B-train trucks 7 days a week, 24-hours per day. One estimate is that these trucks would pass a point on the highway every 15 minutes, round the clock. If B-train trucks were split at the border, every 7½ minutes, round the clock.

Fourth, the Federal-aid primary route from Skagway to the U.S. border, now closed between October 15 and May 1, will require upgrading to meet the transportation requirements of the mine. These costs, of course, will be borne by U.S. Federal and Alaska State taxpayers. After upgrading, according to the CTC draft report, the increased annual maintenance cost for the Alaska section of the highway will be \$375,000.

Fifth, if the alternative Faro-Haines route is selected by CAMC, in addition to upgrading of the highway, the incremental increased maintenance cost in Alaska, on an annual basis, will be at least \$420,000.

Sixth, U.S. Customs apparently will be required to man a post at the border, 7 days per week, 24-hours per day, in order to accommodate the traffic originating at the Canadian mine. This extraordinary cost will be borne entirely by U.S. Federal taxpayers.

Seventh, the U.S. Federal Government and the State government will be required to bear the social costs of

massive long-term unemployment in southeastern Alaska caused by the elimination of the railroad as a viable transportation component and the destruction of the underlying economic base of Skagway.

Mr. President, Alaskans have the capability, as a practical matter, to protect themselves against these massive losses as a result of an inappropriate decision by one major private sector shipper. Alaskans, after all, control the configurations of the vehicles that travel on their Federal-aid primary highways. That is part of the police power inherent in every State and nation.

CONCLUSION

Mr. President, the CTC draft report recognizes that CAMC has grossly understated the actual costs, and the indirect social costs, of converting to highway transportation operations when the mine is reopened later this year.

The CTC recognizes, as Alaskans do, that the White Pass & Yukon Railway is a national treasure which Canada and the United States cannot afford to lose. I have met with representatives of railway management; they are determined to reopen the railroad and serve all shippers at rates that are fair and compensatory. I have discussed the problems with representatives of the railroad's employees; they are committed to reopening the railroad, as are the community leaders of Skagway and other vitally affected interests in southeastern Alaska.

There have been differences between labor and management on the railroad in the past—now those differences must be resolved in good-faith negotiations. I believe they will be resolved.

Mr. President, in view of these facts, I believe that the citizens of Alaska have every right to resist the abandonment of the White Pass & Yukon Railway. I believe they have every right to resist the use of their roads—at massive Federal and State cost—by an endless stream of B-train combination trucks from the mining operations in Yukon. I shall join them in this effort. The financial costs to the U.S. Treasury, to the Alaska State treasury, and to the community of Skagway are too great if the trucking option is pursued by CAMC when mining operations resume.

Most important of all, Mr. President, the human and social costs of the trucking option are intolerable to Alaska and to the U.S. interests.

If a decision is made in the coming days or weeks by CAMC regarding its future transportation requirements, I hope that my views, which are shared by virtually all affected Alaskan citizens, are taken into consideration.

Thank you, Mr. President.

Move rail shops, coun. Toews asks

By MASSEY PADGHAM
Staff Reporter

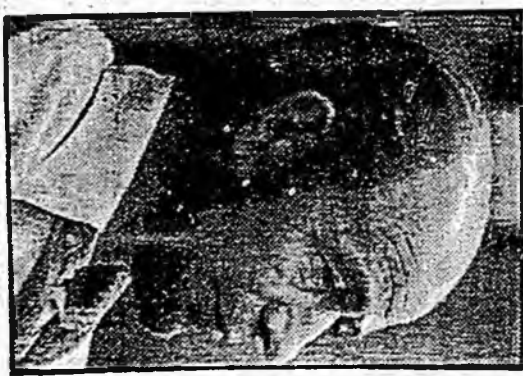
The White Pass railway should be paid to move its maintenance and repair yards from Skagway to Whitehorse, a Whitehorse councillor says.

Coun. Vern Toews was successful in getting council approval Monday for that position and several others as the city's response to the draft report on transportation by a Canadian Transport Commission study group.

While the novelty of the proposal (no one else has made it to the commission) raised a few eyebrows, council appeared to agree with the "what-have-we-got-to-lose" comment from city chief administrator Ron Gourlay.

