

ALASKA LEGISLATURE COMMITTEES 1983-1984 8672

3115 HT AK RAILROAD/ PROPOSAL - CORRESPONDENCE 3

PETITION

WE, the undersigned residents of Bootleggers Cove and the South Addition, are hereby putting the State of Alaska on notice that there are a number of problems involving the ALASKA RAILROAD which will require solutions in the future. At present various operations of the ALASKA RAILROAD (for example, southyard switching operation, gravel hauling) involve excessive noise and vibrations constituting a serious hazard to the health, welfare and quality of life of the residents of the community through which the railroad passes.

signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>3/5/84</u>	<u>938 P. St.</u>	<u>Reuben Dungen</u>
<u>3/5/84</u>	<u>905 "S" Street</u>	<u>Flora J. LaLonde 279-</u>
<u>3/5/84</u>	<u>905 "S" STREET</u>	<u>Max N. LaLonde 0221</u>
<u>3-5/84</u>	<u>938 David Place</u>	<u>Lynne Plott</u>
<u>3/5/84</u>	<u>938 David Place</u>	<u>L. Bradley</u>
<u>3/5/84</u>	<u>938 David Place</u>	<u>Jimmy Bradley</u>
<u>3-84</u>	<u>943 S. ST. 277</u>	<u>Ed W. Rutz</u>
<u>3-84</u>	<u>943 S. St.</u>	<u>Mary Jo's Party 2702</u>
<u>3/5/84</u>	<u>1010 S' ST</u>	<u>Ann M. Cady</u>
<u>3/5/84</u>	<u>1010 'S' ST 99501</u>	<u>Don M. Cady</u>
<u>3/5/84</u>	<u>936 David Place 99501</u>	<u>R. P. Augburger 277-0928</u>

PETITION

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signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>3/8/84</u>	<u>522 N Street</u>	<u>Martha Beckwith</u>
<u>3/8/84</u>	<u>500 N ✓</u>	<u>Ed M. Elliott</u>
<u>"</u>	<u>" "</u>	<u>Esther McFinnitt</u>
<u>3/8/84</u>	<u>629 O. St. #207</u>	<u>Charles A. Wilbur</u>
<u>3/8/84</u>	<u>644 W. 13th Avenue</u>	<u>D. J. Foley</u>
<u>3/9/84</u>	<u>1437 N 9th Ave.</u>	<u>Mary Louise Letter</u>
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____

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signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>	
<u>3-5-84</u>	<u>936 David Place 99501</u>	<u>Joyce H. Anglemeyer</u>	277-0928
<u>3-5-84</u>	<u>804 P St #9 99501</u>	<u>Michelle (Widener)</u>	
<u>3-5-84</u>	<u>804 P St. #6 99501</u>	<u>Jean Smith</u>	277-6013 office
<u>3-5-84</u>	<u>530 N St. 99501</u>	<u>[Signature]</u>	
<u>3/5/84</u>	<u>526 M St. 99501</u>	<u>[Signature]</u>	
<u>3/6/84</u>	<u>433 M St.</u>	<u>Dorothy D. Wilhoop</u>	
<u>3-7-84</u>	<u>333 M St #209</u>	<u>Robert M. Piazza</u>	
<u>3/8/84</u>	<u>375 M Street</u>	<u>Bill Brodeur</u>	
<u>3/8/84</u>	<u>520 N St</u>	<u>D. E. Rasmussen</u>	
<u>3/8/84</u>	<u>520 N St</u>	<u>[Signature]</u>	
<u>3/8/84</u>	<u>500 N St</u>	<u>[Signature]</u>	
		<u>PERMIT E. B. HANCOCK</u>	

PETITION

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signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>7 March 1984</u>	<u>804 P Street #4</u>	<u>Robert Muelap</u>
<u>3-7-84</u>	<u>804 P. Street #4</u>	<u>Virginia Muelap</u>
<u>3-7-84</u>	<u>804 P STREET #11</u>	<u>Sam P. Hilson</u>
<u>3--84</u>	<u>804 P. ST. #11</u>	<u>Nancy K. Hilson</u>
<u>3/7/84</u>	<u>804 P ST, #10</u>	<u>Harry J. Porter</u>
<u>3-8-84</u>	<u>804 "P" ST #3</u>	<u>Charles H. Hoff</u>
<u>3/8/84</u>	<u>804 P. ST. #3</u>	<u>Alice L. Hoff</u>
<u>3/8/84</u>	<u>538 M St.</u>	<u>Fredley Robatt.</u>
<u>3/8/84</u>	<u>1224 U St.</u>	<u>Lynn Bannon</u>

INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S LOCAL 60 Seward, Alaska UNION

PRESIDENT H.E. Rickard

March, 12, 1982

SECRETARY R.E. Morgan

Frank L Jones General Manager
Alaska Railroad
Box 7-2111
Anchorage, Ak. 99510

Dear Sir:

The membership of our local has watched with interest the course, developments, & problems which have come to light on Seward being established as a coal port.

As you are aware we are vitally interested in any thing that delays, or obstructs the shipment of coal thru Seward. We do not understand the State of Alaskas reluctance to participate in using the dredge presently in Seward to assist you in a minor, job of deepening the Railroad Dock. The cost savings alone should be incentive enough for them. We do realize the City of Seward would much prefer forcing a marriage of SUN ELL and Pullman-Torkelson which would make a coal facility at the 4th of July industrial site much more viable. This of course would assist them mightly in keeping the R.R. dock usage minimal. Then using the tack private enterprise is much better than Government competition of their docks.

We are further concerned also that the funds being used are State Funds to dredge 4th of July. We are also aware that legislation has been introduced to have the Alaska Railroad become an Alaska State identity. Therefore it would seem to us that it is in the BEST interests of all Alaskans that anything which could be done to increase or speed up the establishment of the Seward Port would be monies well spent.

We here in the I.L.W.U.-I.B.U. wish to extend to you an offer to assist you in your quest for help, and expediting the COAL, Grain, or whatever facilities of Seward's Railroad dock.

Please advise us of how, when or anyway we can be of help to you in your quest. We are presently poling our statewide membership to muster our political & Lobbying strenght on Seward's behalf.

Sincerely

H.E. Rickard

H.E. Rickard President

cc/rm/ file
ILWU, Intml



Railroad vibrations

VIBRATIONS that shake Anchorage neighborhoods along the line of the Alaska Railroad have become a subject of public concern now that the South Addition and Bootleggers Cove Community Council has taken formal action and Rep. John Cowdery has referred the matter to Gov. Bill Sheffield.

The vibrations occur with each gravel train en route from the Matanuska Valley to the gravel plant south of town. Some residents claim the shake is equivalent to an earthquake nearing 6 on the Richter scale. Last summer there were as many as eight trains each 24 hours.

The vibration problem stands to become more acute if and when trainloads of coal start moving from the Usibelli mine to Seward.

A SPOKESMAN for the railroad has brushed off the subject, suggesting that the vibrations may be caused by excavating and development work in the area. However, the spokesman also said the railroad is trying to reduce the vibrations by replacing short rail sections with long ones to reduce the number of joints.

There have been reports that the railroad has been concerned in the past year. Besides planning for the longer rails, the ballast beneath the tracks has been strengthened.

Residents have no doubt that the railroad is the cause

because vibrations occur only when a train passes. They stop when gravel hauls end for the winter season.

When the gravel trains first went into operation, the trains held their speed through Anchorage down to 10 miles a hour. This was increased to 15 miles an hour as a safety measure after it was discovered that people were trying to hop the slow-moving trains. It was after the speed-up that the objectionable vibrations started.

REP. COWDERY said in a letter to the governor that the legislature is now considering appropriations of some \$60 million to construct overhead crossings at the Northern Lights and Dimond Boulevard crossings.

He pointed out that an early solution is desirable before those appropriations are made. If, he said, it proves necessary to reroute the railroad line to avoid the sensitive soils along the inlet, the overhead crossings will not be needed.

A major portion of the west side of Anchorage is involved. The track runs from Ship Creek to Turnagain Heights and thence through Spenard to the Seward Highway area and southward through Ocean View.

It would be wise for the state to get a clear definition of the liability it might be inheriting when the railroad becomes state property.

TELEGRAM SENT 3/8/84 10:00 a.m.

TO: Elizabeth Doie
Secretary of Transportation
U.S. Dept. of Transportation
Washington D.C.

The economic recovery of the City of Seward depends in a great measure upon the concept of an open dock at the Alaska Railroad facilities in Seward.

We have just been informed that Alaska Railroad has reversed it's stated position of an "open dock" concept and intends to sole source the Seward dock without hearing or competitive bid.

I strongly object to such unilateral decisions and respectfully request a meeting with you to fully discuss all aspects.

John F. Gillespie
Vice Mayor
City of Seward

cc: Alaska Delegation in Congress
Senator Ted Stevens
Senator Frank H. Murkowski
Representative Donald E. Young

Alaska State Legislature



COMMITTEES
OIL & GAS—(CO-CHAIR)
STATE OF AFFAIRS—(VICE-CHAIR)
LABOR & COMMERCE
RESOURCES

MAR 23 1984

ANCHORAGE
P.O. BOX 10-1523
ANCHORAGE, AK 99511
(907) 344-0950

House of Representatives

REPRESENTATIVE
JOHN J. COWDERY
DISTRICT EIGHT

JUNEAU
POUCH V
JUNEAU, AK 99811
(907) 465-4905
465-4906

To: Representative Bette Cato, Chairperson, House Transportation
Fr: Representative John Cowdery *J.C.*
Re: Alaska Railroad
March 22, 1984

I thought you should be made aware of a problem in Anchorage concerning the Alaska Railroad. At the expense of repeating myself, I think you can deduce the problem I am speaking of by reading the letter to the Governor and the memo to the Attorney General. Neither the Governor Sheffield or Mr. Corsuch has replied to me.

I am also enclosing copies of petitions, signed by residents of the Bootleggers Cove, Turnagin Arm and Oceanview areas of Anchorage, to give you an idea of how many people view this situation as a problem that should be resolved before the state decides to purchase the railroad.

Thank you for your consideration of this serious problem.

Alaska State Legislature



COMMITTEES
OIL & GAS—ICE CHAIR
STATE OF AFFAIRS—(VICE CHAIR)
LABOR & COMMERCE
RESOURCE

House of Representatives

REPRESENTATIVE
JOHN J. COWDERY
DISTRICT EIGHT

MAIL ROOM
P.O. BOX 101623
ANCHORAGE, AK 99511
(907) 344-0950

JUNEAU
POUCH V
JUNEAU, AK 99811
(907) 465-4905
465-4906

March 12, 1984

Honorable Bill Sheffield
Governor
State of Alaska
Juneau, Alaska 99811

Dear Governor Sheffield:

The Legislature has been debating purchase and operation of the Alaska Railroad during this session and, I believe, will soon reach a resolution. However, many residents in Anchorage have expressed concern about a serious problem which has been occurring. Since you have been such a strong advocate of the railroad purchase, I am sure you have discussed the problem I am about to outline.

Many residents and businesses, particularly in the Bootlegger's Cove area of Anchorage, have become increasingly annoyed by the vibrations caused by train cars carrying heavy industrial products. In fact, these vibrations are becoming progressively worse and may cause structural damage as well if allowed to continue over a period of time. With coal exports planned for the future, and transportation to tidewater being a necessary step in that process, this problem will only escalate. Residents have expressed not only an annoyance with the cars, but a fear for health and safety concerns.

