

HB

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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

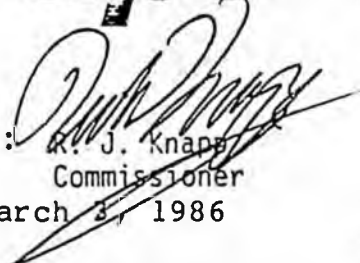
Mary Van Nimwegen

House Rules 4-1-86 8:01am



Position Paper

BILL NO: HB 436 and SB 313

APPROVED: 
R. J. Knapp
Commissioner

TITLE: An Act requiring a properly equipped and staffed caboose on certain trains. DATE: March 3, 1986

Although not an issue of direct concern to the Department of Transportation and Public Facilities (DOT&PF), it is appropriate to provide certain comments given the DOT&PF Commissioner's role on the Board of Directors of the Alaska Railroad Corporation (ARRC). However, it is important that these comments not be construed as the official position of the ARRC regarding HB 436. ARRC management should be contacted separately to solicit their formal views on this matter.

The central question underlying this legislation is whether to mandate by statute the use of cabooses for certain types of trains, with little regard for technological improvements and variety in train consists that may have a direct bearing on the need for cabooses. Evidence from the rail industry and at the Alaska Railroad suggests this sort of non-discretionary arrangement is unwarranted and may add unnecessary costs to train operations. More detailed information regarding these issues can be found in the ARRC's Position Paper on HB 436, dated February 14, 1986.

Another concern is DOT&PF's perception that this type of legislation may be inconsistent with the spirit and intent of the state Alaska Railroad Corporation Act (ARCA), which established the ARRC as an independent, public corporation to own and operate the Alaska Railroad under state ownership. ARCA sets out explicit direction regarding goals and objectives for operation and management of the Alaska Railroad, and provides broad powers for the ARRC Board of Directors to oversee and manage these responsibilities. Included are the requirements to provide "safe, efficient, and economical transportation," to "be exclusively responsible for the management of the financial and legal obligations of the Alaska Railroad," and to "carry out its responsibilities on a self-sustaining basis." HB 436 appears to run counter to this approach by attempting to limit management's ability to meet these different goals. This is unfortunate coming so soon following passage of ARCA, and the apparent absence of evidence that ARRC management has failed to meet its statutory responsibilities.

In summary, DOT&PF is unaware of any real evidence that suggests this legislation is warranted, and respectfully submits that HB 436 contradicts the spirit and intent of ARCA by unnecessarily attempting to legislate decisions reserved for management.

For further information call Susan Fleischhauer at 465-3900.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HR 436
 Title : An Act requiring a properly equipped and staffed caboose on certain trains.
 Sponsor : Cato
 Requestor : _____
 Date of Request : 2/14/86

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

| OPERATING | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING : (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS :

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : Attach a separate page if necessary

Prepared by : Representative Katie Hurley Phone : 465-4961
 Division : House State Affairs Committee Date : 2/14/86
 Approved by ^{Chair} ~~Commissioner~~ : Katie Hurley Date : 2/14/86
 Agency : House State Affairs Committee

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OF COUNSEL
ERIC OLSON
DAVID J. WALSH

January 30, 1986

HAND-DELIVERED

Clinton Gray
Legislative Representative
UNITED TRANSPORTATION UNION

Re: Alaska Caboose Legislation

Dear Mr. Gray:

The State Legislature is currently considering Senate Bill 313 and House Bill 436, which provide for a properly equipped and staffed caboose on freight trains over 1,000 feet in length. The bill is a public safety measure. Four other states have passed legislation requiring cabooses on freight trains, they are Virginia, Oregon, Montana, and Nebraska. I understand also that many states are adopting regulations or considering legislation on this same issue. While this legislation is not a "jobs" bill, it may effect the minimum number of crew members required to be employed for the operation of a train. Accordingly, you have asked whether this state enactment would be prohibited under the Alaska Railroad Transfer Act. For the reasons set out below, it is my opinion that the Alaska caboose legislation now proposed does not violate, and is not prohibited by, the Alaska Railroad Transfer Act (ARTA).

ARTA at 45 U.S.C. §120-7(a)(4) provides that:

(a)(4) The operation of trains by the State-owned railroad shall not be subject to the requirement of any state or local law which has specified the minimum number of crew members which must be employed in connection with the operation of such trains.

The question of whether this federal law prohibits Alaska from regulating its own railroad can be approached in a number of ways. I will begin with a review of the legislative history.

When construing the statute, the court will examine the language of the statute first. However, after reviewing the language of the statute itself, the court will then refer to the legislative history to gain insight that may be helpful in determining the statute's meaning. City and Borough of Sitka v. IBEW, 653 P.2d 332 (Alaska 1982). The wording of 45 U.S.C. §1207(a)(4) can be construed as prohibiting the State from enacting any legislation which impacts the number of crew members employed in connection with the operation of trains. However, the legislative history indicates that the legislative intent, was to exempt the Alaska Railroad only from "existing" laws.

At the time of the Alaska Railroad Transfer Act, Alaska law strictly regulated the minimum crews necessary for passenger trains, freight trains, light engines, etc. AS 23.10.420. ARTA clearly exempted the state-owned railroad from that law. But, did ARTA also exempt the Alaska Railroad from any future enactments? The legislative history provides clear guidance. A report of the Committee of Commerce, Signs and Transportation states as follows:

Section 8 of the bill governs the application of various federal and state laws to the state-owned railroad after its transfer to the state. . . . In general the Committee believes that in the future this state-owned railroad should be treated like all other railroads subject to federal and state laws. . . . Third, the Committee believes it would be inappropriate for the federal government to dictate to the state how it should set up and operate the railroad beyond what generally applies to all rail carriers under existing laws. Report of Committee on Commerce, Signs and Transportation, S.Rep. No. 97-479, 97th Cong. 2d Ses. Calendar No. 862EG10-12, 20 (1982).

Emphasis added. The legislative history speaks specifically to "existing laws." The history notes that "in the future" the Alaska Railroad should be like other railroads. This is a clear indication that Congress, when enacting ARTA, intended to deal only with the laws that were on the books at the time, and did not intend to prohibit the State from future regulation of its wholly owned railroad.

Another rule of statutory construction is that statutes relating to the same subject matter should be read together as a

whole so that the total regulatory scheme is preserved. Nash v. State Commercial Fisheries, 679 P.2d 477 (Alaska 1984). In addition, federal statutes must be construed consistently with one another. Get Oil Out v. Exxon Corp., 586 F.2d 726 (9th Cir. 1978). These statutory guidelines mean that §1207(a)(4) of ARTA must be viewed in the context of other federal regulations concerning railroads. Federal law generally allows states to enact caboos legislation. Federal law in Alaska should be no different.

ARTA makes the state-owned railroad subject to the Interstate Commerce Commission and the federal Railroad Safety Act. 45 U.S.C. §421, et seq. The federal Railroad Safety Act states at 45 U.S.C. §434:

A state may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time the secretary has adopted a rule, regulation, order, or standard covering the subject matter of such state requirements. A state may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard and when not incompatible with any federal law, rule, regulation, order, or standard and when not creating an undue burden on commerce. (Emphasis added.)

In Burlington Northern Railroad Co. v. State of Nebraska, C.B. 83-L423 (F.D.N.D., May 10, 1985), the court stated that because the Interstate Commerce Commission has not provided any guidance or any statutes regarding cabooses and the manning of cabooses, states are free to legislate in that area until the time that the Commission does regulate that area. Thus, in order for ARTA to be consistent with federal law, Alaska must be considered as having the right to pass safety measures concerning cabooses.