"It's a different approach," he admitted. "I just wanted to shake people up."

He also says train crews should run all the way from Whitehorse to Skagway rather than having Canadian and Americans switch at Bennett, B.C.



VERN TOEWS
Shake em up.

"It will cause a lot of screams by our friends in Skagway," Toews admitted. "They'll still have the longshoremen, they'll still have the train engineers and they will still have the required inspectors."

He said the railway has a problem getting Canadian government help because most of its employees are American. If the federal government agreed to pay the estimated \$10-million cost of the move, it would mean a move of Canadian rail operation and 40 to 70 new jobs in Whitehorse, he said.

"Why not relocate, so we have the economic development in the Yukon and Canada," he said.

But the idea simply isn't economic, White Pass president Tom King responded yesterday. He said White Pass needs 10 of the 13 locomotives in Skagway to haul trains up the tortuous hill to the White Pass.

"We need the majority of the power at the other end because that's where the hill is."

By law, locomotives have to be inspected daily, so having the yards in Whitehorse would simply mean an extra 200 kilometres or more of dead running on the engines, he said in an interview yesterday. Even if, as Toews suggested, inspectors were left in Skagway, having the yards in Whitehorse would mean extra running for regular maintenance purposes.

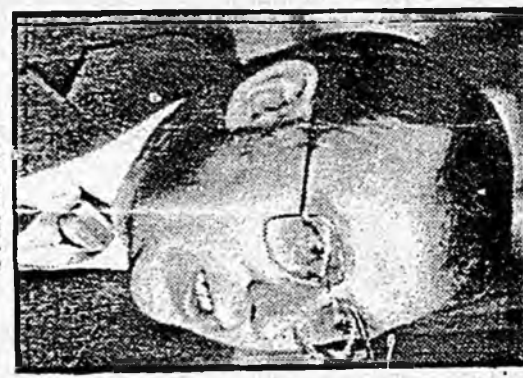
Toews said one advantage of moving the maintenance facilities was that Canadian wages are lower on the railway than for the American rail workers.

Toews said the White Pass shops in Skagway are getting old and would need major work soon

anyway. King did say some maintenance could be done here. He said White Pass believes it might be a good idea to extend its rail lines in the Marwell Industrial area over to its truck maintenance complex to allow maintenance of some rail equipment here.

But King liked other parts of Toews suggestions and said he is pleased the city had publicly recognized the railway's importance to the city.

King said White Pass hopes to run crews the entire length of the track, rather than having Canadians and Americans switch off in Bennett. Closing the Bennett yards would save about \$500,000 a year, Toews said.



TOM KING
Needed in Skagway.

Toews also said any money the government might consider using to upgrade the highway for trucks should be spent on the railway, thus cutting rail costs. He said a better road is, in effect, a subsidy to the truckers, while the railway gets no such help.

"I recommend a (rail) subsidy equivalent to what the trucking industry gets," Toews said. White Pass has taken a similar position.

For example, upgrading the South Klondike Highway would cost about \$20 million, he said. If it was given to White Pass for improvements, such as lowering steep hills, it would put White Pass in a position to compete with trucks, he said.

9,000 Commute Across Border To U.S. Jobs

BUFFALO (AP) — United States unemployment is above 7 per cent, but some 9,000 Canadians are crossing the border each day to work in jobs ranging from skilled laborer to management specialist.

The total is more than 20 times the number of Americans allowed to go to work in Canada, where the jobless rate is 8 per cent, and some labor leaders here object to the presence of the Canadian com-

muters.

"I think maybe we are too lax. We've been the nice guy. There's too many out of work now," said George Wessel, president of the Buffalo Council of the AFL-CIO.

Buffalo, with an 8 per cent jobless rate, is described by a U.S. immigration and Naturalization Service (INS) officer as the area along the northern border most affected by foreign commuters.

About 9,000 Canadians hold permits to work south of the border, according to the INS. The Department of Manpower and Immigration in Ottawa reports 408 U.S. citizens hold permits to commute to work in Canada.

Other economic observers here are not so upset over the 1,033 Canadians who come to work in this area every day.