Governor, we both witnessed the devastation caused by the 1964 earthquake. We saw the clay formation just below the surface of the soil slide down the hill when it failed to withstand the geotechnic pressure placed on it. The hill below the Holiday Inn had to be reinforced to prevent further slides. Presently, the ARCO building is experiencing vibrations that have been traced to a water extractor at a nearby commercial laundry establishment. This further demonstrates the extreme sensitivity of the soils in the area.

Governor Sheffield

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For quite some time after the quake, the Army Corps of Engineers placed restrictions on building in certain areas of the downtown area. The Municipal Assembly is still sensitive to construction in some downtown areas and has, in fact, rejected proposed projects in recent years because of the concern of land stability. I understand the Municipality has restricted several downtown projects unless some type of ground stabilization is included in any project. Clearly, there is a continuing demonstration of concern about the stability of the downtown area.

I am concerned about the continued effect of heavy vibrations on structures present in the downtown area and in areas adjacent to the railway corridor. The potential for these heavy vibrations to further erode the stability of the land should be of extreme concern. I think several questions must be answered.

What does the state plan to do to lessen the effect of these vibrations?

Has there been any stabilization done to the area?

Are there plans to stabilize land and structures in the area to prevent potential damage? If so, what are the cost estimates for such stabilization?

Are you aware of any studies by the Corps of Engineers relating to what effect vibrations may have on buildings in the affected area or the effect of vibrations increasing the potential for soil sliding activity?

Have you given any consideration to an industrial bypass railroad route which would avoid travel through this sensitive area? If so, what cost might we anticipate for right of way acquisition, and what area might such a bypass impact?

I am sure these issues must be of concern to you as well, and I trust, in all the debate regarding state takeover and operation of the railroad, you have discussed these very issues with Mayor Tony Knowles. Certainly, it would be shortsighted if your administration, the Municipality or the Legislature ignored this serious concern in deliberations of the Alaska Railroad. Citizens in the South Addition area of Anchorage have signed a petition, which I have enclosed, urging state consideration of these concerns. To date, these citizens have apparently received little assistance from the Knowles administration towards solving this problem.

In summary, I am asking what your administration plans to do about this problem. Has consideration been given to rerouting the railroad to avoid the downtown areas?

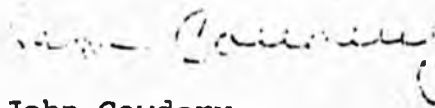
Governor Sheffield

Page 3

Has consideration been given, for example, to a spur line through other areas where land is much more stable? And if such a spur line has been considered, do we need to progress at this time with railroad overpasses, which are estimated to cost millions of dollars, over major arterials? Perhaps, a spur line would not only eliminate the problems being caused by vibrations but would also eliminate the need to spend large sums simply to build massive train crossings. As I understand it, these intended crossings are being requested to accommodate increased heavy industrial commerce which will tend to interfere with commuter traffic. Yet a spur line might re-route such train traffic and make the need for these overpasses moot.

None of these questions should be considered as a stand against state takeover and operation of the Alaska Railroad. And, since state takeover and operation appears eventual, I think these are serious public concerns which should be addressed prior to state operation. They have potential for creating even greater life threatening and costly problems down the track, so to speak. I look forward to your reply knowing that you must share these concerns for the health and safety of Anchorage residents.

Sincerely,



John Cowdery
Representative-Anchorage

Mrs. Edith R. Bullock
510 L Street # 1005
Anchorage, Alaska 99501
March 14, 1984

Representative John Cowdery
State Legislature
Juneau, Alaska 99801

Dear Representative Cowdery:

I read in the Times last night about your questions on excessive railway vibrations.

For your information, our building is also effected. My apartment, on the top floor, facing the city and mountains, has a definite tremor when trains are passing heavily loaded.

I am sure all residential areas close to the railroad tracks are effected in the same manner. Anything you can do to correct this serious problem will be greatly appreciated.

Sincerely,

Edith R. Bullock
Edith R. Bullock

RECEIVED MAR 16 1984

RESOLUTION

A RESOLUTION OF THE SOUTH ADDITION COMMUNITY COUNCIL PLACING THE STATE OF ALASKA ON NOTICE THAT OPERATIONAL PROBLEMS CURRENTLY EXIST RELATING TO THE TRAIN OPERATIONS OF THE ALASKA RAILROAD. THESE PROBLEMS AND THE COST TO SOLVE THEM SHOULD BE CONSIDERED WHEN THE STATE LEGISLATURE ADDRESSES THE TRANSFER OF THE ALASKA RAILROAD FROM FEDERAL CONTROL TO STATE OWNERSHIP.

THE SOUTH ADDITION COMMUNITY COUNCIL RESOLVES:

WE, the members of the South Addition Community Council are hereby putting the State of Alaska on notice that there are a number of problems involving the Alaska Railroad which will require solutions in the future. At present, various train operations of the Alaska Railroad) for example, scouth-yard switching operations, gravel hauling, etc.) involve excessive noise and vibrations constituting a serious hazard to the health, welfare and quality of life for the residents of the Bootleggers Cove and the South Addition. Additionally, these same problems are expected to increase with the beginning of the coal haul from Healy to Seward.

PASSED AND APPROVED by the steering committee of the South Addition Community Council; Anchorage, Alaska this 8th day of MARCH, 1984.

Crane C. Stern
PRESIDENT

ATTEST:

Lynn Benson

COUNCIL SECRETARY OR
MEMBER AT LARGE

PETITION

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signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>3/5/84</u>	<u>938 P. St.</u>	<u>Reuben Dungen</u>
<u>3/5/84</u>	<u>905 "S" Street</u>	<u>Phyllis J. LaLonde 279</u>
<u>3/5/84</u>	<u>905 "S" STREET</u>	<u>Max J. LaLonde 022</u>
<u>3-5/84</u>	<u>938 David Place</u>	<u>Lynne Florin</u>
<u>3/5/84</u>	<u>938 David Place</u>	<u>Ed Bradley</u>
<u>3/5/84</u>	<u>938 David Place</u>	<u>Jimmy Bradley</u>
<u>3-84</u>	<u>943 S ST. 277</u>	<u>Red W. Rutz</u>
<u>3-84</u>	<u>943 S st. 270</u>	<u>Mary Jo's Rutz</u>
<u>3/5/84</u>	<u>1010 S' ST</u>	<u>Ann McCarley</u>
<u>3/5/84</u>	<u>1010 S' ST 99501</u>	<u>Ann McCarley</u>
<u>3/5/84</u>	<u>936 David Place 99501</u>	<u>R. P. Anglemo 277-0928</u>

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signed:

<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>7 March 1984</u>	<u>804 P Street #4</u>	<u>Robert M. Murphy</u>
<u>3-7-84</u>	<u>804 P. Street #4</u>	<u>Virginia Villwald</u>
<u>3-7-84</u>	<u>804 P STREET #11</u>	<u>Sam P. [Signature]</u>
<u>3-7-84</u>	<u>804 P ST. #11</u>	<u>Dorothy K. Nelson</u>
<u>3/7/84</u>	<u>804 P ST, #10</u>	<u>Harry J. Forten</u>
<u>3/8-84</u>	<u>804 'P' ST #3</u>	<u>Charles H. [Signature]</u>
<u>3/8/84</u>	<u>804 P ST. #3</u>	<u>Alice L. [Signature]</u>
<u>3/8/84</u>	<u>538 M St.</u>	<u>Fridley Robatt.</u>
<u>3/8/84</u>	<u>1224 U st.</u>	<u>Lynn Bannon</u>

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<u>Date</u>	<u>Address</u>	<u>Name</u>	
<u>3-5-84</u>	<u>436 David Place 99501</u>	<u>Joyce H. Anglemeyer</u>	277-0928
<u>3-5-84</u>	<u>804 P St #9 99501</u>	<u>Michelle (W) Miller</u>	
<u>3-5-84</u>	<u>804 P St. #6 99501</u>	<u>Jan Smith</u>	277-6013 off
<u>3-5-84</u>	<u>530 N St. 99501</u>	<u>[Signature]</u>	
<u>3/5/84</u>	<u>526 M St. 99501</u>	<u>Budwe. F. [Signature]</u>	
<u>3/6/84</u>	<u>433 M St.</u>	<u>Dorothy D. [Signature]</u>	
<u>3-7-84</u>	<u>333 M St #209</u>	<u>Robert M. Piazza</u>	
<u>3/8/84</u>	<u>375 M Street</u>	<u>Bill Buckman</u>	
<u>3/8/84</u>	<u>520 N St</u>	<u>D. E. [Signature]</u>	
<u>3/8/84</u>	<u>520 N St</u>	<u>Laurie [Signature]</u>	
<u>3/8/84</u>	<u>500 N St</u>	<u>Ken [Signature]</u>	
		<u>FORMIT E. BRIDGER</u>	

PETITION

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<u>Date</u>	<u>Address</u>	<u>Name</u>
<u>3/8/84</u>	<u>527 N Street</u>	<u>Martha Beckwith</u>
<u>3/8/84</u>	<u>500 N ✓</u>	<u>E. M. Elliott</u>
<u>"</u>	<u>" "</u>	<u>Estina MacInnis</u>
<u>3/8/84</u>	<u>629 O. St. #207</u>	<u>Charles A. Uhl</u>
<u>3/8/84</u>	<u>644 W. 13th Anchorage</u>	<u>D. Foley</u>

PETITION

WE, the undersigned residents of the Anchorage Railroad Corridor, are hereby putting the State of Alaska on notice that there are a number of problems involving the ALASKA RAILROAD which require immediate solutions. At present various operations of the ALASKA RAILROAD (for example - southyard switching operation, gravel hauling) involve excessive noise and vibrations constituting a serious hazard to the health, welfare and quality of life of the residents of the community through which the railroad passes. In addition, the soil conditions of this area are rated as high hazard earthquake zone with the clay underlayment subject to shifting with the continuous vibration action which is hazardous to properties and life.

<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
<u>3-14-84</u>	<u>2515 Resolution Drive</u>	<u>Erica D. Silberman</u>
<u>3-18-84</u>	<u>2515 Resolution Drive</u>	<u>Richard B. Silberman</u>
<u>3-18-84</u>	<u>2457 Resolution Dr.</u>	<u>Tom C. Gillman</u>
<u>3-18-84</u>	<u>2457 Resolution Dr.</u>	<u>Matthew R. Gillman</u>
<u>3-18-84</u>	<u>2457 Resolution Dr.</u>	<u>Anne C. Gillman</u>
<u>3-18-84</u>	<u>2456 Resolution Dr.</u>	<u>Henry E. Elledge</u>
<u>3-18-84</u>	<u>2456 Resolution Dr.</u>	<u>Carol H. E. Elledge</u>
<u>3-18-84</u>	<u>2504 Resolution Dr.</u>	<u>Robert R. Hagley</u>
<u>3-18-84</u>	<u>2520 Resolution Drive</u>	<u>John W. Nelson</u>
<u>3-18-84</u>	<u>2520 Resolution Dr.</u>	<u>Shonda M. Nelson</u>
<u>3-18-84</u>	<u>2516 Discovery Court</u>	<u>John W. Magnuson</u>
<u>3-18-84</u>	<u>2516 Discovery Court</u>	<u>May J. Magnuson</u>
<u>3-18-84</u>	<u>2547 Discovery Ct.</u>	<u>Edward J. Mores</u>
<u>3-18-84</u>	<u>2547 DISCOVERY CT.</u>	<u>John Mores</u>
<u>3-18-84</u>	<u>2517 Kariissa Dr.</u>	<u>John P. Hattala</u>

PETITION

16.