Even if Congress intended to exempt the state-owned railroad from future laws on crew size, it could not have intended that the state-owned railroad be exempt from state safety laws. In determining this kind of legislative intent the pre-enactment history is relevant, including the statutes in effect at the time that ARTA was passed. 2A Singer, N.J. Sutherland's Statutory Construction §48.03 (1984). In Section 1207(a)(4) and in the

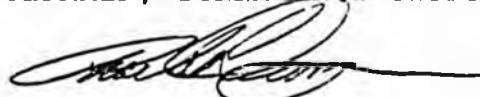
legislative history, there is no indication that the purpose was specifically to prevent featherbedding. However, looking at the law in effect at the time ARTA was passed, and discussing the matter with persons knowledgeable in the industry, it is clear that the law required more employees than was necessary. Clearly, Section 1207(a)(4) was enacted to prevent featherbedding. Since the Alaska caboose legislation is a bona fide safety measure and not a featherbedding measure, then it will not be in conflict with Section 1207(a)(4), regardless of the fact that it has some impact on railroad manning. In this regard, it is instructive to note that the court in the North Dakota case found that the caboose legislation was reasonably related to the protection of the health and safety of the citizens of the state. Burlington Northern, supra at 7.

In researching this question, we have examined a number of other issues. I will not discuss in depth the work that we have done. However, we do not believe that Section 1207(a)(4) is a violation by Congress of Alaska's Tenth Amendment rights. See, Garcia v. San Antonio Metro Transit Authority, 105 S. Ct. 1005 (1985). In addition, it does not appear that Congress is prohibited from addressing Alaska's law on minimum sizes of crewmen in a bill that does not address that problem with regard to the other states in the Union. See generally, State of South Carolina v. Katzenbach, 383 U.S. 301 (1966), where the Supreme Court upheld the Voting Rights Act of 1965 that was imposed on three particular states.

If you have any questions or if I can be of any further assistance, don't hesitate to contact me at your convenience.

Sincerely,

JERMAIN, DUNNAGAN & OWENS



Charles A. Dunnagan

CAD/bh

SENATE BILL 313

HOUSE BILL 436

LEGISLATION FACT SHEET

ON CABOOSES

This bill will provide for a properly equipped and staffed caboose on freight trains (over 1,000 feet in length including locomotives), while moving over tracks outside a yard or terminal. This bill also provides for exceptions, such as no caboose is required on a train composed only of locomotives and passenger coaches; or if an emergency occurs en route that prevents compliance, and will provide for a penalty of \$500 to \$1,000 for each violation.

This bill is a public safety issue, not a jobs issue. The effect of this bill will not require any additional personnel on the train, now or in the future.

Railroads, through mediation and a Presidential Emergency Board, obtained permission in 1982 to eliminate cabooses in an agreement with the United Transportation Union, which was signed under duress. (The only other option was ultimately to strike! Remember PATCO-Air Traffic Controllers.)

Public safety is not mentioned one time in Caboose Portion, Article 10 of October 15, 1982 United Transportation Agreement.

Some Lower 48 states railroads (Union Pacific specifically), were granted permission (by arbitrator) to operate trains transporting hazardous materials without a caboose, because this agreement also failed to mention the numerous hazardous and toxic materials moved by rail.

Four other states currently have passed legislation requiring cabooses on freight trains (Virginia, Oregon, Montana and Nebraska). New Mexico has adopted regulations, and Texas is now in the process to require cabooses. Many other states are now introducing legislation. (Louisiana in 1983 and the state of California in 1985 both passed bills, but their Governors vetoed them.)

With increased transportation of hazardous and toxic materials on The Alaska Railroad, safety of the public demands the greatest possible application of safety principles on our trains.

Cabooses have extended cupola windows for the observation of the train ahead, and the track behind. From the caboose, the crew is also able to observe the condition of the train and initiate measures to stop the train if unfavorable conditions arise. The caboose has an emergency brake valve for immediate use to stop a train. Normal position of employees on a train is a trainman and engineer in the lead locomotive cab, and a conductor in the caboose. At times, depending on the length of the train, there may be a trainman also on the caboose.

The engineer and head trainman observe the track ahead for signals, obstructions or anything that would affect train operations. The conductor, and at times a rear trainman, are seated on each side of the cupola facing forward to observe both sides of the train and also observe the track behind them. They will be watching for signals from wayside ground personnel, shifted loads, children playing on equipment, right-of-way fires, vehicles striking the side of the train, and numerous other hazards.

Alaska Railroad personnel (trainmen, carmen, sectionmen, station agents) have been drastically reduced in the past 5 to 10 years; therefore, train inspection from other sources is less often than in the past.

Many major accidents are being prevented with our present operation of cabooses on the rear of freight trains. Occupants of a caboose can spot minor defects that could lead to major derailments.

Although The Alaska Railroad has installed 3 dragging equipment monitoring devices, which malfunction frequently, they are too few and far between (two of them are in Anchorage, and one at Hurricane). The Alaska Railroad has no other type of monitoring devices. The devices that are in operation do not detect shifted loads, sticking brakes, broken wheels, hot wheels, bad bearings, hot boxes and many other possible hazards.

Shifted lading, or derailments of minor nature involving hazardous and toxic materials can be detected by the rear occupant of a train, thus protecting nearby rail structures and occupants of entire communities. The rear occupant of a train would be the first to render aid in the event of a road grade crossing accident, and the first to contact emergency vehicle assistance.

Fires can be caused in several ways. Carbon builds up in diesel locomotives under light load, and is scattered everywhere when the throttle is opened. Hot boxes and sticking brakes are also major causes of fires. Right-of-way fires can be detected and proper authorities can be contacted to protect forests, bridges, and communities from such fires.

In recent years on the nation's railroads, the most significant area of loss and damage to property resulted from track-caused train accidents on mainline track, rather than on branchline or yard tracks. This is also most prevalent on The Alaska Railroad.



MOVEMENT OF HAZARDOUS MATERIAL

American railroads move more than one million tank car shipments each year. The number of unintentional releases are about 200 spills for every one million. Yet, one incident involving the unintentional release of toxic or hazardous material could cost millions of dollars for The Alaska Railroad to remedy.

Before 1960, some of the most common hazardous materials moving over the railroad were gasoline, naphtha and diesel fuel. However, with the growth of our petrochemical industry, this railroad began handling more "exotic" chemicals.

A serious accident grabs everyone's attention and raises questions concerning safety in our communities. The safe transportation of hazardous material by rail depends upon a number of factors, but must begin with good tracks. Safety also depends on good equipment. But there is one other important element to safety - people. Railroads are the best and safest carriers of hazardous cargoes. Their controlled environment is much less dangerous to the public than streets, highways or water.

Long, heavy trains are crossing our State, both in highly populated areas and rural communities, and there are potential disasters with every turn of a wheel. A multitude of hazardous materials are shipped on The Alaska Railroad daily. The Alaska Railroad ships more hazardous material than any other shipper in Alaska, containing everything from poisonous gas, propane, dynamite, and gasoline to sulphuric acid. Do you want these types of materials constantly observed?

The United Transportation Union is greatly concerned with the safety of the men and women it represents, not only on job safety but also regarding the safety of their homes, families and their natural surroundings.

Let's say you are traveling on the engine of a mile-long freight train at approximately 30 miles per hour. You are hauling a tank car containing liquid propane gas, and a box car that contains paint thinner and other spirits of alcohol. As is not uncommon, these two cars begin to leak or drip these commodities onto the ground or into the atmosphere. Since you are riding the engine or head end of the train and moving (at any speed), it is impossible to detect the smell or see the residue drippings of either of these leaking liquids. However, if you were riding the caboose on the rear end of the train, you could probably smell the odor or see the trail of drippings of the chemical on the ties or dirt and take corrective action, thereby averting a possible catastrophic accident. This, we might add, is not an isolated or one-in-a million situation; it does happen, and all too frequently, but what if there was not occupied cabooses - what then?

