

HB

154

Introduced February 2 and referred to Community & Regional Affairs and Finance.

Appropriation
(supplemental)
(Municipal
Assistance
Fund)

HOUSE BILL NO. 153, by the Community & Regional Affairs Committee. Would make a \$25.1 million supplemental appropriation to the Dept. of Revenue for the Municipal Assistance Fund (AS 43.20.016(a)) for distribution to municipalities for the fiscal year ending June 30, 1983. Lapses on June 30, 1984. Effective immediately.

Identical to SB 17, as amended by Senate C&RA Committee, and identical to EB 136 p. 99, except for lapse date.

Introduced February 2 and referred to Community & Regional Affairs and Finance.

Minimum Train
Crews
(repealing
law)

HOUSE BILL NO. 154, 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, below.

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

Introduced February 2 and referred to Labor & Commerce and Transportation.

In his message transmitting the bill to the House for consideration, Governor Sheffield stated:

page 124

HB 154 (cont'd)

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.

Commis. on
Status of
Women

HOUSE BILL NO. 155, by the Rules Committee by request of the Governor. Would continue the existence of the Alaska Commission on the Status of Women until June 30, 1986 (set to terminate on June 30, 1983). Effective immediately. See SB 63, p. 21, similar.

Introduced February 2 and referred to State Affairs and Finance.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

COMMITTEE REPORTS (House)(cont'd)

HB 149 (cont'd)

to \$500,000.

Minimum Train Crews
(repealing law) HOUSE BILL NO. 154, (see page 124). Reported back to the House on March 11 by Labor & Commerce with the committee recommending as follows: Furnace (Chmn.), Cowdery and Ringstad recommended do pass; Koponen and Malone had no recommendation. To Transportation.

State Bonded Indebtedness
(retirement of) HOUSE BILL NO. 161, (see page 127). Reported back to the House on March 9 by State Affairs with the committee recommending as follows: Abood (Chmn.), Furnace, Cowdery and Shultz signed do pass; Larson and M.M. Miller signed no recommendation; Vaska signed do not pass. To Finance.

Legis. Per Diem/Temp. Staff Salaries
(cutting off) HOUSE BILL NO. 171, (see page 150). Reported back to the House on March 7 by Finance with the committee members having individual recommendations. Bettisworth, Ward and Pestinger signed "do pass"; Zharoff and Duncan signed "do not pass"; Martin signed "no recommendation until proper amendment"; and Adams (Chmn.), Flood, Hurlbert, Grussendorf, and Lindauer signed "no recommendation." To Rules.

Big Game Hunting
(nonresidents) HOUSE BILL NO. 188, (see page 156). Reported back to the House on March 9 by Resources with a majority recommending it do pass. Concurring: Shultz (Co-Chmn.), Goll, Cowdery, Liska, Larson and Ringstad. Not concurring: Vaska, who had no recommendation. To Judiciary.

Emergency Guards
(in exempt service) HOUSE BILL NO. 209, (see page 183). Reported back to the House on March 11 by State Affairs with the committee recommending it be replaced with State Affairs Committee Subst. and as follows: Abood (Chmn.), Furnace, Larson, Cowdery and Shultz recommended do pass; Vaska and M.M. Miller had no recommendation. To Finance.

The State Affairs CS would place Public Safety emergency guards in the partially exempt classification of state service, rather than the exempt service.

Bd. of Marine Pilots
(continuing existence) HOUSE BILL NO. 218, (see page 215). Reported back to the House on March 11 by Finance with the committee recommending it be replaced with Finance Committee Substitute and do pass. Signing do pass: Adams (Chmn.), Pestinger, Flood, Ward, Hurlbert, Zharoff, Duncan, Grussendorf, Lindauer, Martin and Bettisworth. To Rules.

The Finance CS adds an immediate effective date to the bill.

SSHB 58, (cont'd)

not be authorized for a prisoner who refuses to participate in available alcohol, drug, sex offender or other mental health treatment required by the division of corrections.

Does not provide for an effective date (becomes law 90 days after Governor's approval).

State Retirement Bills
(fiscal notes) HOUSE BILL NO. 66, (see pages 49;161;337). Reported back to the House March 25 by Finance recommending it be replaced with the Labor & Commerce substitute (page 161), and that it do pass. Concurring: Adams (Chairman), Lindauer, Bettisworth, Duncan, Zharoff, Hurlbert, Grussendorf, Martin, Pestinger, Flood and Ward. To Rules.

AK Marine Highway Auth.
(establishing) HOUSE BILL NO. 68, (see page 49). Reported back to the House March 21 by Transportation as follows: Cato (Chairman), Herrmann and M. W. Miller recommended do pass. McBride and Lacher recommended do not pass, and Abood and Phillips had no recommendation. To Finance.

AK Bidder Preference HOUSE BILL NO. 106, (see pages 60;300;347). Reported back to the House March 25 by Finance recommending it do pass. Concurring: Adams (Chairman), Pestinger, Flood, Ward, Hurlbert, Zharoff, Duncan, Grussendorf, Lindauer, Martin and Bettisworth. To Rules.

Child Prostitution
(raising penalties) HOUSE BILL NO. 128, (see pages 97;258). Reported back to the House March 23 by Judiciary recommending it be replaced with a Judiciary substitute and that it do pass. Concurring: Bussell (Chairman), Liska, Hayes, Wendte and Barnes. At the request of the Finance Committee Chairman, the Speaker waived referral to the Finance Committee. To Rules. On March 23 Rep. Bussell was added as a co-sponsor.

The Judiciary substitute adds an immediate effective date clause.

Appropriation
(special)
(Iditarod Race, '84 expenses) HOUSE BILL NO. 142, (see pages 100;300). Reported back to the House March 23 by Finance recommending it be replaced with the Labor & Commerce substitute (page 300) and that it do pass. Concurring: Pestinger, Flood, Hurlbert, Ward, Zharoff, Duncan, Martin, Grussendorf, and Bettisworth. Not concurring: Adams (Chairman) had no recommendation. To Rules.

Minimum Train Crews
(repealing law) HOUSE BILL NO. 154, (see pages 124;301). Reported back to the House March 23 by Transportation recommending it do pass. Concurring: Cato (Chairman), Phillips, M.W. Miller and Herrmann. Not concurring: Lacher, Szymanski and Davis had no recommendation. To Rules.

Obstructing Lawful Use of Public Land
(punishment for) HOUSE BILL NO. 163, (see page 128). Reported back to the House March 21 by Resources recommending it be replaced with a Resources substitute and that it do pass. Concurring: Ringstad (Co-Chairman), Shultz, Bussell, Liska, and Cowdery. Not concurring: Larson and Vaska had no recommendation. To

HB 154

HOUSE BILL NO. 154 (relating to train crew size) was read the second time with the Labor & Commerce Committee report (page 452 of the journal) and the Transportation Committee report: (page 592 of the journal).

Amendment No. 1 by Goll:

Page 1, line 8

Following "AS 23.10.20":

Delete "is repealed." and insert the following:

"(a) is amended to read:

(a) No person operating an Interstate Commerce Commission-regulated narrow gauge 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;

HB 154

(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.

* Sec. 2. AS 23.10.420(b) is amended to read:

(b) Except for hostling movements and duties as negotiated for each railroad company, no person operating an Interstate Commerce Commission-regulated narrow gauge 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 conductor, and one brakeman."

Representative Goll moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Uehling objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HB 154 AM 1

Yeas: 17 Adams, Clocksin, Davis, Duncan, Fuller, Goll, Grussendorf, Hurlbert, Koponen, Lacher, Lindauer, McBride, Miller, M.M., Szymanski, Vaska, Wendte, Zharoff

HB 154

Nays: 20 Abood, Barnes, Bettisworth, Bussell, Cowdery, Flood, Fritz, Furnace, Hayes, Herrmann, Liska, Martin, Miller, M.W., Pestinger, Phillips, Ringstad, Shultz, Tischer, Uehling, Ward

Excused: 3 Cato, Larson, Malone

Absent: 0

And so, Amendment No. 1 was not adopted.