WE, the undersigned residents of the Anchorage Railroad Corridor, are hereby putting the State of Alaska on notice that there are a number of problems involving the ALASKA RAILROAD which require immediate solutions. At present various operations of the ALASKA RAILROAD (for example - southyard switching operation, gravel hauling) involve excessive noise and vibrations constituting a serious hazard to the health, welfare and quality of life of the residents of the community through which the railroad passes. In addition, the soil conditions of this area are rated as high hazard earthquake zone with the clay underlayment subject to shifting with the continuous vibration action which is hazardous to properties and life.

<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
7 Feb 16 1984	2503 Resolution Drive	Betty A. Suelok
16 Feb 1984	2503 Resolution Drive	Ellen M. Suelok
16 Mar 1984	3781 Lebron Ct	Storia Skerini
MAR 16 1984	2503 RESOLUTION DR	John A. Suelok
Mar 16 1984	920 Bering Ct	Sigmon Buechlich
Mar 16 84	2301 McKee Anch. AK	Xabentol Meyer
3/16/84	2711 Hillside Dr Anchorage	Will C. Hertenstein
Mar 18 1984	2135 WAPER DR ANCH. AK	John S. Suelok
3-18-84	2613 Draper Dr.	Lindley Nixon
3-18-84	2613 Draper Dr.	Leslie Nixon
3/18/84	2600 Draper Drive	Lea, K. Kainkang
3/18/84	2601 W 27th	Charles R. Cook
3/18/84	300 Danville Cir	James L. Cook
3/18/84	4001 Country Dr	Andrew M. Murrells
3-18-84	300 Danville Cir	Kelly Lewis
3-18-84	201 E 16th	Renton A. Miller

PETITION

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<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
3/18/84	2504 Loussac Dr.	Orlander
3/18/84	2432 Loussac Dr.	James J. Jensen
3/18/84	2432 Loussac Dr.	Andrea S. Terrell
3/18/84	2408 Loussac Dr.	Margaret H. Burns
3/18/84	2408 LOUSSAC DR	K. J. Smith
3-18-84	2378 LOUSSAC DR	W. E. Ed
3-18-84	2546 Loussac Dr.	Maria
3/18/84	2324 Loussac Dr.	John
3/18/84	2312 Loussac Dr.	William J. Ellis
3-18-84	2260 LOUSSAC	Bill Potts
3-18-84	2260 Loussac Dr.	Barbara Potts
3/18/84	2371 Loussac Dr.	Robert J. Anderson
3/18/84	2407 Loussac Dr.	Janette Heenan
3/18/84	2431 Loussac Dr.	William J. Smith
3-18-84	244 Loussac Dr.	John B. Thomas
3-18-84	2447 Loussac Dr.	Richard F. Vores

PETITION

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<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
3/16/84	2531 La Honda Dr.	Paul M. Richards
3/16/84	2531 La Honda Dr.	Bonnie E. Richards
3/16/84	2543 LA HONDA DRIVE	Mabel C. Palle
3/16/84	2553 La Honda	Walter Palle
3/16/84	2553 LA HONDA	Edna Palle
3-15-84	2511 LA HONDA	Wm. B.
3/15/84	2513 La Honda Dr.	Linda E. Fadden
3/15/84	2601 La Honda Dr.	Charlene C. Fadden
3/15/84	2603 La Honda Dr.	Patricia H. Victor
3/15/84	2603 LA HONDA DR	
3/17/84	2531 La Honda Dr.	Sylvia Singleton

PETITION

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<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
15 MAR 84	804 P ST ANCH, AK 99509	Richard B. Miller
15 MAR 84	2415 LAKEMOND DRIVE	[Signature]
15/3/84	2443 LAKEMOND DRIVE	Ulad Wilson
15/3/84	2443 LAKEMOND DRIVE	Caroline Wilson
3/15/84	2434 Lakemond Dr.	Her. Bryson
"	"	Cheryl Bryson
3/15/84	2417 Lakemond Dr	[Signature]
3-16/84	2714 Lakemond Ave	John S. Brand
3-17-84	341 E 11 th #128	Shandy [Signature]

PETITION

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<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
3-15-84	2441 La Honda	Richard Parrish
3-15-84	"	Page Hoode
3-15-84	2443 La Honda Dr	Bobby J. Wilson
3-15-84	3927 Gardner #3 Anch 99508	Krista Johnson
3/15/84	2401 La Honda Dr	Krista Tiel
3/15/84	2401 La Honda Dr	Paul (Suz)
3/17/84	2463 La Honda Dr. 99503	Michael Bush
3/18/84	148 W. 53rd 99503	...
3/17/84	2400 ... 91	...
3/18/84	2450 ... 99503	...
3/18/84	1403 P	Rev. J. ...
3/18/84	1403 P	...

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<u>DATE</u>	<u>ADDRESS</u>	<u>NAME</u>
<u>3-18-84</u>	<u>1331 HILLCREST DR 99502</u>	<u>Sharon M. Adams</u>
<u>3-18-84</u>	<u>PO BOX 4-11675 99509</u>	<u>Elaine Kerson</u>
<u>3-18-84</u>	<u>574 574-54-8554</u>	<u>Bryan D. Lovely</u>
<u>3-18-84</u>	<u>9510 Canton Loop 99502</u>	<u>David C. Adams</u>
<u>3-18-84</u>	<u>3601 W 34th 99503</u>	<u>Jamie Ireland</u>
<u>3-19-84</u>	<u>947 W 13th</u>	<u>Marilyn Lobb</u>
<u>3-19-84</u>	<u>2800 W 11th</u>	<u>Robert B. Bales</u>
<u>3-19-84</u>	<u>4211 Spenard</u>	<u>Kathy</u>



101 Benson Suite 303
Anchorage, Alaska 99503
907-561-5259

BUILDING MANAGEMENT SERVICES CORPORATION

March 20, 1984

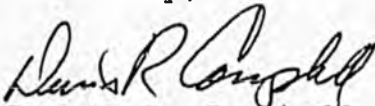
Representative John Cowdery
State Capitol
Pouch V
Juneau, Alaska 99811
c/o Room 409

Dear Mr. Cowdery:

Our firm is the current property manager of 510 L Street, Anchorage, Alaska 99501. As you may know, there are eighteen (18) residential condominiums on the top three floors of the building. I feel impeded to inform you, that many of the owners of these units have expressed concern over the vibration they have experienced when the train is passing.

We appreciate your efforts on informing the Governor of the area, concerning the problem.

Sincerely,


Dennis R. Campbell
Building Manager

DRC/te

Alaska State Legislature



COMMITTEES
OIL & GAS—(CO-CHAIR)
STATE OF AFFAIRS—(VICE-CHAIR)
LABOR & COMMERCE
RESOURCES

House of Representatives

REPRESENTATIVE
JOHN J. COWDERY
DISTRICT EIGHT

ANCHORAGE
P.O. BOX 10-1623
ANCHORAGE, AK 99511
(907) 344-0950

JUNEAU
POUCH V
JUNEAU, AK 99811
(907) 465-4905
465-4906

March 21, 1984

Mr. Norm Gorsuch, Attorney General
Department of Law
Capital Room 412
Juneau, Alaska 99801

Dear Norm,

With increasing awareness about problems in Anchorage caused by vibrations from heavy trains, I have a legal question that I would like you to answer.

As you know, there are several residents in the Bootleggers Cove, Turnagin Arm, and Oceanview areas of Anchorage that are expressing their concern about vibrations caused by these heavy trains. Residents in the downtown area are especially worried since most of the building there has been on geotechnically weak clay soil.

Before the legislature decides whether or not to acquire the railroad I think it would be wise for us to have a clear definition of the state's liability in the event that these vibrations continue to cause damage to structures in the vicinity of the railroad corridor.

Because the legislature is dealing with the railroad issue at the present time I would appreciate your timely response to this inquiry.

Thank you,

John J. Cowdery

A handwritten signature in cursive script that reads "John J. Cowdery".

Representative, District 8

THE
SIX
MEETING

RAVENS
WORK
SESSION
H8 512

House Transportation
Subcommittee
5/15/84

610
middle-class to under-
middle-class, middle, poor
+ poor

Changes

- pg 1 line 13

pg 1 line 21

~~repeal of the~~

achievement of

446 - sub 2 Total

1 Committee + 6 voting members - few later on last amendment?

What Virginia's state used in putting together 5010 3 - Hilkey -
C/O Delata

that many others that have done

rel 5010 - language pg 7 - language

876 - pg 4 - subsection d - 5010 pg 7 - errors with draft copy

694

Topic 2 sub 1/3

~~repeal of the~~

1213 - put in same language (line 5010) &
language will under last amend.

1232 add in language pg 5 - with draft (line 7-10 amend)

- check on daily rate of (sum) fund board + use instead
of \$450.00

work
draft
copy
changes

pg 5 line 25 - five next 4

pg 6 line 1 - five next 4

Subcommittee - Work Session 3/6/84 8:40am

Miller, Akshil, Flood, Davis, McBride

Wren, Mark, Clyde

Topic 1 - Side 1

pg 6 - Senate version j #3, #4 language

pg 6 - work draft use Senate 3⁺ in work draft
3,4,5,6

#4 Senate WD - notify agency supply to leg for subcommittee

shall notify the leg of any pending applic

for state support of subcommittee for any service not self-sustaining?

Redundant

work
pg
27

Topic 1 - Side 2 #448

Exec Office Secm.

695 adjourned break till 3:15 pm

Subcommittee HB 512 3/6/84

Miller, Albert, Davis, Floyd / Gurr, Clyde, Mark, David

#001...

pg 7 leave @ 150 days - 1st meeting

quorum on bonding pg 7 line 10 comma (i) - latest w/copy 3/6/84

authorization vs concurrence pg 7 line 19 -

• Specific board approval... pg 7 line 19 - 2 wording

42,40,700 - Art 7 Personnel

leave conflict of interest as is

664 Tape 2 Side 2/4

- The bill shall be rule provided for a ^{bill} procedure
for its meeting

- adopted Rules Section from HB pg 10

- pg 10 - line 15 - ~~shall~~ substitute Senate language

4 330 - Tape 3 Side 1/5

- annual ^{Report and} ~~audit~~ last sentence of Senate version to 512 pg 10 line 22
to pg 11 line 8

- leave as is - annual audit

adjourns 5:00 - out of Art 4

Thurs 8:30 AM - Subcommittee

Target Date - Monday

Subcommittee 3/16/14 RR-512

Abel, Miller, Fenn, Davis, Szymanski / Clark, Rogers

art 4 powers + duties

396 (15) tie in w/14

400 the key - could, or - sen. thought about

488 ABOVE ANOTHER RR come in and compete w/ARR?

CLARIFICATION OF

16 Applied to approp. agencies

430

17 RATES TO BE CHARGED

- Corp. sets the rates
- clause in SB ref. Fed. bill section ICC be consistent w/ICC regs...
- clarifies situation - doesn't hurt to add reference
- be consistent w/ Sen. language

pg 13 see Senate # 10 Jan 19?

