

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

3793 HTRA HB 436 669



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James O. Smith
Signature of Camera Operator

10/31/89
Date

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

1 IN THE HOUSE

BY CATO

2

HOUSE BILL NO. 436

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

10 ARTICLE 6. CABOOSE REQUIRED.

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

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

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

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

21 (2) if an emergency occurs in route that prevents compli-
22 ance with that section.

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

26 Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an
27 offense punishable by a fine of not less than \$500 and not more than
28 \$1,000. Each violation is a separate offense.

 *
 * DELIVER TO: JFON *
 *
 * ORIGINAL *
 * SENT: 03/05/86 TIME: 15:11 *
 * FROM: LIOBOL *
 * SUBJECT: POM *
 * PRINT DATE: 03/05/86 TIME: 15:12 *
 *

POM

TO ALL SENATORS AND REPRESENTATIVES
 FROM RICHARD WITMAN
 BOX 2015
 HONER, AK 99603
 235-7853
 RE: HB 353-OIL TAX
 MESSAGE: I SUPPORT THIS BILL. DON'T LET THE OIL COMPANIES AND
 MONEY PRESURE YOU INTO NOT SUPPORTING HB 353. EOM

POM

TO ALL SENATORS AND REPRESENTATIVES
 FROM BARBARA BROWN
 BOX 1232
 KENAI, AK 99611
 263-3564
 RE: HB 104--THE GOODTIME BILL
 MESSAGE: I SUPPORT HN 104 "GOODTIME BILL" AND URGE YOUR SUPPORT
 ON THIS BILL ALSO.

TO: ALL LEGISLATORS
 FROM: STUART AELLANT, 3181 NORTH ATHENA CIRCLE, NORTH POLE
 99705
 PHONE: 488-1644
 RE: HB436 AND SB313 CABOOSE BILLS



I'VE WORKED IN THE RAILROAD INDUSTRY FOR THREE DIFFERENT
 RAILROADS AS A TRAINMAN A TOTAL OF 15 YRS. I AM NOW IN
 MANAGEMENT WITH THE ALASKA RAILROAD. I URGE PASSAGE OF THE ABOVE
 BILLS BECAUSE I KNOW FROM MY EXPERIENCE IT IS SAFER TO RUN TRAINS
 WITH CABOOSES. THE LEAKING TANK NEAR SEWARD IS A GOOD EXAMPLE OF
 A DANGEROUS CONDITION A MAN ON A CABOOSE COULD DETECT. THANK
 YOU.

HB 355

Herrmann (Co-chairman), M.W. Miller, Thompson, Cato, Jenkins, Pearce and Wallis recommend do pass; Sund has no recommendation "needs amendment". A zero fiscal note was attached.

HB 355 was referred to the Finance Committee.

HB 430

The Labor & Commerce Committee has considered HOUSE BILL NO. 430 (regulating audiologists, hearing aid dealers and the dispensing of hearing aids), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 430 (L&C) (same title) and reports it back as follows: N. varre (Chairman), Koponen, Hanley, Collins, Boucher, Pearce and Davis recommend do pass.

A zero fiscal note with analysis appears in House Journal Supplement No. 95.

HB 430 was referred to the Health, Education & Social Services Committee.

HB 436 *file*

The Transportation Committee has considered HOUSE BILL NO. 436 (requiring a properly equipped and staffed caboose on certain trains) and reports it back as follows: Cato (Chairman), Pignalberi, Herrmann and Furnace recommend do pass; Marrou recommends do not pass "conflicts with federal law"; Davis has no recommendation.

HB 436 was referred to the Rules Committee for placement on the calendar.

HB 479

The Finance Committee has considered HOUSE BILL NO. 479 (relating to biomass fuel systems), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 479 (L&C) (page 1938) and reports it back as follows: Adams (Chairman), Ringstad, Duncan, Frank, Cotton, Pourchot, Szymanski, Larson, Uehling and Rieger recommend do pass. A zero fiscal note was attached.

HB 479 appears on today's calendar.

HB 492

The Resources Committee has considered HOUSE BILL NO. 492 (relating to sport fishing from commercially licensed troll vessels; effective date) and reports it back as follows: Herrmann (Chairman), M.W. Miller, Jenkins, Cato and Sund recommend do pass; Wallis, Pearce, Shultz and Thompson have no recommendation.

HB 492 was referred to the Rules Committee for placement on the calendar.

HB 493

The Judiciary Committee has considered HOUSE BILL NO. 493 (making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 493 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor, Pettyjohn and Phillips recommend do pass. A zero fiscal note was attached.