U.S. Senator blasts Anvil trucking

By MASSEY PADGHAM
Staff Reporter

A senior American senator says Cyprus Anvil Mining Corporation will place an intolerable strain on employment and finances in Alaska if it is allowed to go ahead with its plan to truck ore concentrates to Skagway or Haines.

Thursday, Alaska Senator Ted Stevens unleashed a strong attack in the U.S. Senate in Washington on Anvil's plans, on the grounds it would lead to the permanent closure of the White Pass and Yukon railway, which has its key operating base in Skagway.

"The city of Skagway, under these circumstances, will have had a glorious past — but no future."

Stevens, who is the influential assistant majority leader in the Senate, described the railway as a national treasure that neither Canada nor the United States can afford to lose.

It was a strong message that Alaskan interests are not prepared to allow streams of

over-weight ore trucks to run to Alaskan port regardless of how much money Cyprus Anvil believes trucking will save. Anvil has told a Canadian Transport Commission study group that trucking will save \$10 million to \$15 million a year.

"The human and social costs of the trucking option are intolerable to Alaska and to the U.S. interests," he said. "If the White Pass and Yukon railway is abandoned, there is serious concern about the continued existence of Skagway."

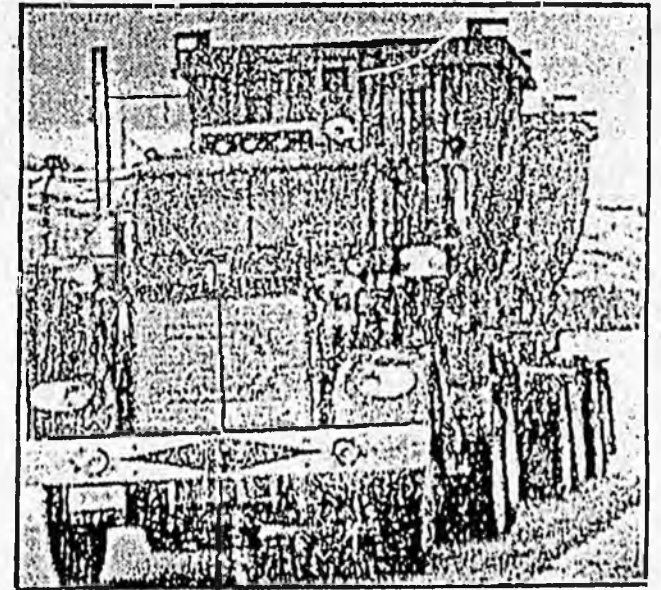
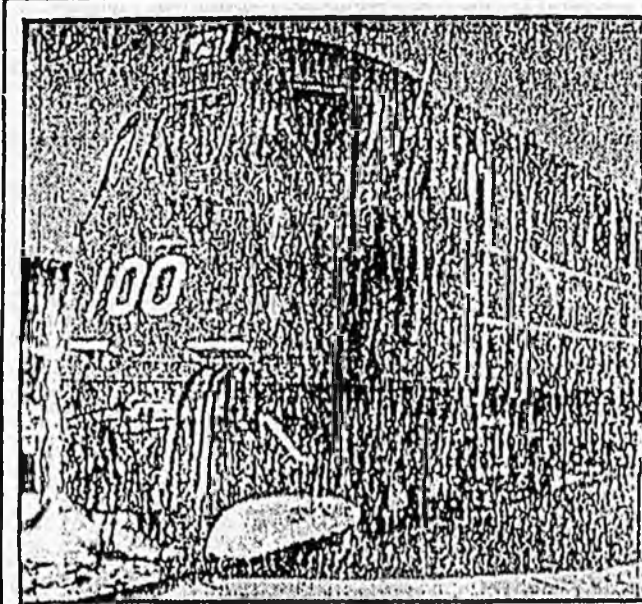
The Anvil lead-zinc-silver mine in Faro closed 19 months ago. Stevens said he was responding to the commission's draft report, which said the rail line is dependent on the large mining company.

The report noted Alaska's

concern, saying abandonment of the railway "would be the beginning of the end for Skagway."