Obligations of 45 USC 1201-1214 - what are they pg 14 line 1 3/6 draft
↓ spell out in bill

Terry Carter?

650 Tape 1 - Slide 2

Sony -

840 - ~~line~~ pg 14 line 5.5 - ^{insert} (July 14 language...)

900 - end 4:30 see 25 pg 14 3:30 today

Subcomm HB 512 - Afternoon - 3/8/84

Mullen, Akert, Flood, Davis,
Sims, Dave, Mark

pg 14 subsection 25 - starting point
(Work Draft 6 from Senate)

Akert - move + let unanimous consent we adopt all
changes made thus far

Flood - object to leave room for further change

Mullen - OK -

303 ~~280~~ - pg 15 line 10 a interface to connect with affected state agencies

387 pg 15 line 22 - (when) reports due / consolidate w/ annual report etc

419 cross reference ^(sub) section (b) ~~on pg 19~~ ~~write~~ for pg 16 line ~~3, 100~~

508 Rail Properties -

659 - Tape 2 Side 2
Subsurface nt's discussion

792 Working Draft 6

910 Replace line 5, 6, 7, 8 ~~of~~ HB 512 w/ SB 10 . . .

Rail Prop: after ⁽⁵⁻²⁾ end - deleted all lang to Corp (pg 16) +
+ inserted language from SB 10

8:1106 Adapt Senate language ~~for~~ pg 19 (Draft 6) section (d).

1310 Add subsection d . . . (end Tape 2 - Side 2)
Reconvene 8:30 Friday

RR Subcommittee HB 512 3/16/14 8:30 am Attorney General
Miller, Harris, Flood, Abbott Mark, David.

026 pg 16 - 512 pg 19 - Senate - Sec 42.40.420

329 adapt language Senate draft 7 pg 19 Sec 42.40.420 Class, Reg, Use
of State land for RR purposes

- Such lands left.

- DNR - how they will request/use of land;

- diff departmental order vs written finding

544 7. pg 17 - 512 - adapt: pg 20 Senate ~~to~~ to replace in C + 2

pg 17/19 - checking w lateral support of surface/sub rts

662 Tape 1 side 2

cut iff eminent domain

72720 2:30 here pg 20/pg 18

House transportation - ~~unavailable~~ 11/15/84 - 11/16/84

Flood, Miller, Abbott, Davis, Rogers, Hickey, Soerksen

was messy - OOA

Jack Burton of RR people
Jack Vallenty

- review of Amest Domain

- adding Municipal RT-of-Way section from Senate Bill

661 Tape 1 Side 2

760 - subsection c, pg 34 - Senate draft adopted
↓
we need it

pg 34 Agreement (a) - flagged
binding arbitration --

1033 Recess 11:15 am break

1380 Tape 2 Side 1

(560?) 12:35 break

1:50 pm return

660? (655?) Tape 2 Side 2

1320 Tape 3 Side 1 1:40 pm

Miller - amendments by Miller adopted

363 8:30 Monday

HO 92 Submittal re 3/12/04 Abbot, Floyd, ~~Miller~~ Miller, Crocker
Dawson, Hekey, Rogers, Clyde

190 End--- meet @ 3:15 pm

Wed 3:15 PM
Subcommittee
Meeting

Subcommittee - RR 3/13/84 3:20 PM

Mullen, Flood, Board, Coenker, Rogers, Hickey, Clyde
Terry Valinsky, Karen Jose?

Part 7 - Personnel

CB agreements

pg 29 Senate draft - CB rights

- ① - drop subject d in pg 33 House bill
adopt 42.40.760 in lieu of that - pg 29 Senate Draft #8 - latest version
- ② - Hickey Amendment for Sec 42.40.770 ~~amendment~~ for HB 512
 - ↓ adopt (a) - Hickey's w/ changes - pick up Board's amendment
 - ↓ adopt (b) - Senate pg 29 under 42.40.770
- ③ - Sec 42.40.780 - adopt from Senate 29, 30 to House
- ④ - adopt pg 30 42.40.790 - (a) in all CB units (Senate for House 512)

664 - Side 2 Tap 1

binding arbitration discussion - if needed,
Steve - existing law concerning strikes. - Steve

- ⑤ adopted 42.40.880 - Hickey's amendment
- ⑥ Sec 42.40.910 Senate bill pg 32 adopt for our bill

Areas to Cover:

- Financial Section not covered -
- strikes / CB / labor relations
- 2 tier system in regard to RR pg 16 of our Draft 512 pg 16 line 24 - end of sec 8(d)
- 1281 adjourned -

Subcommittee - 3/15/84 - HB 512 + RR -

Miller, ~~Abraham~~, Coakley, Rogers, Hickey,



443 side 2/Tape 1

1 more meeting 8:30 Monday Morning

Subcommittee HB 512 3/14/84

Miller, Aburd, Davis, Soerksen, Rogers, Hickey, Clyde

NLRB influence/role with ACLR

advisory arbitration } definition
~~binding~~ binding arbitration }
mediation }

- go to strike - no arbitration unless both parties agree to it - preserve &
~~mediation~~

2- advisory arbitration

3- strike or binding arbitration

660 Tape 01 Side 2

Adjourn 4:15 pm

3:15 tomorrow

Miller, Flood, Abard Sorenson, Hekey, Rye, Elaine Andrews

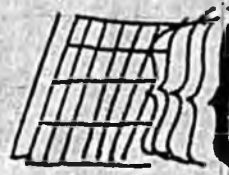
put it's in class 2 position * all that pertains

Mediated Arbitration: } 23.40 class 2 - limited rt to strike
same period for } until ~~withholding of funds~~ ⁱⁿ ~~regards to~~
mediation + arbitration for disputes

- emp can ask it to ask 3rd party to enjoin strike
- both parties can submit to binding arb. as a right

FHCS - Fed Med - Conciliation Svc

FSIP - Fed Svc Impasse Panel



CERTIFICATIONS REQUIRED IN 543 ARE CONTAINED IN RAILROAD TRANSFER ACT
SEC 604

38,000 ARR ACRES

3800 CLAIMED ORIGINALLY

NOW 1600-1800 ACRES STILL CLAIMED

ECLWTNA

CLAIMS ARE GOING WELL

TEST IS ACTUAL USE, IF THE RAILROAD CAN

SHOW ACTUAL USE THE CLAIM WILL BE INVALID

CLAIMS WILL BE SETTLED BEFORE ARR IS TRANSFERRED

ANSCA IS FEDERAL LEGISLATION DEALING WITH

FEDERAL LANDS AND DOES NOT AFFECT AK STATE

LANDS

ESTABLISHED IN 1914

AUTHORIZED 1000 MILES OF RAILWAY RIGHT OF WAY

NO CONSIDERATION HAS BEEN GIVEN TO EXTENSION LANDS BECAUSE
THOSE LANDS HAD NEVER BEEN DESIGNATED.

DEADLINE JULY 14, 1984

1 million FOR OSHA UPGRADE

Pension OPM

AT FIRST THEY SHOWED THE UNFUNDED LIABILITY REQUIRED
28-40% CONTRIBUTION (OF WAGES PAID)

NOW 7% PAYMENT IS REQUIRED THE REST WILL BE MADE UP
BY THE FEDERAL GOVT.

ARTICLE 7. PERSONNEL AND LABOR RELATIONS.

Sec. 42.40.700 PERSONNEL. Employees of the Alaska Railroad are employees of the corporation and not of the state. The provisions of AS 39 do not apply to employees of the corporation [except that the provisions of AS 39.50.010-39.50.200 shall apply to the members of the board and all appointed executive officers.]

Sec. 42.40.710. COLLECTIVE BARGAINING RIGHTS. The provisions of the Public Employee Relations Act (AS 23.40.070-23.40.260) do not apply to the corporation or to its employees. However, employees of the corporation, except the chief executive officer and other executive officers appointed by the chief executive officer, may self organize and form, join or assist an organization to bargain collectively through representatives of their own choosing, and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Sec. 42.40.720. RAILROAD LABOR RELATIONS AGENCY. (a) There is established a railroad labor relations agency which consists of three members appointed by the governor. One member shall be a member of the state labor relations agency (AS 23.40). Members serve at the pleasure of the governor.

(b) The railroad labor relations agency shall perform the functions described in AS 42.40.700-42.40.990 to carry out the provisions of this article.

(c) Members of the railroad labor relations agency receive no compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions.

Sec. 42.40.730. COLLECTIVE BARGAINING UNIT. The railroad labor relations agency shall decide in each case, in order to assure to employees the fullest freedom in exercising the rights guaranteed by AS. 42.40.700-

42.40.990 the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours and other working conditions of the employees involved, the history of collective bargaining, and the desires of the employees. Bargaining units shall be as large as is reasonable, and unnecessary fragmenting shall be avoided.

Sec. 42.40.740. REPRESENTATIVES AND ELECTIONS. (a) The railroad labor relations agency shall investigate a petition if it is submitted in a manner prescribed by the labor relations agency and is

(1) by an employee or group of employees or an organization acting in their behalf alleging that 30 per cent of the employees of a proposed bargaining unit

(A) want to be represented for collective bargaining by a labor or employee organization as exclusive representative, or

(B) assert that the organization which has been certified or is currently being recognized by the corporation as bargaining representative is no longer the representative of the majority of employees in the bargaining unit; or

(2) by the corporation alleging that one or more organizations have presented to it a claim to be recognized as a representative of a majority of employees in an appropriate unit.

(b) If the railroad labor relations agency has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing upon due notice. If the railroad labor relations agency finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which organization the employees desire to be represented and shall certify the results of the election. Nothing in this section prohibits the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations of the

railroad labor relations agency or an election in a bargaining unit agreed upon by the parties. The railroad labor relations agency shall determine who is eligible to vote in an election and shall establish rules governing the election. In an election in which none of the choices on the ballot receives a majority of the votes cast, a runoff election shall be conducted, the ballot providing for selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. If an organization receives the majority of the votes cast in the election it shall be certified by the railroad labor relations agency as exclusive representative of all the employees in the bargaining unit.

(c) An election may not be held in a bargaining unit or in a subdivision of a bargaining unit if a valid election has been held within the preceding 12 months.

(d) Nothing in this chapter prohibits recognition of an organization as the exclusive representative by the corporation by mutual consent.

(3) No election may be directed by the railroad labor relations agency in a bargaining unit in which there is in force a valid collective bargaining agreement, except during a 90-day period preceding the expiration date. However, no collective bargaining agreement may bar an election upon petition of persons in the bargaining unit but not parties to the agreement if more than three years have elapsed since the execution of the agreement or the last timely renewal, whichever was later.

Sec. 42.40.750. UNFAIR LABOR PRACTICES. (a) The corporation or its agent may not

(1) interfere, restrain or coerce an employee in the exercise of his rights guaranteed in AS 42.40.710;

(2) dominate or interfere with the formation, existence or administration of an organization;

(3) discriminate in regard to hire or tenure of employment or a term or condition of employment to encourage or discourage membership in an organization;

(4) discharge or discriminate against an employee because he has signed or filed an affidavit, petition or complaint or given testimony under AS 42.40.010-42.40.990;

(5) refuse to bargain collectively in good faith with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

(b) Nothing in this article prohibits the corporation from making an agreement with an organization to require as a condition of employment

(1) membership in the organization which represents the unit on or after the 30th day following the beginning of employment or on the effective date of the agreement, whichever is later; or

(2) payment by the employee to the exclusive bargaining agent of a service fee to reimburse the exclusive bargaining agency for the expense of representing the members of the bargaining unit.