Transportation of hazardous materials is clearly dangerous. Alaska Railroad freight trains laden with propane and caustic chemicals trundle through the heart of Alaska every day. These trains present the threat of a catastrophe that could endanger thousands of lives.

- In April, 1973, 18 box cars filled with nearly two million pounds of explosives, bound for Port Chicago and eventually Vietnam, sat quietly overnight in Sparks, Nevada in a railroad yard. Hours later, in a Roseville switching yard, the explosives went off. Firemen were held at bay as the munitions exploded for about a 5-hour period while mushroom-shaped fireballs shot into the sky. At one point, the railroad didn't know if one tank car located in the vicinity was loaded with catsup or propane. Later it was determined that it contained catsup. People within a 3-mile radius were evacuated, and the effects were devastating.

- About 12 years ago, a tank car loaded with propane exploded in Kingman, Arizona, creating a 35 foot deep crater. The blast sent fireballs across a freeway and flipped the tank car hundreds of feet into the air. The accident left 3 dead and more than 70 injured.

- In 1980, near Muldraugh, Kentucky, 10 tank cars jumped the tracks in a residential area, setting off fires and explosions and forcing the evacuation of at least 7,500 people. Two other cars containing vinyl chloride and other chemicals caused a cloud of toxic gas to float over the town. Emergency personnel from State Police, State Fire Marshal's Office, Disaster and Emergency Service, Department of Natural Resources and Environmental Protection and two other County rescue squads were aiding in the operation.

- In April, 1980, a Western Pacific Railroad freight train derailed in an industrial area at Hayward, California. There were two fatalities and 7 injuries. Damages were estimated at \$1,382,000. The National Transportation Safety Board conducted a public hearing in Oakland, California, and two of the Board's "findings" regarding emergency response were as follows: the Hayward police and fire personnel responded immediately and effectively to the emergency, despite an early inability to determine the exact nature of the accident.

Sufficient information about the lading carried on the train was not promptly available to the Fire Department personnel involved with handling the emergency.

Furthermore, it was the testimony of Hayward Fire Department Battalion Chief, Mr. Donald McVicker, "Number one is my own frustration as to not knowing or not being able to find out quickly what was burning and whether it was explosive or toxic."

He further stated, "Had we had a dangerous chemical or something like that, and the right wind, we would have had a lot of fatalities because I couldn't find out what was on it at the time. Unless we have this information, we would not know what kind of chemical we are dealing with until notified by the railroad."

- One railroad chemical spill in Northern California cost over 3 million dollars to clean up. It took 4 days just to contain formaldehyde-contaminated water.

- Four railroad trains running continuously hauling contaminated water.

- More than 50 railroad tank cars.

- Sixty-eight tank trucks.

- Thousands of feet of pipeline.

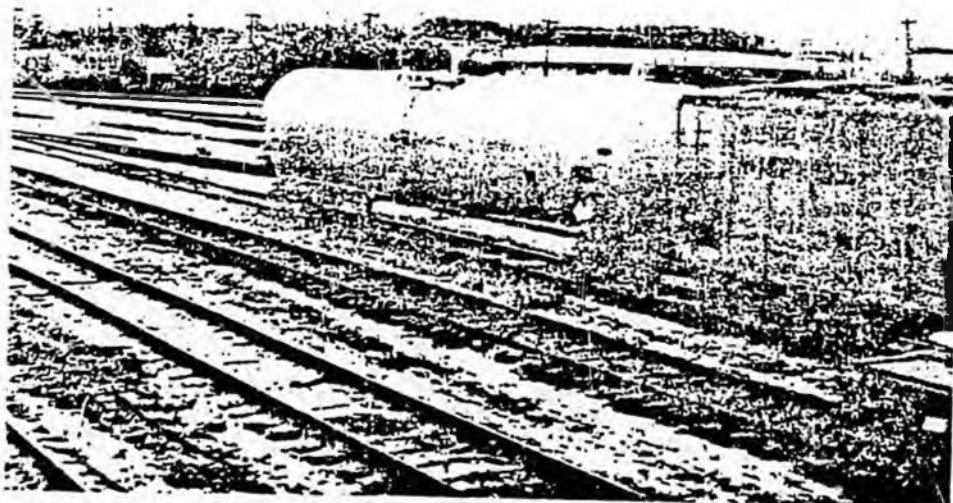
- A variety of heavy equipment - backhoes, graders and forklifts.

- A work force of over 200.

- Special arrangements for feeding and boarding the emergency workers.

We, the operating employees of The Alaska Railroad, are not contending that the caboose could have prevented the above incidents. What we do maintain is, derailments have been minimized by proper observation from personnel on the caboose. For every accident we have, there are literally thousands that are prevented or minimized, and this will no longer be possible if the entire crew is located on the locomotive.

It is our opinion that these accidents illustrate the reason for concern regarding public property and life.



NO NEED FOR CABOOSES?

LET'S LOOK AT THE FACTS

RAILROAD CLAIMS:

"Modern Technology has made cabooses obsolete."

FACT:

(1) While some uses for cabooses may be outdated, the safety function of providing an observation car for a train crewman at the rear is still critical, even where automated devices have been installed to supplement human observation.

(2) At the forefront of the railroad industry's "high-tech" devices is the so-called "hot box" detector, or scanner.

This "new" scientific advance was actually developed during World War II - over 40 years ago - to assist trainmen in detecting overheating wheel bearings which could lead to bearing failure, fires and train derailments.

Q: How well does the "hot box" detector work when left to do the job alone?

A: Trainmen have found that you can actually have a burning box car pass over a "hot box" detector without activating it.

The National Transportation Safety Board (NTSB) has recommended that railroads operating with cabooses have "hot box" detectors located at 30 mile intervals, and "in addition to the 30 mile spacing, approaches to bridges and tunnels should be protected by hot box detectors."

(3) The devices are not only expensive and unreliable, but there are as yet none which can tell the crew when the train's own weight has caused damage to the tracks and roadbed - the single greatest cause of accidents.

The crewman in the caboose is required by Railroad Operating Rules to continually observe the tracks to the rear of the train to detect such defects.

(4) It must also be pointed out that The Alaska Railroad has not one hot box detector on its entire system.

RAILROAD CLAIMS:

"Studies show that cabooses can be safely eliminated."

FACT:

(1) Contrary to railroad claims that the Interstate Commerce Commission has conducted such studies, in reality, the ICC has neither undertaken to study the matter, nor concluded that cabooseless operations are safe.

(2) Experience has shown that short trains hauling no hazardous materials can operate without cabooses, however, and caboose legislation pending in Alaska would allow them to do so.

RAILROAD CLAIMS:

"Railroads have been operating safely without cabooses for years."

FACT:

(1) Only one railroad in the United States has operated without cabooses for more than a few months. That line is over flat terrain with no curves, and is only a few hundred miles in length.

(2) By comparison, The Alaska Railroad operates over 470 miles of track throughout Alaska; we have only three dragging equipment indicators, two of which are in Anchorage city limits, no traffic control signals, no automatic block system, no shifted load detectors, and no hot box detectors anywhere on this railroad. We operate through steep river canyons and other rugged terrain, as well as over treacherous mountain routes, where cabooses are essential for safe operations.

(3) European trains can operate without cabooses because of their short length and the short distances between stations, as well as the frequency with which passing trains observe each other and report any defects.