"The railway jobs would not be replaced in number by jobs in

Cont'd on P. 3



Stevens

Cont'd from front

trucking — all trucking jobs would go to Canadians."

In effect, he said the loss of the railway through continued closure of the Anvil mine is the same thing to Alaskans as the loss of the railway by an opened mine trucking ore. He urged Alaskans to fight the trucking option.

Quoting liberally from the Commission report, Stevens told the Senate that Anvil assumes it would be able to operate in Alaska with seven-axle two-trailer units weighing a total of 134,500 pounds (61,000 kilograms). If not, a more expensive shuttle service between the U.S.-Canada border and a port hauling one trailer at a time would be needed.

Stevens said if trucking was allowed the route between Skagway and the U.S. border, a federal aid route, would have to be upgraded and would still cost

another \$375,000 a year to maintain. That would be borne by U.S. federal and Alaska state taxpayers, he said. Extra maintenance costs on the Haines road would be \$420,000, he said.

Another cost to the U.S. federal government, an expenditure Stevens could use his influence to stop, would be 24-hour-a-day, seven-day-a-week customs operations.

In addition, "the U.S. federal government and the state government will be required to bear the social costs of massive long-term employment in southeastern Alaska caused by the elimination of the railroad as a viable transportation component and the destruction of the underlying economic base of Skagway," he said.

"Mr. President, Alaskans have the capability, as a practical matter, to protect themselves against these massive losses as the result of an inappropriate decision by one major private sector shipper," he ad-

ded. "Alaskans, after all, control the configurations of the vehicles that travel on their Federal-aid primary highway. That is part of the police power inherent in every State and nation."

Stevens said he believes the differences between the railway and its unions will soon be resolved.

Stevens also said the closure of the railway would mean the loss of the 55,000 tourists who travelled on it each year and opening of the South Klondike highway to truck traffic would drive away other tourists having to compete with trucks.

"I believe the citizens of Alaska have every right to resist the abandonment of the White Pass and Yukon railway," Stevens said.

"I believe they have every right to resist the use of their roads — at massive federal and state cost — by an endless stream of trucks from the mining operations in the Yukon. I shall join them in the effort."



united transportation union

March 15, 1982

U.T.U. Brief on Senate Bill Number AS 23.10.420(a)

Background Information

The White Pass & Yukon Route Railroad, a Canadian-owned corporation with home offices in White Horse, Yukon Territory, is the last operating common carrier three-foot wide narrow gauge railroad in North America. Built at the height of the Klondike Gold Rush in 1898, it runs 110 miles from tidewater at Skagway, Alaska, to Whitehorse in the Yukon Territory. Since 1970, American crews (who used to operate all trains on the railroad) run the 41 miles to Lake Bennett, B.C., the division point, and Canadian crews take the trains the balance of the distance to Whitehorse.

Though "modern" in some respects, such as diesel locomotives and a containerized freight handling system, the WP&YR contends with some of the worst terrain and climate conditions in the world. The Canadian side from Bennett to Whitehorse is flat with only a few grades; the U.S. division is the "trickiest part of the road".

Alaskan crews must drag their trains up 21 miles of 3.9% grade to reach the summit, and then contend with another pass and two short (but equally steep) grades before reaching Bennett. The return to Skagway presents the problem of controlling 60-car trains of lead-zinc ore concentrates on the steepest railroad grade in America.

The railroad is interspaced with high wooden trestles and cliff-like retaining walls which perch the track a thousand feet above the canyon floor for miles. Blizzards have dumped over four hundred inches on the summit of White Pass, and though there are "good" years, the railroad has been blockaded sometimes for weeks on end. The worst storm shut down the road for 21 days.

The geography and weather create more than just management problems; they compound the dangers of railroading to the highest extent. Even on a well-maintained railroad, pursuing safe operational standards is critical. Here it is very literally a matter of life and death. Avalanches and rock slides periodically wipe cars over the side, and derailments (which occur very frequently) could mean disaster at many locations. Such a disaster would even be environmental in its scope, since the prospect of tons of lead and zinc dumped into the Skagway River would certainly affect life in the water, and down to the sea.