(c) A labor or employee organization or its agents may not

(1) restrain or coerce

(A) an employee in the exercise of the rights guaranteed in AS 42.40.710
or

(B) the corporation in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances;

(2) refuse to bargain collectively in good faith with the corporation,

if it has been designated in accordance with the provision of AS 42.40.700-42.40.990 as the exclusive representative of employees in an appropriate unit.

Sec. 42.40.760. INVESTIGATION AND CONCILIATION OF COMPLAINTS. If a verified written complaint by or for a person claiming to be aggrieved by a practice prohibited by AS 42.40.750 or a written accusation that a person subject to AS 42.40.700-42.40.990 has engaged in a prohibited practice, is filed with the railroad labor relations agency, it shall investigate the complaint or accusation. If it determines after the preliminary investigation that probably cause exists in support of the complaint or accusation, it shall try to eliminate the prohibited practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during this endeavor may be used as evidence in a subsequent proceeding.

Sec. 42.40.770. COMPLAINT AND ACCUSATION. If the railroad labor relations agency fails to eliminate the prohibited practice by conciliation and to obtain voluntary compliance with AS 42.40.700-42.40.990, or before it attempts conciliation, it may serve a copy of the complaint or accusation upon the respondent. The complaint or accusation and the subsequent procedures shall be handled in accordance with the administrative adjudication portion of the Administrative Procedure Act (AS 44.62).

Sec 42.40.780. ORDERS AND DECISIONS. If the railroad labor relations agency finds that a person named in the written complaint or accusation has engaged in a prohibited practice, the railroad labor relations agency shall issue and serve on the person an order or decision requiring him to cease and desist from the prohibited practice and to take affirmative action which will carry out the provisions of AS 42.40.700-42.40.990. If the railroad labor relations agency finds that a person named in the complaint or accusation has not engaged or is not engaging in a prohibited practice, the railroad labor

relations agency shall state its findings of fact and issue an order dismissing the complaint or accusation.

Sec. 42.40.790. ENFORCEMENT BY INJUNCTION. The railroad labor relations agency may apply to the superior court in the judicial district in which the prohibited practice occurred for an order enjoining the prohibited acts specified in the order or decision of the railroad labor relations agency. Upon a showing by the railroad labor relations agency that the person has engaged or is about to engage in the practice, an injunction restraining order, or other order which is appropriate may be granted by the court and shall be without bond.

Sec. 42.40.800. POWER TO INVESTIGATE AND COMPEL TESTIMONY. (a) For the purpose of the investigations, proceedings, or hearings which the railroad labor relations agency considers necessary to carry out the provisions of AS 42.40.700-42.40.990, the railroad labor relations agency may issue subpoenas requiring the attendance and testimony of witnesses and the production of relevant evidence.

(b) The railroad labor relations agency may administer oaths, examine witnesses, and receive evidence.

(c) The attendance of witnesses and the production of evidence may be required from any place in the state at any designated place of hearing.

(d) If a person refuses to obey a subpoena issued under AS 42.40.700-42.40.990, the superior court in the district in which the person resides or is found may, upon application by the railroad labor relations agency, issue an order requiring him to comply with the subpoena.

Sec. 42.40.810. REGULATIONS. The railroad labor relations agency shall adopt regulations under the Administrative Procedure Act (AS 44.62) to carry out the provisions of AS 42.40.700-42.40.990.

Sec. 42.40.820. PENALTY FOR VIOLATION OF ORDER OR DECISION. A person who violates a provision of an order or decision of the railroad labor relations agency is guilty of a misdemeanor and is punishable by fine of not more than \$500.

Sec. 42.40.830. MEDIATION. If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, a deadlock exists between the corporation and an organization, the railroad labor relations agency shall appoint a competent, impartial, disinterested person to act as mediator in any dispute on its own initiative or on the request of one of the parties to the dispute. The parties may also select a mediator by agreement or mutual consent. It is the function of the mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the railroad labor relations agency has any power of compulsion in mediation proceedings.

*Revised (1)
class?*

Sec. 42.40.840. STRIKES. Ninety days following the mediation process proscribed in Sec. 42.40.830 of this Act, employees of a collective bargaining unit may engage in a strike if a majority of the employees in that collective bargaining unit vote by secret ballot to do so.

Sec. 42.40.850. AGREEMENT. (a) Upon the completion of negotiations between an organization and the corporation, if a settlement is reached, the corporation shall reduce it to writing in the form of an agreement. The agreement shall include a term for which it will remain in effect, not to exceed three years. The agreement shall include a grievance procedure which shall have binding arbitration as its final step. Either party to the agreement has a right of action to enforce the agreement by petition to the labor relations agency.

(b) The Department of Administration shall participate in labor negotiations between the corporation and an employee organization. The corporation

shall seek advice of the Department of Administration prior to entering into a collective bargaining agreement concerning wages, hours, and other terms and conditions of employment. However, the final decision regarding collective bargaining agreements, shall be made by the board.

Sec. 42.40.860. LABOR OR EMPLOYEE ORGANIZATION DUES AND EMPLOYEE BENEFITS, DEDUCTION AND AUTHORIZATION. Upon written authorization of a corporation employee within a bargaining unit, the corporation shall deduct from the payroll of the employee the monthly amount of dues, fees and other employee benefits as certified by the secretary of the exclusive bargaining representative and shall deliver it to the chief fiscal officer of the exclusive bargaining representative.

Sec. 42.40.870. EXEMPTION FROM ARTICLE 7. Notwithstanding the provisions of AS 42.40.8⁶0, a collective bargaining settlement reached, or agreement entered into, under AS 42.40.8⁵0 that incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement, shall safeguard the rights of nonassociation of employees having bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member. Upon submission of proper proof of religious conviction to the railroad labor relations agency, the agency shall declare the employee exempt from becoming a member of a labor organization or employee association. The employee shall pay an amount of money equivalent to regular union or association dues, initiation fees, and assessments to the union or association. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving union or association shall contribute an equivalent amount of money to a charity of its choice not affiliated with a religious, labor or employee organization. The union or association shall submit proof of contribution to the railroad labor relations agency.

Sec. 42.40.880. DEFINITIONS. In AS 42.40.700-AS 42.40.880,

(1) "railroad labor relations agency" means railroad employee labor relations agency with regard to the corporation and employees of the corporation.

(2) "election" means a proceeding conducted by the labor relations agency in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in AS 42.40.700-42.40.990.

(3) "organization" means a labor or employee organization of any kind in which employees participate and which exists for the primary purpose of dealing with the corporation concerning grievances, labor disputes, wages, rates of pay, hours of employment and conditions of employment.

(4) "collective bargaining" means the performance of the mutual obligation of the corporation or its designated representatives and the representatives of the employees to meet at reasonable times, including meetings in advance of the budget making process and negotiating in good faith with respect to wages, hours and other terms and conditions of employment, or the negotiation of an agreement, or negotiation of a question arising under an agreement and the execution of a written contract incorporating an agreement reached if requested by either party, but these obligations do not compel either party to agree to a proposal or require the making of a concession;

(5) "terms and conditions of employment" means the hours of employment, the compensation and fringe benefits affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of the corporation.

**HB 512
ARTICLE 7**

**COMPARISON OF 3/15/84 WORK DRAFT
WITH PROPOSED DRAFT**

Sec. 42.40.700 PERSONNEL. (a) Employees of the Alaska Railroad are employees of the corporation and not of the state. The provisions of AS 39 do not apply to employees of the corporation.

Our draft is identical, except that we have made the "conflict of interest" provisions of AS 39 apply to the board and all appointed executive officers.

(b) The collective bargaining agreements in effect on the date of transfer between the corporation and its employees shall remain in effect until they expire by their terms or, as required under 45 U.S.C. 1206 (Alaska Railroad Transfer Act of 1982), they are renegotiated, subject to the approval of the board.

This language is not included in our draft because similar language is already included in the "temporary law" section of the bill.

(c) Subject to the provisions of 45 U.S.C. 1206 (Alaska Railroad Transfer Act) within 180 days of the first meeting of the board, the board and representatives of employee bargaining units shall implement ground rules for the re-negotiation of collective bargaining agreements.

This language is not included in our draft, but could be included in the "temporary law" section of the bill.

Sec. 42.40.710 COLLECTIVE BARGAINING (a) The provisions of AS 23.40.010 - 23.40.080, AS 23.40.110, AS 23.40.200 - 23.40.260 (Public Employee Relations Act) do not apply to the corporation or to its employees. However, employees that are not executive officers may

organize, and form, join, or assist an organization to engage in collective bargaining with respect to wages, hours and other terms and conditions of employment.

This language provides that selected sections of the Public Employees ~~Relat~~ Act (PERA) apply to the railroad corporation, ^{Relat 1045} and exempts them from other sections. The language in our draft exempts them from all of the provisions of PERA, and incorporates language from appropriate provisions of PERA as part of the railroad bill.

(b) The Department of Administration may participate in labor negotiations between the corporation and an employee organization. The corporation shall seek advice of the Department of Administration prior to entering into a collective bargaining agreement concerning wages, hours, and other terms and conditions of employment. However, the final decision regarding collective bargaining agreements shall be made by the board.

This language is not consistent with the position of the Administration. But, to be consistent with the Committee's draft we have included the same language in Sec. 42.40.850 (b) of our draft (except that we have changed may participate to shall participate).

(c) An agreement executed between the corporation and an employee organization shall provide for a grievance procedure in which the final step is binding arbitration. The agreement shall define "grievance" for purposes of this section.

Our draft includes comparable language in Sec. 42.40.850 (a).

Sec. 42.40.720 RAILROAD EMPLOYEES LABOR RELATIONS AGENCY (a)
There is established a railroad employees labor relations agency that consists of three members appointed by the governor. One member shall be a member of the state personnel board. Members serve at the pleasure

of the governor.

Our draft includes similiar langauge in Sec. 42.40.720

(b) The railroad labor relations agency shall perform the functions described in AS 23.40.090 - 23.40.100, and AS 23.40.120 - 23.40.190.

Our draft contains similiar language. But, some of the sections of AS 23.40 referenced in this language are incorporated into the language of our draft.

(c) Members of the railroad employees labor relations agency receive no compensation for their service but are entitled to per diem and travel expenses authorized the boards and commissions.

Our draft contains the same language.

Sec. 42.40.730 ADVISORY ARBITRATION (a) If efforts at mediation under AS 23.40.190 fail to resolve a dispute, the dispute shall be submitted to advisory arbitration. The corporation shall choose one of the arbitrators, and the railroad employees labor relations board shall choose one of the arbitrators.

(b) Arbitration of the dispute shall be conducted under AS 09.43.100 to the extent that the sections do not conflict with this section. A decision reached by the arbitrators shall not be binding upon the parties.

Our draft substitutes Sec. 42.40.830 (MEDIATION) for this section.

Sec. 42.40.740 STRIKES (a) After submitting a dispute to advisory arbitration, employees may engage in a strike of a majority of all employees in collective bargaining units vote by secret ballot to do so.

We include a strike section in Sec. 42.40.840 but have added a provision for a 90 day "cooling off" period, and have revised the language to assure equal representation for each employee.