(4) In Alaska, trains many times over a mile long will operate between stations hundreds of miles apart, frequently without ever passing another train en route.

RAILROAD CLAIMS:

"Operating with cabooses will have an adverse economic effect upon the Railroad."

FACT:

(1) Caboose construction and maintenance are far less expensive than the installation and maintenance cost for the devices intended to replace them, plus The Alaska Railroad has no plans to install any of these devices in the near future.

(2) Neither will the Railroad save on employee cost since the crewman of the caboose is to be moved to the engine, not eliminated.

RAILROAD CLAIMS:

"There is a need for interstate uniformity in Rail Safety Regulations."

FACT:

Four states have already adopted laws requiring freight trains to operate with cabooses; two other states have adopted regulations requiring freight train operations with a caboose, and many more states have pending legislation. Their power to do so has been upheld in Federal Court.

RAILROAD CLAIMS:

"The use of cabooses is a subject for Collective Bargaining, not legislation."

FACT:

(1) The use of cabooses is a Public Safety issue which should not be bargained away through contract negotiations. The Federal Railway Safety Act confers upon the states the ability to regulate rail safety for the protection of their citizens, despite the Railroad's claim to the contrary.

CABOOSES ON TRAINS: Who supports them?

- * Cities and communities whose residents are exposed to trains and their hazardous cargo;
- * Police, and fire departments whose crews must respond to rail emergencies;
- * Environmental groups who know the devastating effects on fish and wildlife from undetected toxic spill; and
- * The employees responsible for train operations and safety.

FEDERAL JUDGE UPHOLDS NEBRASKA LAW ON MANNED CABCOSES

Nebraska law, which requires manned, radio-equipped cabooses on all freight trains of 1,000 feet or longer, is justifiable to protect the public interest, Chief United States District Judge Warren Urbom has ruled.

A 55-page decision issued May 10, 1983 is Judge Urbom's response to a lawsuit filed in 1984 by Burlington Northern Railroad. The railroad contended that the Nebraska statute, LB179, which became effective in August 1983, is pre-empted by Federal regulations, exceeds the police power of the state, discriminates against interstate commerce, and interferes with the railroad's right to contract with its employees.

In answering each of Burlington Northern's charges, Judge Urbom cited numerous Federal Court decisions and safety acts that support the Legislature's authority to regulate intrastate transportation for the public safety.

A 1970 law cited: Under a provision of the Railroad Safety Act of 1970, any state "may adopt or continue in force any law, rule, regulation, order or standard relating to railroad safety until such time as the Secretary of Transportation has adopted a rule, regulation, order or standard covering the subject matter of such State requirement."

Judge Urbom wrote: The purpose of the Nebraska caboose law is "to remedy hazards associated with train derailments, right-of-way fires, and highway-rail crossing accidents. There is ample evidence in the record to find that each of these three threats to public safety occurs with some degree of regularity."

Burlington Northern Railroad contended that electronic monitoring devices could detect failed equipment, fires and other safety threats without a manned caboose.

Judge Urbom acknowledged that "There is less need now for a manned caboose," because monitoring devices have been developed, but he concluded there is ample evidence that a crew member at the end of a train may see a safety threat that the electronic detectors cannot see. The State has shown that detectors are fallible, that in the past they have failed to detect problems that the caboose crew was able to discover before they could lead to derailments, and that the retention of manned cabooses plays a real role in the detection of equipment defects before they can cause derailments.

Attorney Craig Wittstruck, who represents the State, has said of Judge Utton's decision: "The system worked." The core of the decision is that "the Legislature did not have to play Russian roulette with whether new technology could provide a safe rail system."

"The safety of citizens may best be served as a by-product of negotiations between the railroad and its employees, but that is not guaranteed."

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
DISTRICT OF NEBRASKA
MAY 10 1985
William L. Olson, Clerk
By _____

BURLINGTON NORTHERN
RAILROAD COMPANY,

Plaintiff,

vs.

STATE OF NEBRASKA; THE
NEBRASKA PUBLIC SERVICE
COMMISSION,

Defendants.

JUDGMENT

CV83-L-173

In accordance with the accompanying memorandum of decision,

IT IS ORDERED AND ADJUDGED that judgment is entered for the defendants.

Dated May 10, 1985.

BY THE COURT

[Signature]
Chief Judge

ENTERED
ON THE DOCKET

MAY 10 1985
WILLIAM L. OLSON, Clerk
BY *[Signature]*
Dep. Clerk

Number of Crew Members
Operating Alaska Railroad Trains
1981 - 1985

1981

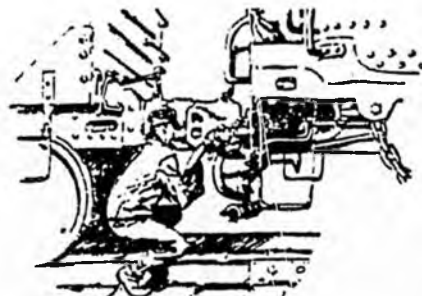
| | | |
|-----------|------------------------------|--------------|
| Passenger | 1 - Conductor | 1 - Engineer |
| | 2 - Brakemen | 1 - Fireman |
| | 1 - Baggage man | |
| Freight | 1 - Conductor | 1 - Engineer |
| | 2 - Brakemen | 1 - Fireman |
| | 1 - Swingman (Only on Local) | |
| Yard | 1 - Conductor | 1 - Engineer |
| | 2 - Brakemen | |

1982

| | | |
|-----------|---------------|--------------|
| Passenger | 1 - Conductor | 1 - Engineer |
| | 1 - Brakeman | 1 - Fireman |
| Freight | 1 - Conductor | 1 - Engineer |
| | 1 - Brakeman | |
| Yard | 1 - Conductor | 1 - Engineer |
| | 1 - Brakeman | |

1985

| | | |
|-----------------|---------------|--------------|
| Passenger (RDC) | 1 - Conductor | 1 - Engineer |
| Freight & Yard | 1 - Conductor | 1 - Engineer |
| | 1 - Brakeman | |
| Freight (Fox) | 1 - Conductor | 1 - Engineer |



REVENUE TON-MILES PER EMPLOYEE AND EMPLOYEE HOUR

Freight revenue ton-miles per employee and employee hour paid for increased to 2.9 million and 1,169, respectively, representing gains of more than 90 percent in both categories.

| <u>Year</u> | <u>Freight Revenue Ton Miles Per: Employee (Millions)</u> | <u>Employee Hour</u> |
|-------------|---|--------------------------|
| 1969 | 1.5 | 611 |
| 1970 | 1.5 | 605 |
| 1971 | 1.5 | 604 |
| 1972 | 1.5 | 637 |
| 1973 | 1.7 | 696 |
| 1974 | 1.7 | 696 |
| 1975 | 1.6 | 677 |
| 1976 | 1.7 | 712 |
| 1977 | 1.8 | 738 |
| 1978 | 1.9 | 775 |
| 1979 | 2.0 | 792 |
| 1980 | 2.1 | 862 |
| 1981 | 2.2 | 906 |
| 1982 | 2.2 | 927 |
| 1983 | 2.6 | 1,073 |
| 1984 | 2.9 | 1,169 |

NOTE: Data compiled from the Economics and Finance Department of the Association of American Railroads (AAR).