Representative Barnes moved and asked unanimous consent that HB 154 be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

HB 154 was read the third time.

The question being: "Shall HB 154 pass the House?" The roll was taken with the following result:

HB 154

Yeas: 24 Abood, Adams, Barnes, Bettisworth, Bussell, Cowdery, Flood, Fritz, Fuller, Furnace, Grussendorf, Hayes, Herrmann, Hurlbert, Liska, Martin, Miller, M.W., Pestinger, Phillips, Ringstad, Shultz, Tischer, Uehling, Ward

Nays: 12 Clocksin, Davis, Duncan, Coll, Koponen, Lacher, Lindauer, McBride, Miller, M.M., Szymanski, Vaska, Zharoff

Excused: 3 Cato, Larson, Malone

Absent: 1 Wendte

Representative Lindauer changed his vote from "Yea" to "Nay."

And so, HB 154 passed the House.

Representative Goll gave notice of reconsideration of his vote on HB 154.

Effect of amendments. — The 1982 amendment, effective March 12, 1982, substituted the present provisions of this section for those set out in the main pamphlet.

Editor's notes. — As it appeared in

Sec. 23.10.130. Statute of limitations. An action for unpaid minimum wages, unpaid overtime compensation, or liquidated damages under AS 23.10.050 — 23.10.150 is forever barred unless it is started within two years after the cause of action accrues. For the purposes of this section an action is considered to be started on the date when the complaint is filed. (§§ 11, 12 ch 171 SLA 1959; am § 57 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment, effective May 28, 1982, rewrote this section.

Article 7. Employment of Children.

Section

355. Persons under 19

Sec. 23.10.355. Persons under 19. No person under 19 may be employed or allowed to sell or serve alcoholic beverages or to work in any room or other place where alcoholic beverages are sold for consumption on the premises, except as provided in AS 04.16.049(c). (§ 3 ch 73 SLA 1949; am § 2 ch 28 SLA 1951; am § 24 ch 245 SLA 1970; am § 5 ch 112 SLA 1976; am § 58 ch 59 SLA 1982)

Effect of amendments. — The 1982 amendment, effective May 28, 1982, substituted "alcoholic beverages" for "intoxicating liquors" in two places and substituted "AS 04.16.049(c)" for "AS 04.15.020(h)."

Article 9. Industrial Safety.

Section

420. Train crews

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;

Executive Order No. 52, this section contained an incorrect reference to "AS 18.06.010 — 18.60.150." This reference has been corrected by the revisor of statutes pursuant to AS 01.05.031.

(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 conductor, and one brakeman.

(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 50 SLA 1970; am § 1 ch 116 SLA 1982)

Effect of amendments. — The 1982 amendment, effective June 25, 1982, substituted "one locomotive engineer, one conductor, and one brakeman" for "one locomotive engineer, one locomotive fireman (or helper), one conductor, and two helpers" at the end of subsection (b).

Chapter 15. Employment Services.

Article

1. Vocational Rehabilitation (§§ 23.15.100, 23.15.130 — 23.15.135, 23.15.180, 23.15.210)

Article 1. Vocational Rehabilitation.

Section

100. Powers and duties

130. Vocational rehabilitation small business enterprise revolving fund

132. Vending facilities

133. Vendors' licenses

Section

134. Active participation by severely handicapped licensees

135. Committee of blind vendors

180. Hearings

210. Definitions

Sec. 23.15.100. Powers and duties. (a) In carrying out AS 23.15.010 — 23.15.210 the agency shall

(1) take the action it considers necessary or appropriate to carry out the purposes of AS 23.15.010 — 23.15.210, and adopt regulations in conformity with these purposes;

(2) determine the eligibility of applicants for vocational rehabilitation service;

(3) submit to the governor annual reports of activities and expenditures and, before each regular session of the legislature, estimates of sums required for carrying out AS 23.15.010 — 23.15.210 and estimates of the amounts to be made available for this purpose from all sources;

Sec. 23.10.405. Employment in underground mines. Employment in underground coal mines, underground lode mines, underground placer mines, in underground coal, lode or placer workings, or in all other underground mines or workings is injurious to health and dangerous to life and limb. (§ 43-2-1 ACLA 1949)

Cross references. — As to accident prevention, see AS 18.60.010 — 18.60.105.

Sec. 23.10.410. Limitation on period of employment in mines.

(a) No person may be employed in an underground coal mine, underground lode mine, underground placer mine, underground coal, lode or placer workings, or other underground mine, or workings for more than eight hours in 24 hours, except on a day when a change of shift is made, excluding, however, an intermission of time for meals, or otherwise going to or from the place where the work is actually carried on, whether in going on or off shift, or in going to or returning from meals.

(b) It is the purpose of this section to limit the hours of employment in 24 hours to eight hours of actual labor at the face, or other place where the work or labor to be done is actually performed.

(c) In case of emergency, where life or property is in imminent danger, the period may be extended during the continuance of the emergency. (§ 43-2-2 ACLA 1949)

Sec. 23.10.415. Penalties. (a) A person who, whether as principal or agent, employs a person in violation of the provisions of AS 23.10.410 is guilty of a misdemeanor, and upon a first conviction is punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment in a jail for not less than 60 days, nor more than six months, or by both.

(b) Upon a second conviction under AS 23.10.405 — 23.10.415, the punishment is imprisonment in a jail for not less than 60 days, nor more than one year. A second conviction under AS 23.10.405 — 23.10.415 means a conviction for a violation of AS 23.10.405 — 23.10.415 committed within a period of two years after a previous conviction for a violation of AS 23.10.405 — 23.10.415. Other convictions are first convictions. Each day's violation of the provisions of AS 23.10.405 — 23.10.415 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 history reports. — For report on ch. 150, SLA 1970 (CS) HB 666 am S), see 1970 House Journal, p. 604.

Chapter 15. Employment Services.

Article

1. Vocational Rehabilitation (§§ 23.15.010 — 23.15.210)
2. Governor's Committee on Employment of Handicapped (§§ 23.15.220 — 23.15.320)
3. Employment Agencies (§§ 23.15.330 — 23.15.620)
4. Manpower Development and Training (§§ 23.15.610 — 23.15.617)
5. Work Incentive Program for Welfare Recipients (§ 23.15.650)

Article 1. Vocational Rehabilitation.

Section	Section
10. Board of Vocational Rehabilitation	110. Extension of services outside state
20. Powers and duties of board	120. Cooperation with federal government
30. Appointment of administrative officers	130. Vocational rehabilitation small business enterprise revolving fund
40. Division of vocational rehabilitation established	140. [Repealed]
50. Director of vocational rehabilitation	150. Receipt and disbursement of funds
60. Agreements under Social Security Act	160. Gifts
70. Personnel policies	170. Maintenance not assignable
80. Eligibility for vocational rehabilitation service	180. Hearings
90. Priority as to eligibility	190. Mixture of lists and records
100. Powers and duties	200. Limitation on political activity
	210. Definitions

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)

PROPOSED TITLE:
AN ACT RELATING TO TRAIN CREW SIZE
PRIME SPONSOR: HOUSE RULES COMMITTEE
CO-SPONSORS:

CURRENT STATUS: 7/01/83 CHAPTER 0040 SLA 03

DATE	SEQ	PAGE	
02/02/83	01	0150	FIRST READING -- COMMITTEE REPORTS
02/02/83	02	0157	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	0502	TRAN -- DP04, NR03
04/12/83	06	0625	SECOND READING
04/12/83	07	0627	AM01 NOT ADOPTED BY DIV 17-20-03
04/12/83	08	0627	ADVANCED TO 3RD READING BY UNAN CONSENT
04/12/83	09	0627	THIRD READING
04/12/83	10	0627	PASSED BY DIV 24-12-04
04/12/83	11	0627	NOTICE OF RECONSIDERATION GIVEN
04/13/83	12	0640	POSTPONED UNTIL 04/18/83 BY UNAN CONSENT
04/18/83	13	0906	FAILED TO RETN 2ND READING BY DIV 18-21-01
04/18/83	14	0907	PASSED ON RECONSIDERATION BY DIV 26-13-01
06/24/83	23	2131	TRANSMITTED TO GOVERNOR
07/01/83	24	2133	SIGNED BY GOVERNOR-CH0040, EFF 07/27/83
XXX	XX	XX	XXX XXX XXX

DATE	SEQ	PAGE	
04/19/83	15	0749	FIRST READING -- COMMITTEE REPORTS
06/01/83	16	1100	TRAN -- SP03, NR01
07/22/83	17	1436	L&C -- DP02, NR02
05/24/83	18	1402	RLS
			TAKEN UP IMMEDIATELY
05/24/83	19	1404	SECOND READING
05/24/83	20	1404	ADVANCED TO 3RD READING BY UNAN CONSENT
06/24/83	21	1405	THIRD READING
06/24/83	22	1405	PASSED BY DIV 16-04-00
XXX	XX	XX	XXX XXX XXX



HB 154

cc

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,


Bill Sheffield
Governor

SENATE LABOR AND COMMERCE
STANDING COMMITTEE
June 16, 1983
1:30 p.m.