(b) Notwithstanding the provisions of (a) of this section, the employees of the corporation may agree in writing to submit a dispute arising from interpretation or application of a collective bargaining agreement to arbitration.

We have deleted this section, because it is redundant. Sec. 23.40.710 (c) of the House draft and Sec. 42.40.850 (a) of our draft already provide for this.

Sec. 42.40.750 POLITICAL ACTIVITIES (a) Money, assets, or property of the corporation may not be used for political activity. However, board members and employees of the corporation may communicate with and appear before committees of Congress, the State legislature, and municipal governing bodies in connection with matters directly affecting the corporation.

(b) A board member or employee who violates the provisions of this section is personally subject to a civil penalty assessed by a judge of the superior court in an amount not to exceed \$ 5,000. An action to enforce this section may be brought by any person.

This section is not in our draft, but there is no objection to including it.

Sec. 42.40.760 PROHIBITED ACTS (a) The railroad chief executive officer, or any person employed by the corporation may not directly or indirectly:

(1) require or coerce any employee of the corporation to participate in any way in any activity or undertaking unless the activity or undertaking is related to the performance of official duties;

(2) require or coerce any employee of the corporation to make any report concerning any of his/her activities or undertakings unless the activity or undertaking is related to the performance of his official duties.

(3) except as directly related to the performance of his/her official duties, require or coerce any employee of the corporation to submit to any interrogation or examination or psychological test which is designed to elicit from him information concerning

(A) his personal relationship with any person connected with him

by blood or marriage,

(B) his/her religious beliefs or practices,

(C) sexual matters

(D) his/her political affiliation or philosophy

(4) coerce any employee of the corporation to invest or contribute his earnings in any manner or for any purpose;

(5) restrict or attempt to restrict after-working-hour statements, pronouncements or other activities, not otherwise prohibited by law or personnel rule, of any employee of the corporation, if the employee does not purport to speak or act in an official activity.

(b) The provisions of (a) of this section do not diminish the authority of an authorized law enforcement agency to conduct criminal investigations of corporation employees suspected of being involved in criminal activity.

This section is not included in our draft because we assume that these provisions would be included in the personnel rules of the corporation. There is no objection to including the language in the law.

Page 2

Line 20

(E) the corporation will provide necessary and desirable freight and passenger rail transportation services to residents, businesses, visitors, and military installations in the state;

(F) the corporation will provide safe, economical, and efficient transportation to residents, businesses, visitors, and military insdtallations in the state;

(G) the corporation will develop and implement plans for a transportation network. 2

Subsection (E) is deleted and subsections (F) and (G) are renumbered (H) and (I), respectively.

The board consists of (five) the commissioner of the Department of Transportation and Public Facilities and six voting members appointed by the governor. These (five) six members must be residents of and registered voters in the state except as provided in (b) of this section. No more than two of these members may be from any one of the four judicial districts in the state. Two of the voting members must have at least five years experience as owners or managers of a business in the state. Except for the commissioner of the Department of Transportation and Public Facilities, (A) a voting member may not be a state officer or employee.

(c) Unless prohibited by law, one voting member shall be or have been an executive official of an American railroad that is not now or was never a connecting carrier of the Alaska railroad.

member of the board is entitled to compensation at a rate of (\$200) \$250 for

ARTICLE 2. MANAGEMENT.

Sec. 42.40.090. MANAGEMENT BY THE BOARD. The board is responsible for the management of the corporation but shall delegate certain powers and duties to the chief executive officer in accordance with AS 42.40.110. In carrying out its responsibilities under this section the board shall, subject to AS 42.40.110,

(1) be responsible for the management of the financial and legal obligations of the Alaska Railroad;

(2) operate the Alaska Railroad as a common carrier; subject to the jurisdiction of the United States Interstate Commerce Commission consistent with 45 U.S.C. 1207;

(3) Generally manage the corporation on a self-sustaining basis;

(4) apply to the legislature for a subsidy if it is required to maintain a service which is not otherwise self-sustaining;

(5) provide for safe, efficient, and economical transportation to meet the overall needs of the state;

(6) raise needed capital by issuing obligations of the corporations while insuring that borrowing by the corporation does not directly or indirectly endanger the state's own borrowing capacity.

(c) (General or particular) Specific board authorization or concurrence is required for the following:

(12) the exercise of the power of eminent domain; and

(13) collective bargaining agreements as provided by 42.40.700.

adopted

Sec 42.40.220. MINUTES AND NOTICES OF MEETINGS. The board shall keep minutes of each meeting. Reasonable notice of the meetings shall be provided to the public.

Sec. 42.40.230. RULES. The board shall establish a procedure for adopting rules to carry out its functions and the purposes of this chapter. Within 90 days after its first meeting the board shall adopt rules establishing a procedure for giving advance public notice and an opportunity for the public to comment on proposed ^{rules} regulations of the authority that, in the determination of the board, will have a substantial impact on the public or be used in the authority's dealings with a significant segment of the public.

(b) The rules shall also include a procedure for the adoption of emergency rules when the adoption of an emergency rule is essential to continue or to reinstate the orderly operation of the corporation's facilities or program.

*replace with rules
strike out rules
section in 512*

Page 9 Line 3

(2) adopt rules;

Page 11 Line 27

(29) do all things necessary, convenient or desirable to carry out the powers and duties expressly granted or necessarily implied in this chapter or under other laws of the state or the laws and regulations of the federal government.

Page 13 Line 18

(1) railroad rights-of-way or easements transferred under the federal act or otherwise acquired shall be (classified) reserved as railroad land or (utility) railroad corridors;

Further work on lands

delete exclusive / subsurface

90/180 days

Sec. 42.40.530. INSURANCE. (a) The corporation shall protect its assets, services, and personnel by partially self-insuring its risks, and by maintaining Excess Casualty, Property, Business Interruption, Marine, Boiler and Machinery, Pollution Liability, .. and Miscellaneous Insurances in amounts reasonably calculated to cover potential claims for bodily injury, death or disability, consequential and property damage that may arise or be related to its operations and activities, naming the State as an additional insured.

(b) The Corporation may contract with the Department of Administration, Division of Risk Management for the provision of all or part of the requirements in subsection (a).

replace with

19 Sec. 42.40.710. COLLECTIVE BARGAINING RIGHTS. (a) The
20 provisions of the Public Employee Relations Act (AS 23.40) do not
21 apply to the corporation or to its employees. However, employees of
22 the corporation, except the chief executive official and other execu-
23 tive officials appointed by the chief executive official, may self
24 organize and form, join, or assist an organization to engage in col-
25 lective bargaining with respect to wages, hours and other terms and
26 conditions of employment.

27 (b) The collective bargaining agreements between the
corporation and its employees shall remain in effect consistent
with 45 U.S.C. 1206 (Alaska Railroad Transfer Act of 1982).

 Sec. 42.40.720. AGREEMENT. (a) The Department of
Administration shall participate in the negotiations between the
corporation and an employee organization. The corporation may
not enter into a collective bargaining agreement concerning
wages, hours, or other terms and conditions of employment unless
the proposed contract terms are approved by the Department of
Administration.

 (b) An agreement executed between the corporation and an
employee organization shall define "grievances." The agreement
shall provide for a grievance procedure in which the final step
in the procedure is binding arbitration.

continued

Sec. 42.40.730. RAILROAD EMPLOYEES LABOR RELATIONS AGENCY.

(a) There is established a railroad employees labor relations agency which consists of three members appointed by the governor. One member shall be a member of the labor relations agency (AS 23.40). Members serve at the pleasure of the governor.

(b) The railroad labor relations agency shall perform the functions described in AS 23.40.090 -- 23.40.190 to carry out the provisions of the article.

(c) Members of the railroad employees labor relations agency receive no compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions.

Sec. 42.40.740. STRIKES. (a) Employees of the corporation may engage in a strike if a majority of the employees in a collective bargaining unit vote by secret ballot to do so.

(b) Notwithstanding the provisions of subsection (a), the employees and the corporation may agree in writing to submit a dispute arising from interpretation or application of a collective bargaining agreement to arbitration.

A M E N D M E N T

Offered in the HOUSE

By Clocksin

TO: HB 512

Page 16, after line 10, insert a new section to read:

"Sec. 42.40.460. MUNICIPAL RIGHT-OF-WAYS. Upon request of a municipality the corporation shall grant to the municipality a right-of-way in a railroad utility corridor or in land owned by the corporation to be used for a pedestrian walkway or trail. Before granting a right-of-way under this section the board may require the municipality to agree to hold the corporation harmless for any use made of the right-of-way and to execute the agreement in a form approved by the board."



1/19/84

1 Sec. 42.40.230. Rules. (a) The board shall establish in its bylaws
2 a procedure for adopting rules to carry out its functions and the purposes of
3 this chapter.

4 (1) The corporation shall make available to members of the public
5 copies of the rules adopted under this section.

6 (2) Within 45 days after adoption, the chairman of th board shall
7 submit a rule adopted under this section to the chairman of the Administrative
8 Regulation.Review Committee under AS 24.20.400 - 24.20.460.

9 (b) Except as provided in (c) of this section, at least 15 days before the
10 adoption, amendment, or repeal of a rule, the board shall give public notice of
11 the proposed action by publishing the notice in at least three newspapers of
12 general circulation in the state and by mailing a copy of the notice to every
13 person who has filed a request for notice of proposes rules with the board or
14 the corporation. The public notice must include a statement of the time, place,
15 and nature of the proceedings for the adoption, amendment, or repeal of the rule
16 and must include and informative summary of the proposed subject of the rule.
17 On the date and at the time and place designated in the notice, the board shall
18 give each interested person or his authorized representative , or both, the
19 opportunity to present statements, arguments or contentions in writing, and
20 shall give members of the public an opportunity to present statements, argu-
21 ments, or contentions in writing, and shall give members of the public an
22 opportunity to present oral statements, arguments, or contentions for a total
23 period of at least one hour. The board shall consider all relevant matter
24 presented to it before adopting, amending, or repealing a rule which is adopted,
25 or its amendment or repeal, may vary in content from the informative summary
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1 specified in this subsection if the subject matter of the rule, or its amendment
2 or repeal, remains the same and the original notice was written so as to assure
3 that members of the public are reasonably notified of the proposed subject of
4 the board's action in order for them to determine whether their interests could
5 be affected by the board's action on that subject.

6 (c) The board shall in its bylaws establish a procedure for adoption of
7 emergency rules when the adoption of an emergency rule is essential to continue
8 or to reinstate the orderly operation of the corporation's facilities or pro-
9 grams. The requirements of (b) of this section do not apply to the initial
10 adoption of an emergency regulation; however, upon adoption of an emergency
11 regulation, the board shall, within 10 days after adoption, give notice of the
12 adoption in accordance with (b) of this section. No emergency regulation
13 adopted under this subsection remains in effect more than 120 days unless the
14 board complies with (b) of this section during the 120-day period.

15 (d) A rule adopted under this section becomes effective immediately upon
16 its adoption by the board, unless otherwise specifically provided by order of
17 the adoption.
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1 (9) generally applicable, comprehensive increases and de-
2 creases in rates other than those periodically approved by the United
3 States Interstate Commerce Commission for application to rail carriers
4 generally;

5 (10) diversification and major expansion or reduction of
6 services beyond those provided on the date of transfer or as provided
7 under this chapter;

8 (11) the exercise of the power of eminent domain;

9 (12) expansion of main or branch lines, other than routine
10 track realignment as necessary to maintain service levels in effect on
11 the date of transfer; and

12 (13) selection of independent auditors and accountants.