SUSITNA

BUSINESS AND PROFESSIONAL WOMEN'S CLUB
P.O. BOX 104832 ANCHORAGE, ALASKA 99510

RESOLUTION NO. 1

WHEREAS, there is presently before the Alaska Legislature, House Bill 436 and Senate Bill 313, both pertaining directly to the retention of the caboose car and its crew member/members at the end of trains that travel the Alaska Railroad rail lines; and

WHEREAS, it is the intention of the Alaska Railroad Corporation, in order to cut its operating costs, to replace the caboose car and its crew with an "End Of Train Unit, hereafter referred to as ETU, which will be attached to the end car of each train; and

WHEREAS, this matter is neither a labor nor a political issue, but a safety issue; and

WHEREAS, it appears that the single function of an ETU is to monitor brake pressure of the cars in a train; and

WHEREAS, an ETU cannot perform the many other safety checks presently performed by the crew of a caboose car, among which are: continual and visual observation of the rear portion of a train for markings on ties indicating dragging equipment, seized brakes, fires from "hot boxes" and broken wheels; observation of passing trains for defects; detection of smoke from sticking brakes and overheated bearings; observation of fixed signals along the track to see that they have not been damaged by vandalism or cars with wide loads; stopping the train if danger threatens, or if an accident occurs; and

WHEREAS, the United Transportation Union, recognizing the need for the Alaska Railroad to be competitive in the field of transportation, has worked out an agreement whereby 90% of trains operating in Alaska are run by a three-man crew -- two in the engine and a single crewman in the caboose car; that the other 10% of trains are operated by four- and two-man crews; that this minimum of manpower operating the long trains of cars that run on the Alaska railroad lines is a testimonial to the safety record of Alaska railroading; and

WHEREAS, there have been several serious and near-disastrous train wrecks in the United States and Canada within the past seven years, and it would be a complete disregard for human life and property to substitute a single electronic box for proven safety controls until those safety controls can be replaced by something better than an ETU; NOW, THEREFORE, BE IT

RESOLVED, that the members of Susitna Business and Professional Women hereby urge the Alaska State Legislature to enact legislation that would ensure the safety of individuals and property, both private and that of the Alaska Railroad, by requiring that a properly equipped and properly staffed caboose car be attached to the end of trains operating on Alaska Railroad lines.

SUBMITTED BY:
Susitna Business And Professional
Women

By JoAnn Seibert
JoAnn Seibert, President

By Susan Pemberton
Susan Pemberton, Secretary

Sharon Bartman
Chairman, Legislative
Committee

February 17, 1986

PUBLIC



ALERT

Will safety go off the Rails in ALASKA.?

RAILWAY COST-CUTTING ENDANGERS LIVES

YOU DECIDE ?

As a child, did you ever watch a powerful and mysterious railway train disappear along the tracks...and wonder just what the "little red caboose" at the end was for?

The correct answer is "SAFETY". For generations, the caboose and the "rear crew" stationed in it have performed a number of vital jobs, but the most important functions concern safety - the safety of the train, its cargo, the people aboard, and of course, the safety of the people who live in the Alaska communities we run our trains through.

Today, however, safety on our railroad is threatened as never before. If the Alaska Railroad Corporation has its way, cabooses, and the safeguards they provide, could soon be eliminated from the rails, and this threat has those who know trains best - the people who work on them every day - very worried.

They are worried about accidents. Many of today's trains are over a mile long. They move vast amounts of deadly chemicals. They run through small communities whose citizens have no knowledge of what they carry.

Accidents can and do occur.

THE SAFETY RECORD

These are but a few examples:

- In 1978 five people were killed instantly when a railroad tank car filled with propane exploded in Waverly, Tennessee. Seven others died later from severe burns.
- There was the infamous Mississauga, Ontario train disaster of 1979. Twenty-five railroad tank cars were derailed. They contained highly explosive propane and some 90 tons of liquid chlorine - enough to annihilate the population of a large city like Anchorage. A quarter of a million people were forced to leave their homes.
- And on September 16, 1985, twenty one tank cars of toxic sulfuric acid derailed on a railroad trestle, collapsing it into the Medina River just outside of San Antonio, Texas. As much as 200,000 gallons of sulfuric acid spilled into the Medina River. It will be over a year before life can survive in this river again. Estimated cleanup costs will be over five million dollars.



The Mississauga rail disaster

It is clear from the above facts, and there are many more that could be presented, that safety on our railroad is nothing to be complacent about. If anything, more safeguards should be added. Certainly, to eliminate any longstanding and proven safety measure without an adequate and proven replacement would be highly dangerous and very irresponsible. However, that is exactly what the Alaska Railroad Corporation is seeking to do.

"NEW TECHNOLOGY" INADEQUATE

Invoking the sacred words, "New Technology" the Alaska Railroad Corporation is seeking to cut their operating costs by replacing the caboose and the rear crew members with a device called an "End of Train Unit" (ETU).

This is an attempt to perform a "sleight of the hand" trick with long-established and proven safety requirements and safety measures. The fact is that this unit is by no means an adequate replacement for the caboose and the many duties of its crewman. The ETU performs only one of the many essential safety tasks required on a modern train: that of monitoring brake pressure. The Alaska Railroad has no effective replacement for the rear crewman and the safeguards it provides.

In response to the introduction of the ETU in the Lower 48 states, some states have already made it law that the railroads maintain the caboose, and many more are working on such legislation.

WHAT AN ETU CANNOT DO

To give an idea of the safeguards that a caboose and rear crewman provide, here is a short rundown of regular duties an ETU cannot perform:

- It does not smell smoke created from sticking brakes or overheated bearings.
- It cannot conduct a constant visual scan of the rear portion of the train, checking for broken wheels, marks on the ties behind the caboose that indicate dragging equipment, seized brakes or the fires from a resulting "hot box". Nor can it perform the regular task of observing passing trains for defects.
- It cannot bring a train to a stop in an emergency such as a brake failure; nor can it make vital decisions and act quickly to avert disasters or provide medical help when accidents do happen.

Will safety go off the Rails

Continued!

- An ETU cannot ensure the alertness of the engine crew or act as backup when necessary. Sometimes when trains derail, the front crew is missing or obstructed from reaching the rear of the train. Help is often vitally needed at both ends of a train.
- It cannot flag adjacent tracks and protect them in emergencies, or call for emergency help.
- It cannot carry tools for repairs, first aid kits, stretchers or fire extinguishers, and it certainly cannot use them.

This is only a partial list of vital tasks fulfilled by the caboose and the rear crew member. There are many more routine tasks performed daily.

TRAIN CREW SIZE

The Alaska Railroad will tell you that the only reason railroad operating employees are taking on this caboose issue is to protect jobs, so let us look at crew size on The Alaska Railroad. Up until 1981, all train crews consisted of six, five and four man crews per train assignment. For the past five years, the United Transportation Union - conductors, brakemen, engineers and firemen - have had the foresight to recognize that change was needed if The Alaska Railroad was to stay competitive. Today through the Collective Bargaining process, we now have on The Alaska Railroad crews of four, three and even two man crews, with better than 90 percent of all trains run with just a three-man crew. Most railroads in the Lower 48 states have yet to reach the crew size that we have in Alaska.

Consider a train with five 3,000 horsepower locomotives, 85 railroad cars (6,000 tons), many loaded with sulfuric acid, propane, liquid chlorine, fuel and explosives, and over a mile long, running from Anchorage to Fairbanks (356 miles). This train will run the entire distance with only one conductor, one engineer, and one brakeman. Trains similar to this are running from Seward, Whittier, Anchorage and Fairbanks almost every day of the week. Yes, these trains have a caboose (so far).

The issue of cabooses is only a safety issue, not crew size. Our concern for safety is not only for railroad employees, but for the Alaska public we serve. Remember that railroaders have children and families in the same communities that you live in.