Members Present: Senator Dick Eliason
Senator Pat Rodey
Senator Fritz Pettyjohn

Members Absent: Senator Bob Mulcahy
Senator John Sackett

COMMITTEE CALENDAR

CSHB 313(L&C)

"An Act relating to the Alaska Transportation Commission; and providing for an effective date."

HB 154

"An Act relating to train crew size."

SB 286

"An Act relating to motor vehicle warranties; and providing for an effective date."

HB 7

"An Act relating to motor vehicles; and providing for an effective date."

WITNESS REGISTER

(HB 154)

Jeffrey Ruff, United Transportation Union
Skagway, Alaska
983-2455
Spoke in opposition to HB 154

Jim Robinson, counsel for White Pass Railroad on U. S. side
711 H St., Suite 600
Anchorage, Alaska 99501
272-6474
Spoke in favor of HB 154

Tom King, Chief Executive Officer
White Pass Railroad
Whitehorse, Yukon, Canada
403-661-6663

Dan Casey, Commissioner
Dept. of Transportation and Public Facilities
Pouch Z
Juneau, Alaska 99811
465-3900

No position on issue

(SB 286)

Rep. Mike M. Miller, sponsor house companion measure
Pouch V
Juneau, Alaska 99811
465-3744
Spoke in support of SB 286

(HB 7)

Bill Brown, Division of Motor Vehicles
Dept. of Public Safety
Pouch N
Juneau, Alaska 99811
465-4322
Spoke in opposition to HB 7

Michael Lessmeier, Allstate/State Farm Insurance
210 Ferry Way, Suite 100
Juneau, Alaska 99801
586-5912
Spoke in opposition to HB 7

Dan Motley
9304 Turn Road
Juneau, Alaska 99801
789-3603
Still has problems with provisions in HB 7 affecting his unique car

PREVIOUS ACTION

HB 313 and HB 154: No previous action in Senate Labor and Commerce.

SB 286: See Senate Labor and Commerce Committee minutes for 6/7/83.

HB 7: See Senate Labor and Commerce minutes for 5/31.

ACTION NARRATIVE

Tape #40
007

Sen. Eliason called the meeting to order with Senators Rodey and Pettyjohn in attendance.

025

Sen. Rodey moved for the adoption of SCS CSHB 313(L&C). There was no objection.

043

The committee took up the subject of the Letter of Intent and planned to send SCS CSHB 313(L&C) out of committee with the same Letter of Intent which accompanied SB 184.

Sen. Pettyjohn and Sen. Rodey brought up the fact that a Supplemental Letter of Intent had been offered for SB 184.

Sen. Rodey moved that the Labor and Commerce Committee Letter of Intent for SCS CSHB 313(L&C) include the language of the original Letter of Intent for SB 184 and the language of the Supplemental Letter of Intent. He also moved it be adopted. There was no objection.

114

Sen. Rodey moved to pass out SCS CSHB 313(L&C) with individual recommendations. There was no objection.

121

(HB 154)

The committee took up HB 154, relating to train crew size, introduced by the Governor.

Sen. Eliason invited Comm. Casey to testify. He deferred.

144

Jeffrey Ruff, representing the United Transportation Union, testified in opposition to HB 154. He is employed by White Pass and represents the members of train crews who are mostly opposed as the bill does not address their concerns as far as safety is concerned. Safety has been good due to five-person crews on the U. S. side.

If they can't stop the bill they'd like a commitment from White Pass to address safety issues, and concerns dealing with Federal Railroad safety. If some of these laws were applied to the company their safety concerns would be alleviated.

There was committee discussion, during which Jeffrey Ruff confirmed that even if the 5-man train crew size law were repealed, as provided by HB 154, the provisions of the contract would retain five man crews.

283

Jim Robinson, counsel for White Pass Railroad on the U. S. side, and Tom King, chief Executive Officer for White Pass, testified in support of the bill. They introduced Doug Bell, the Canadian Yukon Territory Commissioner.

334

Jim Robinson provided historical background on the issue of crew size which was addressed at the federal level in the 60's under John F.

Kennedy. The same arguments were brought forth then, as now. He requested the committee see it as an economic issue rather than as a safety issue. The Railroad is regulated under the Federal Railroad Commission and will continue to be. This is a critical bill if they are to continue to have cooperation of Canadian and U. S. and Alaska governments.

517

Marvin Taylor of White Pass Railroad spoke from the audience in response to a question.

There was committee discussion.

588

Tom King discussed the Canadian portion of the railway, and compared safety standards with those on the U. S. side. He also views it as an economic issue.

622

Tom King described the desperate situation in the Yukon in terms of employment and the road which may be opening through Canada. There is a need to make the railroad economical in order to compete with the trucking industry.

There was committee discussion of competition with the trucking industry.

806

Dan Casey, Commissioner of the Dept. of Transportation and Public Facilities, stated that he had been working with Denny Lyon, the Canadian Minister of Transportation, on the question of the uses of the road. He is concerned with the matter of balancing the uses of the road as an alternative to the railroad, and the question of tourist vs. industrial uses.

The real question is whether or not legislative or statutory forum is the appropriate one in which to address this issue, he said.

Side 2

006

Commissioner Casey stated that the Department's recommendation is based on not taking a side. They are not sure "where to divide the line, what the economic questions are". They are concerned about the precedent of legislative involvement in crewing decisions. Dept. of Labor Commissioner James Robison is in charge of safety, and the Dept. of Transportation is not going to become involved in train crew size or in rate matters.

235

(SB 286)

Rep. Mike M. Miller, sponsor of the House companion measure to SB 286, testified in support of the measure. He said that he understands the committee plans to draft a substitute, and wished to emphasize the purpose of the legislation. The bill insists that for one year the manufacturer live up to the warranty. The rest of the bill provides for ways to accomplish that goal. He made an additional amendment, providing that a vehicle returned in a certain section of the bill may not be resold unless the new buyer is advised that it is a "lemon".

Rep. Miller discussed the recent amendments, and engaged in discussion of provisions with the committee.

534

Sen. Rodey moved that the changes proposed by Rep. Miller be adopted. There was no objection.

550

(HB 7)

Sen. Eliason stated that, to be quite frank, he was hoping SB 286 and HB 7 could be combined.

Bill Brown, from the Division of Motor Vehicles, provided a sectional analysis of the bill, dwelling on points such as the definition of "mobile home" and provisions tying demonstration of proof of insurance to licensing, which the Department regards as a bad section (#7) which should be struck from the bill. No other state ties drivers' licensing to mandatory insurance. He realizes that there was no fiscal note from the Dept. of Law or the Public Defender, but it could prove to be a costly item to them.

641

Bill Brown also pointed out that the bill does not set out a time frame for when a person can get a citation voided. He thinks the 40% uninsured rate quoted in previous testimony is inaccurate.

675

Michael Lessmeier, representing Allstate and State Farm Insurance companies, submitted written testimony and stated opposition to HB 7, stating that the realistic benefits are not worth the cost incurred. Offering uninsured and underinsured motorists coverage is a much less costly way to address the problem. He supports Sections 14, 18, and 19 of the original bill, and stated that everyone who bought insurance would be protected from the financially irresponsible driver.