13 ARTICLE 2. ADMINISTRATIVE PROVISIONS.

14 Sec. 42.40.200. CONFLICTS OF INTEREST. (a) Except as provided
15 in this section, a board member or employee of the authority may not
16 participate in a decision of the authority in which that person or a
17 member of that person's immediate family has a direct or indirect
18 financial interest unless the financial interest is a remote financial
19 interest and participation is approved under (b) of this section. For
20 purposes of this section, "participate in a decision" includes all
21 discussions, deliberations, preliminary negotiations, and votes con-
22 cerning a matter that is the subject of formal action by the board.

23 (b) A board member or employee may participate in a decision if
24 that person or a member of that person's immediate family has only a
25 remote interest and if the fact and extent of the interest is dis-
26 closed to the board in a public meeting and is noted in the minutes of
27 the board before any participation by the member or employee in the
28 decision, and thereafter in a public meeting the board authorizes or
29 approves the participation by a vote of its membership excluding the

1 interested member or employee. As used in this subsection, "remote
2 interest" means

3 (1) that of a nonsalaried officer of a nonprofit corpora-
4 tion;

5 (2) that of an employee or agent of a contracting party
6 when the compensation of the employee or agent consists entirely of
7 fixed wages or salary and the contract is awarded by bid or by other
8 competitive process;

9 (3) that of a landlord or tenant of a contracting party,
10 except when the property subject to the lease or sublease is owned or
11 managed by the authority;

12 (4) that of a holder of less than one percent of the shares
13 of the corporation or cooperative that is the contracting party;

14 (5) that of an owner of a savings and loan account or bank
15 savings or share account or credit union deposit account if the inter-
16 est represented by the account is less than two percent of the total
17 deposits held by the institution; or

18 (6) other interests that in good faith are defined as
19 remote by rules or regulations adopted by the authority.

20 (c) A board member or employee is not considered to be finan-
21 cially interested in a decision when the decision could not affect
22 that person in a manner different from its effect on the public or
23 community.

24 (d) An action, including the award of a contract, in which a
25 board member or employee participates in violation of this section or
26 AS 39.50.090 is void if the board member's vote or employee's partici-
27 pation was necessary to the decision. If a board member votes or an
28 employee participates in a decision in violation of this section or
29 AS 39.50.090 and that vote or participation is not necessary to the

1 decision, the board may ratify the action after disclosure of the
2 violation in a public meeting of the board and without participation
3 by the interested member or employee in the decision to ratify. A
4 board member or employee who violates a prohibition contained in this
5 section or in AS 39.50 forfeits office upon a determination by the
6 board in a public meeting that the violation was intentional.

7 (e) The executive officials and board members of the authority
8 are subject to AS 39.50.

9 (f) Within 120 days of the first meeting of the board, the board
10 shall adopt and may subsequently amend rules and regulations imple-
11 menting this section, providing additional conflict of interest and
12 ethical rules and regulations as it considers appropriate, and provid-
13 ing for the removal by the board of a board member or employee who
14 intentionally violates a prohibition contained in this section or in
15 AS 39.50.

16 Sec. 42.40.210. PUBLIC BOARD MEETINGS. (a) The meetings of the
17 board are public, with the exception of executive sessions permitted
18 by AS 44.62.310 and (b) of this section.

19 (b) In addition to those subjects which may be discussed in
20 executive session under AS 44.62.310, the board may consider in execu-
21 tive session matters that pertain to personnel, the authority's legal
22 position, land acquisition or disposal, or proprietary information, as
23 defined in a manner consistent with the standards and practices of the
24 United States Interstate Commerce Commission for protection of the
25 information including but not limited to proprietary information
26 associated with specific shippers, divisions, and contract rate agree-
27 ments.

28 Sec. 42.40.220. MINUTES OF MEETINGS. The board shall keep
29 minutes of each meeting and shall send a certified copy of the minutes

1 employee of the authority is not subject to personal liability or ac-
2 countability for executing bonds or notes or because of their issu-
3 ance.

4 Sec. 42.40.550. REVENUES. Revenues generated by the authority
5 do not become part of the general fund of the state but are kept and
6 managed by the authority for purposes authorized by this chapter.

7 Sec. 42.40.555. INSURANCE. The authority shall keep in force
8 public liability insurance in an amount reasonably calculated to cover
9 potential claims for bodily injury, death or disability, and property
10 damage that may arise from or be related to its operations and activi-
11 ties, naming the state as an additional insured.

12 Sec. 42.40.560. SAFEGUARDING OF MONEY. The authority shall
13 maximize revenues from and deposit all money in depositories accept-
14 able to the governor and otherwise safeguard the money under instruc-
15 tions as the governor may from time to time issue.

16 Sec. 42.40.565. FIDELITY BOND. The authority shall obtain a
17 fidelity bond in an amount determined by the board for its members and
18 any official responsible for accounts and finances. A bond must be in
19 effect for the tenure in office of the bonded person.

20 Sec. 42.40.570. REVERSION OF ASSETS. If the authority ceases to
21 exist, for whatever reason, its assets revert to the state.

22 ARTICLE 6. STATE OVERSIGHT.

23 Sec. 42.40.600. STATE REVIEW. (a) The board shall notify the
24 governor and the leadership of the legislature before undertaking

25 (1) expansion, reduction, or diversification of services
26 provided by the railroad upon the date of transfer to the authority or
27 as provided under this chapter that the board determines would repre-
28 sent a significant and permanent change in the level and nature of
29 services provided;

2 (2) extension of main or branch lines by more than 25 miles
3 or five percent of the railroad's total track mileage, whichever is
4 greater; or

5 (3) the issuance of securities, notes, bonds or contracts
6 for other borrowings with a term in excess of one year and in an
7 amount exceeding \$5,000,000.

8 (b) The notice required by (a) of this section must be in writ-
9 ing and describe the proposed undertaking in detail, specifying

10 (1) its financial impact on the authority;

11 (2) its impact on the level and nature of services provided
12 by the authority;

13 (3) why the project is necessary or desirable to achieve
14 the purposes of this chapter; and

15 (4) whether and when the undertaking will be self-sustain-
16 ing financially.

17 (c) The notice required by (a) of this section shall be pub-
18 lished and given in the same manner as notice required under AS 42.-
19 40.060.

20 (d) Within 45 days after receipt of the notice required by (a)
21 of this section, the governor may

22 (1) disapprove the proposed undertaking;

23 (2) suspend the proposed undertaking and direct that it not
24 be implemented until the legislature has reviewed it under (f) of this
25 section; or

26 (3) approve the proposed undertaking, in which case the
27 authority may proceed with the undertaking.

28 (e) A decision by the governor disapproving the proposed under-
29 taking under (d) of this section is binding on the authority, unless
the authority is directed by the legislature under AS 42.40.610 to

1 proceed with the proposed undertaking. If the governor suspends the
2 proposed undertaking under (d) of this section, the governor shall
3 promptly transmit a decision to the board and the leadership of the
4 legislature in the form of a recommendation that the legislature
5 acquiesce in the proposed undertaking or that the legislature reject
6 the proposed undertaking. The authority's proposed undertaking is
7 considered approved if the governor fails to act under (d) of this
8 section within the prescribed time.

9 (f) During a legislative session, within 60 days after receipt
10 of the governor's recommendation the legislature may, by law, reject
11 the proposed undertaking. The legislation is binding on the authori-
12 ty. The proposed undertaking is considered approved if the legisla-
13 ture fails to pass legislation rejecting it within the prescribed
14 time.

15 (g) Notwithstanding the provisions of (a) - (f) of this section,
16 a proposed extension of main or branch lines by more than 50 percent
17 of the railroad's total track mileage and requiring the issuance of
18 securities, notes, bonds, or contracts for other borrowings of an
19 amount in excess of \$50,000,000 or provision for the management and
20 operation of the railroad by a third-party contractor must be specif-
21 ically authorized by law.

22 (h) An undertaking described in (a) or (g) of this section is
23 considered approved or rejected for purposes of this section if

24 (1) the authority has been directed to act or refrain from
25 acting in accordance with AS 42.40.610; or

26 (2) the legislature by law has specifically approved the
27 undertaking by authorizing, appropriating financing for, or guarantee-
28 ing the authority's borrowing for the proposed undertaking.

29 Sec. 42.40.610. ACTION-FORCING MECHANISM. (a) The governor or

2 the legislature, by resolution, may request that the authority exer-
3 cise or refrain from exercising its powers and authorities. Notice of
4 a request shall be given to the legislature by the governor and to the
5 governor by the legislature.

6 (b) To the greatest extent practicable within 30 days after
7 receipt of a request the board shall respond to both the governor and
8 the leadership of the legislature in writing specifying

9 (1) the manner in which it proposes to take the requested
10 action or any modification to the requested action sought by the
11 authority; or

12 (2) the specific reasons, financial, legal or otherwise,
13 why the board declines to take the requested action.

14 (c) At the request of the governor or on its own initiative, the
15 legislature by law may then direct the authority to take the requested
16 action or the legislature may act to cure the problem precluding the
17 authority from taking the requested action. If the authority is
18 unable to take the requested action for financial reasons, it is
19 obligated to do so, even if directed, only upon provision by the
20 legislature of sufficient money to plan and implement the action.

21 Sec. 42.40.615. INTERVENTION. (a) When authorized by law, the
22 governor as provided in the legislation shall intervene and exercise
23 such control over the authority as is necessary and appropriate to
24 correct a deficiency or to assure that the purposes of this chapter
25 may be reasonably accomplished, including directing affirmative action
26 when

27 (1) the board has requested intervention by resolution;

28 (2) the authority has represented to the public or to
29 creditors that recourse may be had to the assets, property, or credit
of the state on account of acts or omissions of the authority, unless

1 the secondary or direct liability has been expressly assumed by the
2 state;

3 (3) the authority has failed to file an annual report as
4 required by AS 42.40.310 within 120 days after receipt of formal
5 notice of the omission or has filed an annual report that is false or
6 misleading on a material matter;

7 (4) a deadlock has occurred in the board, or the membership
8 of the board is insufficient to constitute a quorum for conduct of
9 affairs so that the authority is unable to conduct its operations or
10 perform its activities; or

11 (5) the assets of the authority have been or are committed
12 to be misapplied or wasted or illegally expended, or the authority has
13 committed or is about to commit a material violation of this chapter.

14 (b) The governor may take actions necessary to achieve the
15 object of the intervention stated in the legislation and make ancil-
16 lary corrections, and shall accomplish the purposes of the interven-
17 tion as expeditiously as reasonable. Board members and employees may
18 not be displaced nor the conduct of their duties impaired more than
19 necessary to accomplish the purposes of the intervention and the
20 intervention must cease as soon as the objective stated in the legis-
21 lation and ancillary corrections have been accomplished.