Train crews have learned to take safety as more than just the title page in the rule book. After all, we're the ones out there in the middle of it. Five-man crews on the WP&YR exist primarily for safety, in spite of management's stand on this bill. Here are a few examples:

1. Ice building up between the wheels and the brake shoes can cause winter brake failures. The Company has refused to upgrade their equipment, and this leaves the crew to deal with problems out on the road.
2. Bridges and trestles on the road are not equipped with walkways. A train which is stretched across a bridge leaves no walking (or climbing) room at the edge. Therefore, a brakeman cannot walk from one end of the train to the other, and a second brakeman is needed to walk the other end in emergencies. This can be critical.
3. In winter months it often takes the combined strength of two men to set a good safe handbrake on a car, and the same force of two men to "knock-down" or remove the brake. On older cars with faulty handbrakes this applies all year, even with brake clubs.
4. The "sophisticated communications systems" (two-way radios) in use are continually in for repair and are prone to failure. The crews do not rely on them because of this safety hazard, and hand signals are regularly used in switching moves.
5. The primary job of the crew while underway is to watch for any hint of trouble on or around the train. The railroad is twisted like a piece of spaghetti with 16 to 24^o curves, and there are documented cases of the fireman, riding on the left-hand side of the locomotive, spotting danger which was out of the engineer's line of sight and stopping the train. Similarly, brakemen ride at both ends and watch over the train for hotboxes, loads shifting or breaking loose, broken axles or wheels, downed brake rigging, derailed cars, broken rails, fires, washouts, etc. Thus, the manning positions at the head-end with the engineer and fireman watching the track from the lead unit, a brakeman riding the "rear" or trailing unit watching over the train behind, and a conductor and rear-brakeman overseeing the train ahead of the caboose (and the track behind for signs of dragging brake rigging or derailed equipment) have been established for the safe opera-

tion of the train while underway. Dozens of documented cases exist of crew men at their positions spotting trouble which would have gone unseen by other crew members, and thus saving the Company thousands of dollars in repairs and wreck clean-up operations.

6. Most important to the crew members in the light of safety on the road is the grim fact that besides dealing with faulty locomotives, antiquated equipment, and track and bridge maintenance which barely meets the job at hand, employees have to deal with snowslides and cliffs over which a train's plunge would mean certain injury or death. The specter of a passenger train loaded with 400 tourists going through a rotten trestle, or derailling high above "Dead Horse Gulch", or being hit by a rock slide (on top of the 1900-era wood-roofed parlor cars with their old oil stoves) brings shudders to the men who actually are on board as well as to management. Crew members to deal with such accidents are essential. Even more frightening in the winter season are the snowslides. There has been an increase in winter passenger traffic over the last few years, and thus the crew is faced with the added burden of protecting travelers as well as themselves.

REPORT OF THE U.T.U. TO THE BOARD OF DIRECTORS OF THE COMPANY

1. White Pass and Yukon Ltd. of Vancouver is owned by Federal Industries, Ltd. of Winnipeg. The Canadian management is on an over-all cost-cutting spree at this time, and are trying to tighten up their operation. Part of this has included the postponement of track repairs--a major rail replacement program was knocked out to save money--and an attitude of "beat it 'til it dies" toward their locomotives, some of which are now 28 years old and in critical need of replacement or complete long-term overhaul. Because traffic is so heavy at this time, the Company can't take their engines out of service much more than stop-gap, repairs on the worst problems. Engine failures or malfunctions are a common occurrence on the railroad. It is also worth noting that the average train length in 1969 was 30 cars, operated by five men. Today the same five men have to run trains that can be 100 cars long out of White Pass. This is actually more work for each man involved, with more weight to contend with, more cars to watch (and to walk when checking the train, or in emergencies), and definitely more hazardous.