KEEP THE BARGAIN

Until The Alaska Railroad can come up with an honest substitute for the vital human presence at the rear of our trains, they must be held to their safety bargain with the Alaska people. Since safety is the first rule they teach their employees, it would be a demonstration of insincerity if a cost-cutting decision handed down by upper management resulted in any danger to human life.

RAILWAY COST-CUTTING ENDANGERS LIVES IN ALASKA!

YOUR LEGISLATURE WILL DECIDE

The 1985-86 Alaska Legislature now has introduced in both the Senate and the House of Representatives a bill that would require a properly equipped and staffed caboose on certain trains, in answer to The Alaska Railroad's drive to eliminate the caboose and rear crew from Alaska's trains.

The United Transportation Union welcomes technological advancements in rail safety. However, until a completely adequate substitute for the caboose and its crew can be proposed by the Alaska Railroad Corporation, their drive to save money by putting Alaska people at risk must be HALTED.

Therefore, we are alerting Alaska citizens in our communities throughout Alaska to the pending legislation in Juneau. In the Alaska Senate, it is Senate Bill No. 313, and in the House of Representatives it is House Bill No. 436. There is time for concerned people and groups to add their voices to the upcoming debate and influence the decision-making process that will determine the future of safety on the rails and in your community.

GAMBLING WITH LIVES

Until the Alaska Railroad Corporation has an adequate way of assuring that all the above duties are adequately performed without the caboose and crewman, they should give safety first priority. Not to do so would simply be gambling with human lives in many of the communities across Alaska. The ETU should be welcomed as an additional safety item to prevent accidents. It is obvious, however, that it is no replacement for the rear crew and its duties - particularly the job of conducting frequent visual scans of the train and the tracks, and the ability to make instant decisions and act on them in emergency situations.

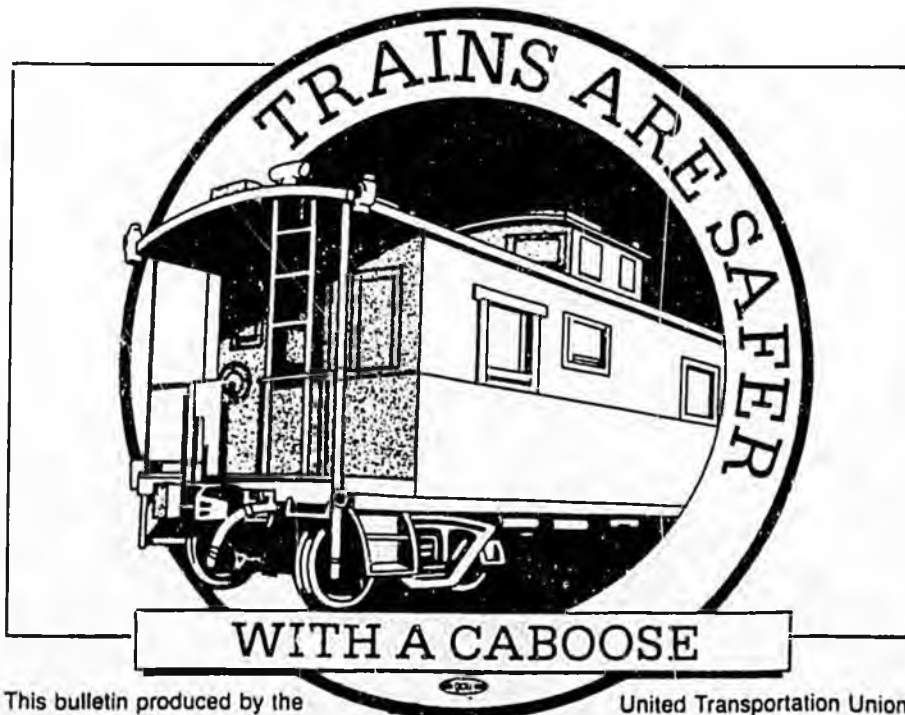
Records of railroad accidents show that it is often individual initiative, bravery and intelligence that prevent or minimize disasters. The Mississauga incident provided one good example of this.

WHAT YOU CAN DO

The United Transportation Union and the Women's Auxiliary will be at the disposal of any individual or group that wishes to know more or to influence the decision-making process. We also invite concerned Alaskans to write or call:

SAVE THE CABOOSE
807 W. 57th Ave.
Anchorage, Alaska 99518

(907) 562-0857



February 23, 1966

Representative Gato:

I would like to commend you and your colleagues for your stand in support of Caboose legislation in our State. I've been attempting to put down my thoughts for months and have finally been motivated by the Anchorage Times editorial of 2-10, on The Wrong Track.

Yes, I am a railroader--once proud to work for the Alaska Railroad. Since the transfer and appointment of an "independent and professional" management team, I have seen unparalleled arrogance and abuse of power affecting worker and general public alike. Mr. Turpin has a responsibility to the people of this State and the people who perform the duty of providing it with a first-class railroad. He seems more concerned with his public image and insulating his management techniques from public scrutiny. Profitability aside, there are more fundamental issues involved in the running of the Alaska Railroad.

The corporate spokeswoman will boast "technological innovations", but in the field where they are gambling with human lives and property, they have failed to demonstrate their effectiveness. No near-end train device has pulled an unconscious victim from a crushed automobile after sliding into the train on an unlit and icy crossing; no blinking light has kept children from playing near the tracks or people from climbing through and crossing between cars of a waiting freight; no device smells a burning wheel journal; detects a shifted load; or detects brake rigging. I have done all these things in my career. Should the inevitable occur--a gasoline tank-car carrying three Vesicle derricks or two trains collide head-on, who would initiate emergency measures? A black box? As long as the caboose remains, so will the necessary margin for safety. To have it any other way is to endanger both citizen and employee alike. The issue is not jobs, Representative Gato, it is lives.

Injury and accident rose quick in - increasing. Labor-saving devices may increase Mr. Turpin's profit-margin, but it is no comfort to those working the job. To argue otherwise is to do a disservice to our profession. Our safety record is outstanding due to the vigilance of my co-workers. Relying on lip-service is a poor substitute for safety-first.

The Corporation will tout its "authoritative and professional" opinions on all matters pertaining to "management rights", but I urge you all to look beyond the shine and get to the substance. Beneath all this railroad success story, there is an undercurrent of oppression. Men are never been loved and people fear for their jobs or dislike them. I speak to you because I still have my dignity even tho I lack the ability to change current practices. A railroad accountable only to considerations of profit-ability is unsettling when it's Alaska's own. Alaska deserves more than one man's opinion.

Respectfully,

John M. McDONELL

John M. McDonell
505 West 2nd Ave.
Anchorage, Alaska 99501

FEB 20 1986

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 * DELIVER TO: JPCM 61 *
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 * *
 * ORIGINAL *
 * SENT: 02/20/86 TIME: 09:20 *
 * FROM: BARBARA NORRELL *
 * SUBJECT: POM *
 * PRINT DATE: 02/20/86 TIME: 09:20 *
 * *

TO: ALL LEGISLATORS

FROM: GLEN F. THOMPSON, 7216 LAKE OTIS PARKWAY, ANCHORAGE, AK
 99507, 344-2015

SUBJECT: SB 140, RIGHTS OF THE TERMINALLY ILL.

I URGE YOUR SUPPORT OF AN AMENDED VERSION OF SB 140. DELETE THE PROVISIONS FOR A JUDGES SIGNATURE AND THE FORCED FEEDING CLAUSE. THESE TWO PROVISIONS NULLIFY THE EFFECTIVENESS OF AND THE ORIGINAL INTEND OF THE BILL AND THEREFORE SHOULD BE OMITTED.