784

Dan Motley testified that the solution to his problem with his show car stored in Seattle was not provided by the proposal offered by Dave Donnelly (Sen. Josephson's office) and Jeff Day (Rep. Hayes' office). His car is not an historic vehicle and he does not like their approach. He asked for further modification of the language in HB 7 to accomodate the problem, which is not his alone, but shared by others.

Tape #41
Side 1
007

Sen. Eliason asked that Jeff Day and Dave Donnelly continue to find a solution. Jeff Day reminded Sen. Eliason that HB 7 is a House priority and the House has targeted Wednesday for adjournment. Sen. Eliason stated that the committee was going to do its work whether the bill is a House priority or not. He asked that Jeff check with Mr. Motley, and see if they could get him to sign off on the solution they propose.

Sen. Eliason also stated that the exemption language about small villages needs to be extended to include a list of those small villages connected to the state highway by the ferry system.

171

There was some further discussion of the exemption for small villages, and time constraints caused the meeting to be adjourned.

UNITED TRANSPORTATION UNION
LOCAL 1787
SKAGWAY, ALASKA 99840

March 30, 1983

HOUSE BILL NO. 154

POSITION PAPER UPDATE

The United Transportation Union, Local 1787, takes the position that House Bill 154 is not in the best interests of the State of Alaska as the bill relates to Alaska's second and smaller railroad, the White Pass & Yukon Route. While H. B. 154 will essentially pave the way for state purchase of the Alaska Railroad, it does not address the unique situation presently facing the employees and passengers on the WP&YR. In addition:

1. All of the safety concerns identified in Attachment 1 are still extent. None have been addressed in the repeal of the state statute.
2. The WP&YR has not operated their railroad since October 8, 1982, and presently have made no sure plans for reopening this line. They presently hold all three American unions in Skagway in a "legal lockout", and the litigation related to that lockout is ongoing even now. Any blanket change of the train crew manning laws will aid and abet only the Company, and will give unnecessary assistance to them in their continued closure of the railroad. The Company has refused to sit down for bargaining and negotiations of any sort on the subject of re-opening the railroad. The passage of H. B. 154 will essentially give the Company even more ammunition to hold the employees, businesses, and citizens of Skagway hostage to foreign corporate whims without any assurance that even the passage of this bill would guarantee the opening of the railroad.

The members of United Transportation Union, Local 1787, want the railroad re-opened. This should be the primary issue before the State. If the WP&YR never intends to operate another train, this bill is meaningless to all concerned.

Larry Jacquot
General Chairman
United Transportation Union
Local 1787
Skagway, Alaska

SH:gc

POSITION PAPER OF THE UNITED TRANSPORTATION UNION

- (1) The union has gone on public record saying that when their safety concerns are met (walkways on bridges, etc. See Attachment 1), they will themselves come to Juneau to assist in the orderly repeal of the train crew law. Thus far, the company has made no attempt to address these concerns, and with the closing of the railway and disclosures of their financial troubles, it is doubtful that they intend to do so.
- (2) For thirteen years the state has been on public record saying that this law exists for safety's sake. No change has been made to the physical railroad to upgrade it along the lines recommended by the union. For the state to back away from the long-held position without any accompanying change in the physical railroad would indeed leave the state open as party to any litigation which might emerge from injury suits occurring on the WP&YR.
- (3) Due to the UTU's guarantee clause, the removal of the law will not affect the number of men who will work on the trains. The company is obliged to pay 18 men under contract, with or without the law. Therefore it is erroneous to accept the company's testimony that "the railroad will not reopen until this law is repealed". The law's repeal will give them no financial or bargaining "relief" whatsoever, and a recent court decision in favor of the union has upheld the guarantee clause as non-negotiable.
- (4) While testifying that they want to remove state law barriers to allow for collective bargaining, and that the state "should not be involved in management-labor negotiations", the company has at the same time submitted to the state a

list of their own demands which must be complied with before they will reconsider opening the railroad. These include a reduction of 20% in wages and benefits, removal of all guarantee and penalty rules, reinstatement of managements rights rules, an hourly wage basis, removal of "costly and restrictive" items, etc. It would seem that on one hand they ask the state not to be involved; on the other, they ask that the state condone their demands.

- (5) One reason for the interest in the repeal of this law has been the anticipated sale or takeover of the Alaska Railroad by the state. It has been argued that a "crew law" would burden the transfer. The standard guage Alaska Railroad under federal control reduced their crew size as safety and modernization measures allowed such action. A "state owned" Alaska Railroad would fall back under this crew statute unless the law was changed to apply to "narrow guage railroads" (i.e., the WP&YR). We contend this would satisfy both the Alaska Railroad transfer situation, and at the same time satisfy the needs arising from the unique safety situation on the steep curvatiuous White Pass & Yukon Route. It would also separate out the two railroads on this issue once and for all, making the matter crystal clear, and the law all that much easier to repeal when the concerns of the employees of the WP&YR and the state have been addressed.

UNITED TRANSPORTATION UNION

LOCAL 1787

SKAGWAY, ALASKA 99840

ATTACHMENT 1

BACKGROUND

The White Pass & Yukon Route Railroad, a Canadian-owned railroad with home offices in Whitehorse, Yukon Territory, is the last 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. A five-man train crew has been employed on the railroad on each train since 1898. In 1970 a state statute was placed on the books in the interest of safety for passengers and employees. Since 1970, American crews (who had operated all trains on the railroad since 1898) run only the 41 miles to Lake Bennett, B.C., the division point, and Canadian crews take the trains the balance of the distance to Whitehorse. The railroad suspended all operations on October 8, 1982 and no train has run since that date.

SAFETY FACTORS INVOLVED

Though "modern" in some respects, such as diesel locomotives and a containerized freight handling system, the WP&YR operates a fleet of "museum" vintage equipment while at the same time contending 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 referred to as "The Hill".

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 long heavy tonnage trains on the steepest railroad grade in America.

The railroad is interspaced with high wooden trestles, bridges, and cliff-like retaining walls which perch the track hundreds of feet above the canyon floor for miles. Blizzards have dumped over four hundred inches on the summit of White Pass in a season, 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 compound the dangers of railroading. 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 take cars over the side, and derailment (which occur frequently) could mean disaster at many locations.

Train crews have learned to place safety above all else. Five-man crews on the WP&YR exist primarily for safety, in spite of management's stand on this bill. Items of concern are as follows:

1. 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 a critical situation.
2. Ice building up between the wheels and the brake shoes can cause winter brake failures. The company has not upgraded their equipment, and this leaves crews to deal with problems out on the road.
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 two way radios in use are continually in for repairs and are prone to failure. Communications inside tunnels or on long winding trains around cliffs can and are often broken up or lost. The crews do not rely on radios 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 operation 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 that besides dealing with faulty locomotives, antiquated equipment and minimal track and bridge maintenance, 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 damaged trestle, or derailling high above "Dead Horse Gulch", or being hit by a rock slide atop 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 was an increase in winter passenger traffic prior to the winter closure in 1982-1983. The crew faces the added burden of protecting travelers as well as themselves.
7. 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 freight to contend with, more cars to watch (and to walk when check the train, or in emergencies), and definitely more hazardous.

8. 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 is exempt from federal requirements and regulations applying to standard gauge railroads "outside". This appears to be a very old practice of the Federal Railroad Administration, devised to allow the "shoestring shortlines" of the 1930's and 1940's to operate without the restrictions of larger railroads, which would undoubtedly forced them to close. The little known and obscure White Pass & Yukon Railroad is the last narrow gauge common carrier left in the United States. Also, it is generally viewed as a Canadian company. The 21 miles within Alaska are under jurisdiction of American law.

9. Until the closure of the railroad was lengthened through the 1983 tourist season, summer travel had increased each year, and with it, the number of accident reports. The White Pass accident and safety record is poor. 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 "never lost a passenger's life" in their 85 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's own odds gets worse by reducing the number of men on board a train who are available to deal with the expected -- and unexpected -- hazards of mountain railroading under the most extreme conditions.