2. Remarkable but true in light of the terrain and operational hazards on the WP&YR is the fact that White Pass does not legally have to comply with Federal laws concerning safety and operation. The reason: White Pass is "narrow gauge" instead of "standard gauge" (4' 8½" wide track), and as such the Company can usually sneak by under requirements and regulations which would close down a standard gauge road "outside". This appears to be an oversight by the Federal Railroad Administration, but is understandable since the little known and obscure White Pass is the last narrow gauge common carrier left in the U.S. Also, it is generally viewed as a Canadian company. The 21 miles within Alaska under jurisdiction of American law, usually slide by unnoticed.
3. Much of the freight equipment, passenger equipment and airbrake equipment is antiquated and of museum vintage. Crews must deal with this as well as other problems, adding to operational hazards.
4. Because of all the previous factors, it is little wonder that the White Pass accident and safety record is atrocious. Summer travel has increased each year, and with it the number of accident reports. Employees must be extra alert at all times to prevent injury or death from faulty equipment, dangerous operational procedures, or management decisions affecting train movement. White Pass enjoys saying that they have "never lost a passenger's life" in their 80-year history. The men who ride the trains can only count the number of dead employees over the years, and knock on wood. The Company is playing Russian Roulette with human lives, and their own odds get worse by reducing the number of men on board a train who are available to deal with the expected--and unexpected--hazards of mountain railroad-ing under the most extreme conditions.

Statement of Position by the United Transportation Union

We of the United Transportation Union, Local 1787 in Skagway, are adamantly opposed to Senate Bill 849, a bill which will aid a non-resident Canadian corporation by eliminating Alaskan jobs on U.S. soil. This is by itself a dangerous international precedent, worthy of close attention--particularly in light of the proposed Alcan gasoline project.

Few people even know that there is a railroad in Southeast Alaska. Instead of repealing the present law, we propose a rider should be added that would exempt state owned Railroads.

March 15, 1982

Lastly, very few individuals are aware of the delicate balance that exists in Skagway between labor and management. We feel that the introduction of this bill is an attempt by the Company to further drain our union treasury attending a battery of hearings in Juneau. The last time we had to testify it involved long hours and much expense--something which the Company can easily afford.

Given this situation, our membership has nothing except the present State law to protect us from the whims of a foreign corporation. Our only defense at present lies in "An Act relating to train crews" as set forth in State law. It would thus seem beyond comprehension for our own lawmakers--our own elected representatives--to vote to repeal the only security which we in Skagway have in these difficult days.

Corrigan L. Gates
Legislative Representative
United Transportation Union
Local 1787
Skagway, Alaska 99840

Commissioner Robison
of DEPT. OF LABOR WILL
TESTIFY

LEFT 2 messages for
Bill Miles, lobbyist White
Pass & Yukon RR -
regarding this bill

Alaska State Legislature

House of Representatives

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman

Tuesday, March 22

HB 154: An Act relating to train crew size

BY: The Rules Committee by Request of the Governor

Would repeal law establishing minimum train crews in Alaska (AS 23.10.420). See Governor's letter.

Does not provide for an effective date (effective 90 days after Governor's signature)

Reported back to the House on March 11 by Labor & Commerce with the committee recommending as follows: Furnace (Chairman), Cowdery, Ringstad recommended do pass; Koponen and Malone had no recommendation.

Materials in folder —

HB 154

Gov Sheffield's transmittal letter

Fiscal Note

United Transportation Union Brief

cc



HB 154

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 1983

The Honorable Joe L. Hayes
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill repealing the existing law requiring train crews of certain minimum sizes. The existing law requires that passenger and freight trains have crews of no less than five persons, that a light engine without cars have a crew of at least three persons, and that a switch engine have a crew of at least three persons.

The repeal may allow railroads within the state to determine crew size based on economic and operational concerns. However, this repeal does not relieve a railroad of its existing obligation to operate with customary due care and high regard for the safety of its passengers, freight, and employees. The repeal is not intended to make any pronouncement on what is or is not an appropriate subject for collective bargaining.

I urge you to approve this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

NB 154

cc

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE
FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 154

Title "An Act relating to train crew size."

Requested by Rules - Committee

Date 1/21/83

II. FISCAL DETAIL

Agency Affected Labor

Program Category Affected Social Services

BRU, Program, or Subprogram(s) Affected Commissioner's Office

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0			

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No Fiscal Impact.

IV. DATE January 27, 1983

PREPARED BY

Judy Knight
Judy Knight

AGENCY

Labor

PHONE

465-2700

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)