TO: ALL LEGISLATORS

FROM: PATRICIA ARMSTRONG
 16506 DAVIS STREET, SR BOX 92
 EAGLE RIVER, AK 99577 PHONE: 694-5101 *me*

SUBJECT: CABOOSE BILL - HB 438 AND SB 313

LET'S KEEP SAFETY ON THE RAILS. PLEASE SAVE THE CABOOSE.

* SUBJECT: FOR
* PRINT DATE: 02/19/86 TIME: 16:07

FEB 20 1986

TO: ALL LEGISLATORS

FROM: MARION HISLOP, 4206 NEEDLE CIRCLE, ANCHORAGE, AK 99508,
562-5607

SUBJECT: HB 436 AND SB 313, REQUIRING CABOOSES ON CERTAIN TRAINS

I WANT YOU TO SUPPORT HB 436 AND SB 313. IT IS VERY IMPORTANT TO
KEEP CABOOSES AS A MATTER OF SAFETY.

TO: ALL LEGISLATORS

FROM: CHARLES WELLONG, 1344 WEST 25TH, ANCHORAGE, AK 99503,
277-5268

SUBJECT: HB 436 AND SB 313, REQUIRING CABOOSES ON CERTAIN TRAINS

I WORK FOR THE MUNICIPALITY OF ANCHORAGE, CODE ENFORCEMENT, IN
CONJUNCTION WITH THE ENVIRONMENTAL PROTECTION AGENCY ON HAZARDOUS
MATERIALS. THE RAILWAYS CARRY THIS MATERIAL AND I AM VERY MUCH
IN FAVOR OF THE CABOOSE AND THE CONDUCTORS ON THE REAR OF THE
TRAINS TO WATCH FOR BROKEN WHEELS AND HOT BOXES TO NOTIFY THE
ENGINEER.

TO: ALL LEGISLATORS

FROM: FATHER EUGENE BURNS, 7528 STANLEY DRIVE, ANCHORAGE 99518,
349-2947

SUBJECT: SB 140, RIGHTS OF THE TERMINALLY ILL

I AM AMAZED AT THE FACT THAT THIS BILL HAS NOT HAD A PUBLIC
HEARING. I WANT A PUBLIC HEARING ON THIS MATTER.

TO: ALL LEGISLATORS

FROM: FRANCIS NEVENHEIM, 1535 G. ANCHORAGE, 99501, HM, 272-0046

RE: SB 140, TERMINALLY ILL

I AM EXTREMELY OPPOSED TO SB 140, AND I WOULD REQUEST A STATEWIDE
PUBLIC HEARING ON THE BILL.

* SENT: 02/19/86 TIME: 12:56
* FROM: JEAN MILLER
* SUBJECT: FOM
* PRINT DATE: 02/19/86 TIME: 12:56
*

TO: ALL LEGISLATORS

FROM: PAT BERKLEY
1861 EAST TUDOR ROAD UNIT D-201
ANCHORAGE, AK 99507 PHONE: 563-5897

FEB 19 1986

SUBJECT: JB 475 AND SB 329 - SOUTH AFRICA

SOUTH AFRICA IS NOT GETTING ANY BETTER AND WON'T. LET US, AS ALASKANS, GET ON WITH THE JOB OF DISINVESTMENT. PLEASE SUPPORT HB 465 AND SB 328. THE PEOPLE CAN'T HURT ANY MORE THAN THEY DO NOW AND YOU ARE AWARE OF THE FACT AS I AM.

TO: ALL LEGISLATORS

FROM: POLLY ROBERTS
420 EAST 14TH, NO. 6
ANCHORAGE, AK 99501 PHONE: 272-4708

SUBJECT: HB 436 AND SB 313 - CABOOSES ON TRAINS

I STRONGLY URGE ALL OUR SENATORS AND REPRESENTATIVES TO SUPPORT THE PASSING OF HB 436 AND SB 313 FOR REASON OF SAFETY AND ENVIRONMENTAL PROTECTION.

TO: ALL LEGISLATORS

FROM: TERRI BURRELL, 3716 WESLEYAN DRIVE, ANCHORAGE 99508
PHONE: 333-2774

RE: LEGISLATIVE RETIREMENT

AMEND THE LEGISLATIVE PENSION SYSTEM TO BACK OFF THE 3 YEAR PAY RAISE SO THAT THE RETIREMENT WILL NOT INCLUDE THE 83, 84, 85 PAY RAISE WHICH DOUBLES RETIREMENT BENEFITS FOR SOME. CONSIDER THESE PAYMENTS AS A BONUS AND NOT AS A BASE FOR RETIREMENT.

TO: ALL LEGISLATORS

FROM: PETER AND MARTHA ELSON
8840 RENDON DRIVE
ANCHORAGE, AK 99507-3973 PHONE: 344-0498

SUBJECT: SENATE BILL 140 - RIGHTS OF TERMINALLY ILL

I REQUEST STATE-WIDE PUBLIC HEARINGS ON SB 140, THE EUTHANASIA BILL. I WOULD LIKE TO DEMAND A NO VOTE ON REQUIRING DESTRUCTION OF PREGNANT WOMEN OR THE STARVATION OF PATIENTS OR DENIAL OF OXYGEN BY MEDICAL PERSONNEL. THANK YOU FOR YOUR ATTENTION. I REQUEST A REPLY.

MAR 3 1986

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 * DELIVER TO: JPOM
 *
 *
 * ORIGINAL
 * SENT: 03/03/86 TIME: 09:37
 * FROM: LIOFBX
 * SUBJECT: POM/FBX/MW
 * PRINT DATE: 03/03/86 TIME: 09:42
 *

16

TO: HOUSE STATE AFFAIRS COMMITTEE

REPS: HURLEY, NAVARRE, CATO, BOUCHER, M.M. MILLER, COLLINS,
 JENKINS

ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD, DAVIS
 SENS FAHRENKAMP, COGHILL, BENNETT

FROM: MERIDITH LESLEY
 5121 FOUTS
 FAIRBANKS 99709

PH: 479-8456

RE: HB 436 TRAIN CABOOSES

MSG: AS A CONDUCTOR ON THE ALASKA RAILROAD THE CABOOSE IS
 CRUCIAL TO PUBLIC SAFETY FOR ALL THE REASONS THAT HAVE BEEN
 PRESENTED TO BOTH COMMITTEES.



TO: ALL LEGISLATORS

FROM: MARGERY SHORTHILL
P.O. BOX 670250
CHUGIAK, AK 99567 PHONE: 688-3435

SUBJECT: TELECONFERENCE ON TORT REFORM, FEBRUARY 17

AFTER COMMUTING OVER 50 MILES TO THE TELECONFERENCE I WAS NOT GIVEN THE OPPORTUNITY TO SPEAK. I WOULD URGE YOU TO MAKE IMMEDIATE ACCESS TO THE CONCERNED CITIZENS OF CHUGIAK/EAGLE RIVER AREA. WE NEED TO HAVE A VOICE IN THESE IMPORTANT ISSUES.

TO: ALL LEGISLATORS

FROM: HENRY W. PECK, 12305 WILDERNESS, ANCHORAGE, AK 99516,
345-3207

SUBJECT: SB 416, USED VEHICLE WARRANTIES

OPPOSE IT. WOULD SERIOUSLY LOWER VEHICLE TRADE-IN APPRAISALS. DEALERS WOULD NEED TO DEDUCT COST OF ANY FORCED WARRANTIES FROM THE VALUE OF TRADED VEHICLE. CONSUMERS WOULD BE THE LOSERS. CONSUMERS NEED PROTECTION FROM LEGISLATORS, NOT FROM THE PRIVATE SECTOR.