March 23, 1983
Skagway, Alaska

We have had the opportunity to review the United Transportation Union's submission of 1982 stating their position for retaining the full crew law in Alaska.

This letter is our response to the United Transportation Union's position. Five man train crews were not established out of safety concerns by either the crews on the trains or by the railroad carriers. Instead five man crews have been handed down from days of steam engines and before automatic air brakes. The UTU has very effectively used the safety issue to first implement the full crew law and now to stay its repeal.

The State of Alaska is the only state in the Union that retains the full crew law.

The Pacific & Arctic Railway & Navigation Company is the only railroad in the United States forced to retain five man train crews.

We quote from the Canadian Transport Commission Report of the inquiry into White Pass & Yukon Railway,

"As part of our work, we visited Juneau to speak with members of the Governor's staff. The State of Alaska is the last state in the Union to have a five man crew law. We asked that consideration be given to changing the law so that the crew would be reduced from five members to three members. During the summer months, when the train is hauling a heavy contingent of passengers, there is an argument to be made for the use of a fourth crew member. However, during most of the year when only freight is hauled, it would appear that three crew members are adequate. Three crew members are used on the Canadian side of the haul and, in our interviews with members of the train crews operating on the Canadian side, they told us of no difficulties operating trains with a three man crew."

The continual diversion of money from worthwhile improvements to the railway into the wages to pay for five man train crews for the 29.4 miles of railway operated in Alaska has in no small way contributed to the economic demise of the railway to its current state of full suspension of service.

Repeal of the five man crew law does not mean the immediate end of five man train crews on the Pacific & Arctic Railway & Navigation Company. In fact the size of train crews must be negotiated with the United Transportation Union after repeal of the law.

The bleating of poverty by the United Transportation Union is far from the reality of the issue at hand. The United Transportation Union's parent is the AFL-CIO, the National UTU Alone received \$963,745 from its members since the start of 1981 for political action.

The railway burdened with the full crew law is the Pacific & Arctic Railway & Navigation Company operating between Skagway Mile 0 and White Pass Mile 20.4. White Pass is the International Boundary between Alaska and British Columbia, Canada.

As additional information, from White Pass the railway continues 32.2 miles to the British Columbia - Yukon Territory border at Mile 52.6 as the British Columbia Yukon Railway Company. From the B.C.-Yukon border the railway continues on as the British Yukon Railway Company terminating at Whitehorse, Yukon Mile 110.7. All three companies are operated as the White Pass & Yukon Route.

The Physical description of the Pacific & Arctic Rail & Navigation Company between Skagway & White Pass is a mountain railway located on side hill cuts.

Mile 0 to Mile 2 of PARN is the Skagway yard and is operated as a yard. Maximum grade is one per cent, that is a rise of one foot for every 100 feet of travel.

In 1938 and 1945 the route of PARN between Mile 2 and Mile 5 was relocated under emergency conditions as a result of the Skagway River floods to its present alignment and grade. Maximum grade between Mile 2 and Mile 5 is approximately one per cent. It must be pointed out that the only two 20 degree curves between Skagway and White Pass are a 294 foot long curve near Mile 2.5 and a 231 foot long curve near Mile 3.7. No other curve between Skagway and White Pass exceeds 16 degrees.

At Mile 5 the grade averaging 3.6 per cent begins its climb to the summit at White Pass on the original 1898 alignment. The grade is a side hill cut usually in solid granite rock. The granite has a compressive strength of 50 to 60,000 psi. Ordinary structural concrete has a compressive strength

Thus the granite shelf the railway is carved into is a very stable, extremely hard bed.

All the rail between Skagway and White Pass was replaced in 1971 with new rail. The new rail is in excellent condition. The old roadbed pitrun gravel was replaced with crushed rock ballast in 1970. The ties between Skagway and White Pass are kept in good condition with an annual tie replacement program. The ties are spaced 22 ties per 39 foot rail length meeting a standard for any main line railroad anywhere.

Each day a train is operated the railroad is checked ahead of the train by a maintenance of way track patrol. During the late spring there is a period of time about four weeks long that the trains are dispatched very early in the morning so that the trains can travel through the snow slide area at Mile 15 when the air temperature is still cold. Maintenance of way forces are kept on watch to monitor the track until the trains have safely passed through the snow slide area.

There has not been an increase in winter passenger traffic. The few winter passengers that do travel on the train are carried in a single combination passenger and baggage car with the train crew.

Every retainer wall between Skagway and White Pass was reinforced with vertical structural steel columns in 1969. The columns are anchored into solid rock with rock bolts. The structural steel reinforcement program on the retaining walls was designed by Mr. Charles Brawner, P.E., an engineer with a world wide reputation for rock and slope stability. We must point out that the Alaska Department of Transportation has retained Mr. Brawner on numerous occasions for consultant work on construction projects all over the State of Alaska including the Skagway-Carcross road and the Keystone Canyon project. Mr. Brawner is still retained by White Pass as a consultant and visits the railroad frequently.

Every bridge between Skagway and White Pass is inspected structurally each year by White Pass personnel usually accompanied by an outside consulting engineering firm. The steel bridges at 2A, 7A, 7C, 14A, and 19A are all brand new bridges rebuilt in 1969 by Mr. Jim Kirwen, P.E., a highly respected structural engineer from Vancouver, B.C. Mr. Kirwen's latest bridge inspection was in August of 1982.

For a complete list of bridges between Skagway and White Pass please see EXHIBIT A.

Walkways have not been constructed on the bridges between Skagway and White Pass due to the problem of removing snow from the additional deck width. The handrails that would have to be constructed on the outside of the walkway would act as a small snowfence and compound the snow removal problem. Refuge ways are sometimes provided on long spans but there are no long bridge spans on the railway in Alaska.

There are three locations where the railway is located on very steep side slopes. These locations are Mile 7.1 to 7.6, Mile 15.5 to 15.9 and Mile 17.6. The railroad is cut into solid granite at all three locations. Retaining walls at all three locations are reinforced with structural steel columns and the bridges are all steel with the one exception of one wood trestle at Mile 7.35. These three areas of steep side slopes are very spectacular, they are photogenic for the tourists and impart a feeling of psychological hazard heightened by the slow train speed when in fact the railroad structure is perfectly safe and sound.

We quote from the CTC report,

"We accept that apart from the bridge at 15C, all bridges are in good or very good condition."

All the recommended repairs have been made to the bridge at 15C.

We quote from the CTC report concerning track,

"The condition of the track and right of way was assessed to be in good condition and to be well maintained. The condition of the track is undoubtedly satisfactory for the volume of traffic carried at the speeds at which trains are operated on this line."

The operation of trains on the Pacific & Arctic Railway & Navigation Company is performed with complete safety by adherence to the Uniform Code of Operating Rules prescribed by the Canadian Transport Commission, the White Pass Timetable and by experience gained by 82 years of operation.

The maximum speed for any train descending the grade between White Pass Mile 20.4 and the end of the grade at Mile 5 is 15 miles per hour. All bridges and tunnels are restricted to 10 miles per hour.

Train brakes are applied by the reduction of air pressure in the train brake line. White Pass operates its trains with 90 lbs of air brake pressure in the train line. This is 20 lbs more than the industry standard of 70 lbs in the train line and provides an increase in the force with which the brake shoes apply pressure to the wheel treads. To apply the brakes the engineman moves a brake lever, thereby reducing the train line pressure a small amount. The reduction of train line pressure activates the brake valve on each car and permits air to flow to the brake cylinder. The brake cylinder piston advances under pressure and, through a system of levers and linkages, the brake shoes apply pressure to the wheel treads.

In an emergency or if the train line is broken for any reason the train air line is emptied and the brakes are applied full force in the fail safe condition.

In addition to the normal air brake system all White Pass cars are equipped with brake retainers that by Timetable rule must be set on all loaded cars before leaving White Pass to descend the grade to Skagway. Brake retainers are spring operated valves that retain approximately 30% of the brake cylinder pressure against the brake shoes at all times thereby keeping the full force of the 90 psi train brake pressure available for stopping if need be.