22 Sec. 42.40.620. TRUSTEESHIP. (a) When authorized by law, the
23 governor may petition the superior court of the State of Alaska for
24 the Third Judicial District at Anchorage to impose a trusteeship over
25 the authority and appoint the trustees if

26 (1) the board has requested imposition of the trusteeship
27 by resolution;

28 (2) the authority has become insolvent or otherwise unable
29 to carry out its contractual obligations to creditors and other

1 persons;

2 (3) the authority has filed an annual report that is false
3 or deceptively misleading on a material matter;

4 (4) the authority has become incompetent or ineligible to
5 carry out the public purposes for which it was established;

6 (5) the authority has misused, abused, or continuously ex-
7 ceeded the power or authority conferred by this chapter or committed
8 repeated violations of this chapter;

9 (6) the assets of the authority have been or are committed
10 to be misapplied or wasted, or illegally expended, or a material
11 violation of this chapter has been committed or is about to be commit-
12 ted and the governor has determined that intervention as provided in
13 AS 42.40.615 would not be feasible under the circumstances; or

14 (7) the credit-worthiness of the state has been directly or
15 indirectly substantially impaired by actions of the authority.

16 (b) The trustees appointed by the superior court shall take rea-
17 sonable actions necessary during the trusteeship to achieve its ob-
18 ject. The trustees have the power and authority to reorganize the
19 authority and amend its rules and regulations; suspend or remove board
20 members and executive officials; manage the assets and affairs of the
21 authority; and exercise all powers necessary or appropriate to fulfill
22 outstanding agreements, to restore the capability of the authority to
23 perform the functions and activities for which it was established, to
24 reinstate its credit or credibility with its creditors or obligees or
25 the credit of the state or its credibility with its creditors or
26 obligees to the extent impaired by authority actions.

27 ARTICLE 7. MISCELLANEOUS PROVISIONS.

28 Sec. 42.40.700. PERSONNEL. (a) All personnel employed by the
29 Alaska Railroad are personnel of the authority, and not of the state.

QUESTIONS/CONCERNS OF COMMITTEE

Railroad Land

- . Surface and subsurface rights -- gravel deposits
- . Classification of lands by DNR -- who has power of eminent domain?
- . Legal requirements/restraints for land disposal by Railroad
- . Revenues from managing subsurface resource development
- . Open dock facility in Seward

Constitutional Questions

- . Dedication of funds
- . Is it constitutional to set-up separate department or corporation-independent Railroad authority or state-owned
- . Governor appointed Board of Directors with legislative confirmation-constitutional amendment
- . Oversight for Railroad-Executive Budget Act, Admin Procedures Act, Fiscal Procedures Act--and, who administers

Miscellaneous

- . Value of non-operating properties
- . Ultimate liability for Railroad
- . Bond rating-default by Railroad, Borrowing level from State-bond selling power-state's credit rating
- . Do we want labor contracts as part of transfer bill-who is responsible for negotiation of collective bargaining agreements-state or corporation?
- . Consistency in bill wording-as long as Railroad gets public money must get public oversight
- . OSHA and FRA requirements-how do we want to handle them-waivers of compliance for the state
- . ICC exemption for state
- . Number of states that own Railroad and the type of authorities set-up



united transportation union

ARTICLE 7. PERSONNEL AND LABOR RELATIONS

1. Sec. 42.40.840. STRIKES

1. Delete and Replace with the Following:

Sec. 42.40.840. BINDING ARBITRATION. 30 days after mediation if the dispute is not resolved, then the issue or issues shall be submitted to binding arbitration using the Federal Mediation Conciliation Service (F.M.C.S.) list of arbitrators.

2. Adopt Sec. 23.40.200. Classes of public employees; arbitration

(a) For purposes of this section, public employees are employed to perform services in one of the three following classes:

(1) those services which may not be given up for even the shortest period of time.

2. Sec. 42.40.850. AGREEMENT. Delete (a) Not to exceed three years and adopt the concept of the Railway Labor Act, Part 2, Sec. 6.

(b) The Department of Administration may participate in the negotiations between the corporation and an employee organization.

Delete the following: The corporation may not enter into a collective bargaining agreement concerning wages, hours, or other terms and conditions of employment unless the proposed contract terms are approved by the Department of Administration.

Gerald D. Valinske
Legislative Representative
Local 1626
Anchorage, Alaska



united transportation union

STRIKES: (a) Employees may engage in a strike if a majority of the employees in all collective bargaining units vote by secret ballot to do so.

(b) Employees may engage in a strike after mediation, ^{or arbitration} subject to the voting requirements of (a) of this section, for a limited time. The limit is determined by the interests of the health, safety or welfare of the public. The Alaska Railroad Corporation may apply to the superior court in the judicial district in which the strike is occurring for an order enjoining the strike. A strike may not be enjoined unless it can be shown that it has begun to threaten the health, safety or welfare of the public. A court, in deciding whether or not to enjoin the strike, shall consider the total equities in the particular class. "Total equities" includes not only the impact of a strike on the public, but also the extent to which employee organization and The Alaska Railroad Corporation have met their statutory obligations. **If an impasse or deadlock** still exists after the issuance of an injunction, the parties shall submit to arbitration.

(c) Notwithstanding ^{the} provisions of (a) ^{and} (b) of this section the employees with the concurrence of the employer may agree in writing to submit a dispute of a collective bargaining agreement to arbitration.

Gerald D. Valinske
Legislative Representative
Local 1626
Anchorage, Alaska

Karen Hutton
Vice President
A.F.G.E., Local 183
Anchorage, Alaska

American Federation of Government Employees

LOCAL 183

AFFILIATED WITH THE AFL-CIO

WASHINGTON, D.C.



LOCAL 183
POST OFFICE BOX 35
ANCHORAGE, ALASKA 99510
TELEPHONE 272-8316

REFER TO FILE:

February 2, 1984

Following is a list of changes and additions we would like made to Senate Bill Number 352:

1. Page 3, line 26, change to read as follows: an employee of the corporation represented the bargaining units, appointed by the governor to represent the employees.

2. Page 26, line 11 through 14: delete

3. Page 26, line 9, insert the following:

d. Employees who are not part of an employees organization bargaining unit on the day before transfer, are not executive officials on the day after transfer, and are protected under the Federal Transfer Law for the two-year period shall become a subdivision of the existing white collar bargaining unit representing The Alaska Railroad Corporation for the purpose of collective bargaining.

e. Employees who are not protected under the transfer act for two years and are classified as temporary at the time of transfer will be protected based on their seniority date.

4. Page 27, line 22, insert the following:

(8) Executive officers are the employees occupying the following positions at The Alaska Railroad as of the day before the date of transfer: General Manager, Assistant General Manager, Assistant to the General Manager, Chief of Administration, and Chief Counsel.

(9) Collective bargaining is defined as negotiating with an employees organization, representing the employees of The Alaska Railroad Corporation on any matters pertaining to conditions of employment.

5. Alaska Statute Section 39.26.010, Prohibited Acts be adopted with the following modifications:

(a) The word "State" be replaced with "Alaska Railroad Corporation."

(b) Paragraph 5b. The heads of the administrative departments of the State may adopt internal management regulations for their respective departments, specifying exception to (a)(5) of this section. These regulations shall be submitted for approval to the personnel board provided for in AS 39.25.060. Replace as follows:

"The executive officials of The Alaska Railroad Corporation may adopt internal management regulations for their respective departments. These regulations shall be submitted for approval to the Board of Directors of The Alaska Railroad Corporation."

6. The State of Alaska's primary concern over including the current Alaska Railroad employees under PERS is over back year unfunded years. Why not modify the State statute for those employees of The Alaska Railroad who remain under the Civil Service Retirement to be eligible for coverage under the supplemental benefits system? *at the moment*

Your consideration of the above request will be greatly appreciated. Also, we would appreciate receiving copies of any amendments that are issued to this bill. If you have any questions, please do not hesitate to contact us.

Sincerely yours,

Jack F. Burton
President

Karen Hutton
Vice President

A M E N D M E N T

Offered in the HOUSE

By *Miller*

TO: HB 512

Page 16, after line 10, insert a new section to read:

"Sec. 42.40.460. MUNICIPAL RIGHT-OF-WAYS. Upon request of a municipality the corporation shall grant to the municipality a right-of-way in a railroad utility corridor or in land owned by the corporation to be used for a pedestrian walkway or trail. Before granting a right-of-way under this section the board may require the municipality to agree to hold the corporation harmless for any use made of the right-of-way and to execute the agreement in a form approved by the board."

board shall keep minutes of each meeting. Reasonable notice of the meetings shall be provided to the public.

Sec. 42.40.230. RULES. The board shall establish a procedure for adopting rules to carry out its functions and the purposes of this chapter. Within 90 days after its first meeting the board shall adopt rules establishing a procedure for giving advance public notice and an opportunity for the public to comment on proposed
^{rules}regulations of the authority that, in the determination of the board, will have a substantial impact on the public or be used in the authority's dealings with a significant segment of the public.

(b) The rules shall also include a procedure for the adoption of emergency rules when the adoption of an emergency rule is essential to continue or to reinstate the orderly operation of the corporation's facilities or program.

*adopted
3/6/84*

*replace with rules
strike out rules
section in 512*

3/1/84
Senate change today

1305
1306
1307
1308

1 Sec. 42.40.230. Rules. (a) The board shall establish in its bylaws
2 a procedure for adopting rules to carry out its functions and the purposes of
3 this chapter.

4 (1) The corporation shall make available to members of the public
5 copies of the rules adopted under this section.

6 (2) Within 45 days after adoption, the chairman of th board shall
7 submit a rule adopted under this section to the chairman of the Administrative
8 Regulation Review Committee under AS 24.20.400 - 24.20.460.

9 (b) Except as provided in (c) of this section, at least 15 days before the
10 adoption, amendment, or repeal of a rule, the board shall give public notice of
11 the proposed action by publishing the notice in at least three newspapers of
12 general circulation in the state and by mailing a copy of the notice to every
13 person who has filed a request for notice of proposes rules with the board or
14 the corporation. The public notice must include a statement of the time, place,
15 and nature of the proceedings for the adoption, amendment, or repeal of the rule
16 and must include and informative summary of the proposed subject of the rule.
17 On the date and at the time and place designated in the notice, the board shall
18 give each interested person or his authorized representative , or both, the
19 opportunity to present statements, arguments or contentions in writing, and
20 shall give members of the public an opportunity to present statements, argu-
21 ments, or contentions in writing, and shall give members of the public an
22 opportunity to present oral statements, arguments, or contentions for a total
23 period of at least one hour. The board shall consider all relevant matter
24 presented to it before adopting, amending, or repealing a rule which is adopted,
25 or its amendment or repeal, may vary in content from the informative summary
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1 specified in this subsection if the subject matter of the rule, or its amendment
2 or repeal, remains the same and the original notice was written so as to assure
3 that members of the public are reasonably notified of the proposed subject of
4 the board's action in order for them to determine whether their interests could
5 be affected by the board's action on that subject.

6 (c) The board shall in its bylaws establish a procedure for adoption of
7 emergency rules when the adoption of an emergency rule is essential to continue
8 or to reinstate the orderly operation of the corporation's facilities or pro-
9 grams. The requirements of (b) of this section do not apply to the initial
10 adoption of an emergency regulation; however, upon adoption of an emergency
11 regulation, the board shall, within 10 days after adoption, give notice of the
12 adoption in accordance with (b) of this section. No emergency regulation
13 adopted under this subsection remains in effect more than 120 days unless the
14 board complies with (b) of this section during the 120-day period.

15 (d) A rule adopted under this section becomes effective immediately upon
16 its adoption by the board, unless otherwise specifically provided by order of
17 the adoption.
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