@@**POM**

TO ALL SENATORS AND REPRESENTATIVES

FROM VONI LYNCHARD
BOX 3979
KENAI, AK 99611
283-3417

RE: STATE TROOPERS

MESSAGE: I FEEL A GOOD LOOK SHOULD BE TAKEN AT HOW MANY WORKING TROOPERS ARE ON THE ROAD EACH DAY. THIS ORGANIZATION IS TOP HEAVY WITH ADMINISTRATORS WHILE THE GENERAL PUBLIC SUFFERS. IT IS MY OPINION THIS IS WRONGLY DONE ON PURPOSE FOR THE GENERAL PUBLIC TO FEEL THE BUDGET CRUNCH. EOM

FEB 19 1986

TO: ALL LEGISLATORS

FROM: JENNIFER AUSTIN, P.O. BOX 1303, SEWARD, 99664, HM,
224-3749, WK, 224-3138

RE: HB 436 AND SB 313, CABOOSES

I AM IN FAVOR OF THESE BILLS AND WOULD VERY MUCH LIKE TO SEE THEM PASSED.

MAR 3 1986

 *
 * DELIVER TO: JFOM *
 * *
 * *
 * ORIGINAL *
 * SENT: 03/03/86 TIME: 09:29 *
 * FROM: MAXINE WALTON *
 * SUBJECT: POM/FBX/MW *
 * PRINT DATE: 03/03/86 TIME: 09:29 *
 * *

16

TO: HOUSE STATE AFFAIRS COMMITTEE

REPS: HURLEY, NAVARRE, CATO, BOUCHER, M.M. MILLER, COLLINS,
 JENKINS

ALSO: REPS FRANK, M.W. MILLER, KOPONEN, RINGSTAD, DAVIS
 SENS FAHRENKAMP, COGHILL, BENNETT

FROM: ELIZABETH HOLL
 5121 FOUTS
 FAIRBANKS 99709

PH: 479-8456

RE: HB 436 CABOOSES ON TRAINS

MSG: I SUPPORT HB 436 FOR OBVIOUS REASONS OF PUBLIC SAFETY AND I
 HOPE FOR YOUR SUPPORT AND PASSAGE.

HOUSE
COMMITTEE REPORT

(7)
Date referred: 3/7

FURTHER REFERRALS:

DATE: 4-2-86

The RULES Committee has considered HB 436

"An Act requiring a properly equipped and staffed caboose on certain trains."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 436 (Rules) same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

M.W. Miller

Gar Julek

Ben S. ...

Terry Martin - no rec.

M.W. Miller
Chairman



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

HOUSE RULES STANDING COMMITTEE MEETING

WEDNESDAY, APRIL 2, 1986

8:00 A.M. - CAPITOL, ROOM 208

AGENDA:

- HB 436 - "An Act requiring a properly equipped and staffed caboose on certain trains."
(By Representative Cato)

I N D E X

- I. PROPOSED VERSION - CSHB 436 (RULES)
- II. ORIGINAL VERSION HB 436
- III. LETTER DATED MARCH 14, 1986 WHICH EXPLAINS CHANGES MADE IN CSHB 436 (RULES)
- IV. BACK-UP ON HB 436

I.

Proposed Rules CS

Original sponsors: Cato, Hurley,
Koponen, et al.

1 IN THE HOUSE

. BY THE RULES COMMITTEE

2 CS FOR HOUSE BILL NO. 436 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring a properly equipped and staffed
7 caboose on certain trains."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 42.30 is amended by adding new sections to read:

10 ARTICLE 6. CABOOSE REQUIRED.

11 Sec. 42.30.250. CABOOSE REQUIRED. (a) A train that exceeds
12 1,000 feet in length including locomotives shall have a properly
13 added:
maintained and equipped caboose, that is staffed by a qualified train
14 conductor or brakeman, attached as the rear car while the train is
15 moving over tracks outside a yard or terminal.

16 (b) This section applies to a railroad that transports goods or
17 passengers for a fee.

18 Sec. 42.30.260. EXCEPTIONS. (a) AS 42.30.250 does not apply

19 (1) to a train composed only of locomotives and passenger
20 coaches;

21 added New Section:
22 (2) to a train not exceeding 1,825 feet in length, includ-
23 ing locomotives, composed only of trailer on flat car equipment or
24 container on flat car equipment provided that any hazardous or toxic
25 materials on the train are located in the first 1,000 feet of the
26 train as measured from the lead locomotive; or

27 changed from (2) to (3)
(3) if an emergency occurs in route that prevents compli-
28 ance with that section.

29 (b) Notwithstanding AS 42.30.250, a defective car that cannot be
entrained except behind the caboose may be attached as the rear car on

1 a train and moved to the nearest terminal where it can be repaired.

2 Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an of-
3 fense punishable by a fine of not less than \$500 and not more than
4 \$1,000. Each violation is a separate offense.
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II.
original version

Introduced: 5/9/85
Referred: State Affairs
and Transportation

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO. 436

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act requiring a properly equipped and staffed
caboose on certain trains."

7

8

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

9

* Section 1. AS 42.30 is amended by adding new sections to read:

10

ARTICLE 6. CABOOSE REQUIRED.

11

Sec. 42.30.250. CABOOSE REQUIRED. (a) A train that exceeds

12

1,000 feet in length including locomotives shall have a properly
add: maintained and
equipped caboose, that is staffed by a qualified train conductor or

13

14

brakeman, attached as the rear car while the train is moving over
tracks outside a yard or terminal.

15

16

(b) This section applies to a railroad that transports goods or
passengers for a fee.

17

18

Sec. 42.30.260. EXCEPTIONS. (a) AS 42.30.250 does not apply

19

(1) to a train composed only of locomotives and passenger
coaches; or ** see new section (2) below*

20

21

** Changed from (2) to (3)*
(2) if an emergency occurs in route that prevents compli-
ance with that section.

22

23

(b) Notwithstanding AS 42.30.250, a defective car that cannot be
entrained except behind the caboose may be attached as the rear car on
a train and moved to the nearest terminal where it can be repaired.

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Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an
offense punishable by a fine of not less than \$500 and not more than
\$1,000. Each violation is a separate offense.

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new section (2)

** added:*

*(2) to a train not exceeding 1,825 feet in length, includ-
ing locomotives, composed only of trailer on flat car equipment or
container on flat car equipment provided that any hazardous or toxic
materials on the train are located in the first 1,000 feet of the
train as measured from the lead locomotive, or*

HB 436

III

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March 14, 1986

The Honorable Representative Cato
House of Representatives
P.O. Box V
Juneau, Alaska 99811

Dear Representative Cato:

I am writing of behalf of the United Transportation Union, Local 1826 regarding proposed amendments to HB436, An Act requiring a properly equipped and staffed caboose on certain trains. My clients have asked me to advise you that they intend to propose, through Representative Pignalberi and the House Rules Committee, the following amendments:

1) Line 12, after "property", add the words maintained and. This section would then read:

"(1) A train that exceeds 1,000 feet in length including locomotives shall have a properly maintained and equipped caboose...."

This amendment should help assure that cabooses are used for their full useful lives and are not taken out of service prematurely due to lack of normal preventive maintenance.

2) An additional exception in 42.30.260 offered in the spirit of compromise which effectively would exempt the "FOX" from the requirements of 42.30.250 to read as follows:

"3) to a train composed exclusively of TOFC (Trailer on Flat Car)/COFC (Container on Flat Car) equipment not exceeding 1825 feet in length including locomotives, provided that hazardous or toxic materials are located in the first 1,000 feet of the train as measured from the lead locomotive."

If you have any questions or comments, please give me a call.

Thanks.

Yours truly,

David Rogers