All White Pass locomotives are equipped with an independent air brake that is totally separate from the train brake and can be used in addition to the train brakes.

What is more important than the independent locomotive air brake is that every White Pass locomotive is equipped with dynamic brake. When a retarding force is desired the engineman moves a control lever, motor leads are reversed, causing the motors to operate as generators, exercising a drag or braking force on the train. The electrical current thus generated is dissipated as heat through cooling grids on the locomotive hood. Often full control of the train may be had by the retarding effect of the dynamic brake on the locomotive alone.

The grade between White Pass and Skagway is not a continuous grade. At Mile 18.5, Mile 14, Mile 8.5, and Mile 7.5 there are stretches of level grade where a train can be easily stopped.

Even the heaviest loaded PARR rail car weighs less than half of a standard gauge car. Yet more brake systems and forces applied to the brake shoes is the same - even higher on PARR due to the 90 psi train line pressure. The net result of this is that PARR cars have twice as much braking effort as do standard gauge cars in similar circumstances. This is one predominate reason narrow gauge were built in mountainous regions.

Snow and ice is kept off the brake shoe by the simple expediency of making periodic light brake applications to burn off the ice and snow by friction between the brake shoes and wheel tread.

The Pacific & Arctic Railway & Navigation Company has to comply with all safety appliance laws on motive power and freight and passenger car standards both in the U.S. and Canada.

Please see EXHIBIT B, a recent letter from the Regional Director of Railroad Safety of the U.S. Department of Transportation, Federal Railroad Administration.

The majority of locomotive failures in winter months are caused by snow in traction motors. All locomotives are inspected and work performed on them that is required to keep them running in a safe and good running condition. The number of employees on the crews will not prevent breakdowns.

The following table will show conclusively that PARR does not operate either long or heavy trains between White Pass and Skagway.

TABLE OF TRAIN LENGTHS SOUTHBOUND FROM WHITE PASS TO SKAGWAY

	20 cars or less	21 to 30	31 to 40	41 to 50	51 to 60	61 to 70	71 to 80
1979:	95	152	149	87	88	24	5
1980:	171	137	116	83	56	12	5
1981:	178	120	122	71	56	11	5

These figures do not include trains run with only passenger equipment either to or short of Bennett, B.C. and return to Skagway, AK. Such trains when operated haul a maximum of fifteen (15) parlor cars.

May 1980: Train left White Pass with 63 loads and 7 emptys, 2539 Gross Tons. This was the heaviest train out of White Pass during this period.

June 1980: Train left White Pass with 68 loads and 16 emptys, 2437 Gross Tons. This was the longest train out of White Pass during this period.

The following is a summary of accidents to train crewmen:

During the three year period 1979 - 1981, Trainmen, Enginemen, and Hostlers had 32 reported accidents. (13 in 1979, 11 in 1980, and 8 in 1981)

Five accidents occurred in Canada, four of which occurred on the ground. The remaining accident took place when an employee dismounted from a motionless car.

There were 26 accidents which took place in Alaska. Nineteen occurred in the yard limits. Five of the remaining eight do not list the rail location. The following is a synopsis of the three incidents that occurred on the "road":

- 1) Clifton siding - employee on ground moving a piece of MofW equipment.
- 2) White Pass - employee on ground injured finger setting retainers.
- 3) 19.5 mile - employee on ground fell through snow crust and injured groin.

During the three year period only one employee was injured from train movement. The accident report does not show the location on the track, but the train consisted of a locomotive pushing 18 passenger cars. The train stopped suddenly and the employee, who had been standing on the outside platform of Combo 214, was off balance and hit the end railing of the car. An interesting side note to the above: The afore-mentioned employee accounts for 19% of the 32 accidents reported in the three year period.

A further note of interest was an accident report filed during August 1981. The employee concerned was assigned to a 5 man crew as a brakeman. His accident occurred while riding in the back of the car inspector's pick-up.

There are very specific instructions governing the use of radios on the White Pass Railroad. All actions are governed by the principle when information is transmitted, and no acknowledgement is received, necessary action must be taken on the belief that the information was not received. The safest, most restrictive action must be taken. There is no alternative.

A very costly capital improvement project was just completed that will substantially upgrade all communications on the White Pass by providing microwave communications to and between all points on the railroad.

In the past three years about twenty-five of the older freight and tank cars have been upgraded, the frame (center sills) reinforced and A-B air equipment installed. All the passenger cars have been upgraded with the A-B air equipment and chemical toilets installed. All cars used to transport ore are equipped with the latest brake valves.

The hand brakes on the older cars are a direct wind up type. With the use of a brake club, one man can tighten the brake jacks as tight as it can go. The hand brake on the new cars (built 1969) have gear type hand brakes which are easy to operate without a brake club, in fact a club must not be used.

The reason we are going to great lengths to describe the physical characteristics and operational characteristics of the 20.4 miles of railway in Alaska burdened by the full crew law is to show that the number of trainmen on board the train has very little to do with the safe operation of the train.

It is the observation of the Managers of the White Pass Railway that the five man crews are in fact counter productive when compared to the three man crews. The White Pass has had over 10 years experience now with five man crews operating between Skagway and Bennett, B.C. for 40 miles and three man train crews operating between Bennett and Whitehorse for 70 miles.

Often the three man train crews operated trains twice as long as the five man crews because two northbound trains are, on many days, combined into one train at Bennett. The three man train crews operate over the 27 miles of track between Bennett and Carcross that is 46.2% curves with a better safety record than do the five man train crews operating the 20.4 miles of track between White Pass and Skagway with 41.9% curves.

It is the observation, substantiated by 10 years of operation in a perfect side by side demonstration that the three man train crews are more alert and act in a more responsible manner than do five man train crews. This is due to the human nature aspect of five men trying to perform work enough for only three men - they each tend to "let the other guy do it" and consequently the job doesn't get done, the train isn't watched, the gauges aren't read, the man in the engine lets the man in the man in the caboose watch the train, while the man in the caboose is otherwise occupied thinking that his partner in the caboose and the man in the engine are "covering" for him.

We quote again from the CTC report:

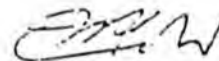
"Agreements and full crew laws in the State of Alaska require five men on American crews between Skagway and Bennett; Canadian crews between Bennett and Whitehorse consist of only three men--an engineer, conductor and a single trainman. American crews include one additional trainman as well:

as a fireman. White Pass trains average sixty to seventy cars per train. By comparison, coal trains operating through mountainous territory in the Canadian Rockies, average one hundred to a hundred and ten cars. The coal trains are approximately three times as heavy as White Pass trains and approximately twice as long. However, they are crewed by only four employees - an engineer, conductor, and two brakemen. Recently, agreement had been reached to reduce one of these brakemen. Alaska is the only state in the United States to enforce the full crew law and it does not apply in Canada."

For years the railroad unions have been kind of the hill imposing and defending work rules that could not logically be defended. Since the Conrail and United Transportation Union agreement of 1981 whereby 1,500 firemen and 3,300 brakemen were laid off by abolition of the full crew law. Alaska is the only state imposing a full crew law on only one railroad, the P & AR & N co.

The words of UTU president Jim Snyder in an interview after the Conrail settlement are especially poignant with rail service on the White Pass now suspended, "We had some hard decisions to make, D.C.T., F.R.A., everyone let it be known they were going to sell off Conrail if we didn't cooperate. We had to give the railroad an opportunity to make a profit without a sale on the courthouse steps," he said, "In the long run, we've saved instead of lost jobs."

Sincerely,



H. P. Taylor
Manager, Rail &
Alaska Operations

BRIDGES: SKAGWAY, ALASKA TO WHITE PASS

<u>BRIDGE NO.</u>	<u>LENGTH</u>	<u>HEIGHT</u>
2-A	36'	6'
5-A	237.5'	48'
7-A	72'	34'
7-B	86.5'	32'
7-C	180.5'	30'
9-A	20'	24'
12-A	111'	52'
14-A	244.5'	56'
14-B	32'	3'
15-A	180'	34'
15-B	108.5'	11'
15-C	206.5'	56'
17-B	47.5'	8'
19-A	243'	110'



U.S. Department
of Transportation
Federal Railroad
Administration

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March 25, 1983

Mr. C. H. Cochran
Manager Mechanical Department
White Pass and Yukon Corporation, Ltd.
Skagway, Alaska 99840

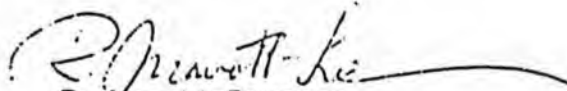
Dear Mr. Cochran:

Confirming our telephone conversation on March 24, 1983, the following safety regulations pertaining to the operation of the White Pass and Yukon Route in Alaska are listed in 49 CFR Parts 200 to 399.

- Parts 209 - Railroad safety enforcement procedures.
- 216 - Special notice and emergency order procedures: railroad truck, locomotive and equipment.
- 225 - Railroad accidents/incidents: reports, classification, and investigations.
- 228 - Hours of service of railroad employees.
- 229 - Railroad locomotive safety standards.
- 231 - Railroad safety appliance standards.
- 232 - Railroad power brakes and drawbars.

These regulations are self-explanatory and if I can be of further assistance, please feel free to call my office.

Sincerely,



R. Mowatt-Larssen
Regional Director of
Railroad Safety

EXHIBIT "B"

SENATE TRANSPORTATION
STANDING COMMITTEE

May 26, 1983

1:30 p.m.

Members Present: Senator Moss, Chairman
Senator Fahrenkamp, Vice Chairman
Senator Faiks

Members Absent: Senator Kerttula
Senator Gilman

COMMITTEE CALENDAR

HB 154 "An Act relating to train crew size."

WITNESS REGISTER

Representative Peter Goll
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Marvin P. Taylor
White Pass and Yukon Route
P.O. Box 436
Skagway, Alaska 99824

Jim Robison, Commissioner
Department of Labor
P.O. Box 1149
Juneau, Alaska 99811

Don Rouleau
A.S.D.C.L.
Juneau, Alaska 99801

Bill Miles
White Pass and Yukon Route
P.O. Box 4-7038

PREVIOUS ACTION

None

Tape #20, Side A
Recording
Number

ACTION NARRATIVE

000 Chairman Moss called the meeting to order at 1:35 p.m. with Senators Moss, Fahrenkamp and Faiks present and brought up the subject of the confirmation of Guy Russo for a seat on the Alaska Transportation Commission. Senator Fahrenkamp asked if Chairman Moss was open to a motion on Mr. Russo. As

he was, Senator Fahrenkamp moved that the committee send the normal letter and not call Mr. Russo in for an interview. As there were no objections it was so ordered by Chairman Moss.

- 056 Chairman Moss introduced House Bill 154 and an amendment to it submitted by Representative Goll. Representative Goll identified himself as Representative of House District #2, which includes the city of Skagway. Goll stated that when the bill was introduced he had received requests from the former employees of the White Pass and Yukon Route whose concern was that a certain minimum crew size was necessary to maintain safety standards. Goll requested a five man crew be maintained on narrow gauge railroads, and he stated that as the Alaska Railroad was going to be taken over by the state, he supported HB 154 so that the Alaska Railroad, when removed from federal supervision, would not be required to have a five man crew. He pointed out that at the White Pass, the situation was different due to the nature of the steep terrain and narrow bridges on the White Pass and Yukon Route. Goll then restated that for the safety of the passengers and the crew and the safe operation of the trains it was necessary to have a minimum crew size and therefore he offered the amendment.
- 171 Chairman Moss asked if the action didn't gut the bill by removing the word "repeal" and inserting "narrow gauge", and whether the statute as it existed before remained the same except for the "narrow gauge." Goll replied that that was his understanding, that the law would remain as it was as far as it applied to narrow gauge railroads and would cease to apply to other railroads in the state.
- 212 Mr. Taylor identified himself as the Manager of the White Pass and Yukon Route, and stated that if the amendment was adopted the White Pass and Yukon Route would have no relief and that as amended the bill would be very special legislation that represented a small group. Taylor noted Rep. Goll's emphasis on safety and stated that there had never been a passenger fatality on the railroad and that the last employee fatality had been in the 1940's. Taylor pointed out that the railroad was under the jurisdiction of the Federal Railway Administration and was inspected by them at least yearly, that they complied with all federal railway safety compliance acts, and that they were also under the jurisdiction of the Canadian Board of Transport. Taylor stated that the full crew law had been around since 1900, and he felt that the railroad was not being permitted to take advantage of the technology that had come along since then. Taylor added that they did operate in mountain regions, but so did all railroads that operated in Alaska, and he stated that the railroad was now closed down, but that the passage of this bill would help to reopen it.

- 293 Senator Faiks questioned whether Alaska was the only state in the United States that required the full crew law as it said in the report from the White Pass and Yukon Route.
- 302 Commissioner Robison stated that there were still four or five that had that requirement. Taylor said that he had quoted from the C.T.C. and the F.R.A. and added that if the law was repealed it would give White Pass the privilege of negotiating crew size with labor organizations.
- 315 Senator Fahrenkamp asked what effect the bill would have on lawsuits or negotiations that are currently underway. Mr. Taylor replied that the repeal of the law in itself would not permit the opening of the railroad, but that it was one of the things that was necessary. Fahrenkamp asked what the cost savings would be. Taylor replied that it would depend on the negotiations, but that it would probably be a maximum of \$300,000 per year.
- 350 Senator Faiks noted that the railroad used a three man crew on the Canadian side, and she asked where the other two people were added on the return trip to Skagway. Taylor responded that Lake Bennett was the switching point. Faiks also questioned the four man crew that was proposed for the summer, asking the rationale behind adding the fourth person. Taylor responded that it was a safety factor, that the fourth person would be a back-up person for the conductor who would watch the train from the rear.
- 382 Senator Fahrenkamp asked why the bill was before the Committee, and whether it was on the governor's priority list. Bill Miles identified himself as a representative of the White Pass and Yukon Railroad and stated that the bill was before the legislature at the governor's request, and that it was an issue that had been before the legislature since the railroad had changed management, and that new management sought to relieve the railroad of some financial difficulties by repealing the minimum crew law. Miles said that the law was a major contributing factor in the current closure of the railroad, and that if the railroad was to open under existing laws the railroad would lose \$4.2 million per year.
- 433 Senator Fahrenkamp stated that if the figure that was being lost was \$4.2 million, and this bill would affect the railroad by \$100,000 to \$200,000 per year, that would still leave \$4 million in the hole and that didn't make sense. Taylor replied that depending on the number of crews the amount was closer to a half a million dollars. Miles added that that was not the only factor keeping the railroad from reopening, but that it was one of three major components. Fahrenkamp pointed out that there would still be a deficit of \$3.7 million at maximum crew load. Taylor explained that that was due to the

closure of the mines, and a resulting lack of tonnage to haul. Fahrenkamp asked what prospect there was for the mines reopening and whether the grade of the ore as well as the cost of the mineral was affecting the mines reopening. Taylor responded that the mine would operate again, but at that time the railroad would have to be competitive. Fahrenkamp asked when the mines might possibly reopen.

490 Mr. Taylor said it would be safe to assume it would not be in 1983, that it was possible for 1984, and probable for 1985.

500 Senator Fahrenkamp then asked what was the hurry on the bill. Mr. Taylor explained that the mine's current contract with the railroad expired in December of 1983, and the railroad needed to know its costs to be able to arrange a new contract, and also that the tourist season for 1984 was arranged in the summer of 1983 so it was necessary to know the cost of operation.

511 Senator Faiks asked if the other urgency to move this bill was not the impending transfer of the Alaska Railroad.

519 Representative Goll explained that what he wanted was to have the White Pass Railroad open. Goll stated that that was the desire of the people of Skagway also, and for that reason they did not support opening the Klondike Highway to truck traffic. Goll also mentioned Skagway's desire to work with the state to purchase the White Pass dock, a desire shared by the White Pass and Yukon Railroad. Goll stated that the people of Skagway wanted the railroad to be operational, wanted their jobs back, and were working to that end. He stated that a compromise would be possible in relation to freight, but that in the area of passenger safety, the minimum crew of five persons was important. Goll stated that he recognized that this did create a hardship for the railroad, and that 85 percent of the railroad's revenue had just vanished, and that that was why the railroad had closed. Goll mentioned the labor-management disputes that had been going on for years, but stated that the people who worked for the railroad had asked for the protection of a minimum crew on the basis of health and safety, and he stated that he didn't believe that the railroad would open or not open as a result of adding the amendment to the bill. Goll stated there was no question of a burden being on the railroad, but that the minimum crew issue had to be viewed in perspective and it was a loss of revenues responsible for the railroad closing, not the five man crew law.

600 Chairman Moss asked if he felt item A-2 on the amendment could be eliminated without any effect. Goll replied that if a compromise was necessary, he felt that the area of freight one crew member could be eliminated without undue risk and in part two of the amendment he could see changing "two brakemen" to "one brakeman."

- 610 Senator Faiks asked what the purpose of part three of the amendment was and asked about section two, part B, stating that the concern of the amendment was passenger safety, but there were parts of the amendment that had nothing to do with passengers. Representative Goll explained that the requirement of three crew members in the yard was due to the limited visibility of the engineer, and that the extra crew members enabled the engine to move more safely through the yard, noting that near the docks there were passengers from the cruise ships that might otherwise be endangered. Faiks asked how section two specifically changed the law. Goll replied that the only change was adding the word "narrow gauge" so that the requirement would not apply to the Alaska Railroad. Goll stated that the section 3-B simply states that the crew requirement does not apply when in the yard.
- 662 Senator Fahrenkamp asked if the amendment was not the same as the existing law except for two words, "narrow gauge" in the first paragraph and "narrow gauge" in the last paragraph. Goll replied that that was correct, that everything remained the same except that the Alaska Railroad was protected from an unnecessary regulation.
- 683 Don Rouleau stated that he was with the District Council of Labor and that he also spoke for the State Federation of Labor but that he would prefer someone in the railroad would be working with Larry Jocko, the Chairman of the Transportation Union, and he stated that he concurred with Representative Goll.
- 702 Senator Fahrenkamp asked if the purpose of the bill was to help with the transfer of the Alaska Railroad or to relieve both the Alaska Railroad and the White Pass. Jim Robison, Commissioner of the Department of Labor replied that the administration felt that the crew size should be between the union and the railroad and that that had been their purpose. Robison stated that it was written into the transfer that the Alaska Railroad would not be affected by the crew size laws.
- 725 Senator Fahrenkamp stated that it was her understanding that the law would then affect only the White Pass, so that the amendment would make the bill that they had completely useless. Senator Faiks pointed out that the way the transfer legislation was written the Alaska railroad was exempt from the crew size law, but that it would still be on the books. Chairman Moss asked whether federal law would apply to the Alaska Railroad after the transference of the ownership. Mr. Robison stated that the federal government would monitor their restrictions for at least ten years.
- 748 Senator Fahrenkamp stated that she would like to have Commissioner Casey and some others present while discussing the bill and asked if it could be heard again in the next week.

Chairman Moss suggested the bill be held over for a second hearing on Tuesday, May 31st, and in the meanwhile all concerned could try to answer some of the questions that had been raised in the meeting that day. Senator Fahrenkamp made a motion to hold the bill until the following Tuesday for further investigation. As there were no objections it was so ordered by Chairman Moss.

777

Senator Fahrenkamp suggested that to prevent further expense to the White Pass and Yukon Route representatives, they need not return for the next meeting. Chairman Moss suggested that it would be possible to arrange a teleconference from the Skagway area. Mr. Taylor made a statement that the bill was not a safety bill, and was discriminatory, and that he wanted to remind the Committee that if the bill was repealed all it would do would be to give the company the privilege to negotiate the issue with labor. Mr. Taylor stated that if White Pass got relief from the bill that before anything went into effect with the negotiation there would be walkways on the bridges. Mr. Rouleau stated that the Chairman of the Transportation Union would want to testify at the meeting. Representative Goll stated that at this time he strongly supported his amendment, but if on the other hand, safety factors were relieved by construction on the railroad, at that time he would have no objection to looking at the matter again.

842

Senator Fahrenkamp asked if Thursday might be a better time for the next hearing of the bill to allow all concerned enough time to prepare. Mr. Taylor began a discussion of labor negotiations. Senator Fahrenkamp noted that the Committee was not a negotiator for union problems. Commissioner Robison indicated that the extra time was not needed, that he would be able to bring photographs of the area discussed on Tuesday. Chairman Moss stated that arrangements would be made to have a phone line or some sort of telecommunication for those unable to attend from Skagway, and stated that the Committee would meet again on HB 154 at 1:30 p.m. on Tuesday, May 31. Chairman Moss adjourned the meeting at 2:25 p.m.

(Parkland laws put in a
narrow gauge road!)

~~5 Crew before the 1970
change.~~

~~RRR Administration~~

20-30?

[1979-]

10 PEOPLE

ONE OUT OF COUNTRY — CANADIAN —
"KABOTICH" ⇒

CLOSE FED. HIGHWAYS - IN - ALASKA.
By BECAUSE OF TOURISM? [

WHO PUT THAT PROVISION IN THE TRANSFER
ACT?

What about costs.

Hearing on H.R. 154
6-16-83

Jeff Ruff (United Transp. Union)
Expressed opposition of train
crews to HB 154 as does not
address their safety concerns.

Jim Robinson (Counsel for White Pass
on U.S. side)

Requested committee to view it
as economic issue. Pass 154
as it is critical to have cooper-
ation of Canadian + U.S. / State Gov't

(Marvin Taylor was also present)

(Tom King, chief exec. officer for W.P.
also present)

Tom King - "This is an argument
about economics, not safety."

Railroad must compete w/ trucks.

Comm. Casey - DOT PF doesn't
want to take a side, or get
involved in crewing decisions.
Views safety issue as more of
Comm. of Labor's concern, +
unsure where to draw line
between safety issues + economic
issues.

6-21-83

Rodey moved to pass out
HB 154 w/ individual recom-
mendations.

COMMITTEE REPORT

SENATE

FURTHER:

6/1/63

Date: 6/1/63

Mr. President:

The Committee on LABOR & HUMAN RESOURCES has had HR 154

Wain crew size

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- 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
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signatures]

[Handwritten signature]

CHAIRMAN

Bill Fact Sheet

Date Received .1

Bill Number HB159 Title Train crew size

Fiscal Note - Date Requested _____ Date Received _____

- Of Whom _____

Dept. Position Paper - Date Requested _____ Date Received _____

- Of Whom _____

Resource People

4797

Initial Hearing - Date June 16
People Contacted

Ray Gillespie (Gov's office)

White Pass - Marvin Taylor (Skagway) 983-2214, 2501

United Trans. Union ~~Jeff Rott~~ Steve Hiles 983-2537

Larry Jacquot 283-2389

Jeff ~~Rott~~ v. 983-2455

Sen. Moss' Trans Aide

4797

Follow-up Hearing - Date _____

Final Action _____

Date _____

A M E N D M E N T

Steven J. Koles

983-2537

United Trans.

Union

Larry Jacquett
By Goll

983-2389

Offered in the HOUSE

TO: HB 154

Page 1, line 8, following "AS 23.10.420":

Delete "is repealed." and insert the following:

"(a) is amended to read:

(a) No person operating an Interstate Commerce Commission-regulated narrow gauge 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.

* Sec. 2. AS 23.10.420(b) is amended to read:

(b) Except for hostling movements and duties as negotiated for each railroad company, no person operating an Interstate Commerce

Commission-regulated narrow gauge 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 conductor, and one brakeman."

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 Skagway, 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. Admin General Security

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

- 3 Three United States Presidential Commissions
- 1 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, ^{operating with a} ~~we~~ 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. ^{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) ^{T & E = TRAIN ENGINEERING employees}

(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.

Payroll in Skagway runs million dollars a month

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.

0
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 in back in '79 we're just not competitive under the present structure.
Financial status of 3
Structure of 3 Corporate, no longer position to help