A memorandum with a new sectional analysis from David Dierdorff, Revisor of Statutes, dated March 5, 1986, was attached and appears in House Journal Supplement No. 95.

HB 493 appears on today's calendar.

HB 555

file
The Transportation Committee has considered HOUSE BILL NO. 555 (relating to state toll facilities) and reports it back as follows: Cato (Chairman), Herrmann, Furnace, Davis and Pignalberi recommend do pass. A zero fiscal note was attached.

HB 555 was referred to the Finance Committee.

HB 603

The Labor & Commerce Committee has considered HOUSE BILL NO. 603 (relating to dispensing opticians; effective date) and recommends it be replaced with COMMITTEE SUBSTITUTE HOUSE BILL NO. 603 (L&C) (same title) and reports it back as follows: Navarre (Chairman), Davis, Koponen, He Collins, Boucher and Pearce recommend do pass.

A fiscal note appears in House Journal Supplement No. 95.

HB 603 was referred to the Health, Education & Social Services Committee.

TO: ALL LEGISLATORS

61

FROM: DEBORAH STEVENSON
ST RT C, BOX 8449
PALMER 99645

745-0479

RE: SJR 39 & HJR 63 - RIGHT TO KEEP & BEAR ARMS

THANK YOU FOR SUPPORTING THESE BILLS AND I HOPE YOU ALL VOTE IN FAVOR OF THEM. KEEP UP THE GOOD WORK.

TO: ALL LEGISLATORS

FROM: JOHN LACKEY
POB 8365
PALMER 99645

745-0479

RE: SJR 39 & HJR 63 - RIGHT TO BEAR ARMS

I SUPPORT AND APPRECIATE YOUR EFFORTS TO PASS THESE BILLS.

MAR 7 1986

TO: ALL LEGISLATORS

FROM: STEVE WELSH, 6120 E. 41ST COURT, #1, ANCHORAGE, AK 99504,
337-1238



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

PLEASE HELP PROMOTE SAFETY ALONG THE RAIL BELT. SUPPORT HB 436 OR SB 313.



* ORIGINAL
* SENT: 03/06/86 TIME: 10:52
* FROM: JEAN MILLER
* SUBJECT: POM
* PRINT DATE: 03/06/86 TIME: 10:58

61

TO: ALL LEGISLATORS

FROM: JAMES MARTIN MAR 7 1986
BOX 884
EAGLE RIVER, AK 99577 PHONE: 688-5096

→ SUBJECT: HB 436 AND SB 313 - RAILROAD

I URGE SUPPORT OF HB 436 AND SB 313 SO WE DON'T HAVE ANOTHER
MOOSE PASS INCIDENT.

* ORIGINAL
* SENT: 03/06/86 TIME: 11:31
* FROM: BARBARA NORRELL
* SUBJECT: POM
* PRINT DATE: 03/06/86 TIME: 11:40

61

TO: ALL LEGISLATORS

FROM: BETTY HARRIMAN, 7558 FOXRIDGE WAY, UNIT F, ANCHORAGE, AK
99518

SUBJECT: COST OF LIVING INCREASE

I FEEL THE STATE IS OBLIGATED TO FUND THE NEGOTIATED COST OF
LIVING INCREASE FOR CGU EMPLOYEES AND URGE YOU TO SUPPORT IT.
PLEASE INFORM ME AT MY ADDRESS AS TO YOUR POSITION ON THIS.
THANK YOU

* SENT: 03/06/86 TIME: 11:33
* FROM: JEAN MILLER
* SUBJECT: POM
* PRINT DATE: 03/06/86 TIME: 11:40

61

TO: ALL LEGISLATORS

FROM: ALICIA KNIGHT
P.O. BOX 90730
ANCHORAGE, AK 99509 PHONE: 762-2295

SUBJECT: NEGOTIATED COST OF LIVING INCREASE

I FEEL THE STATE IS OBLIGATED TO FUND THE NEGOTIATED COST OF
LIVING INCREASE FOR CGU EMPLOYEES AND URGE YOU TO SUPPORT IT.
PLEASE INFORM ME AT THE ABOVE ADDRESS AS TO YOUR POSITION ON THIS
MATTER, AND YOUR REASONS FOR IT.

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

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

DATE: 05 APRIL 1986
TO: ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES
FROM: Representative Bette Cato *bc*
RE: HOUSE BILL 436
ALASKA RAILROAD CABOOSE ISSUE

The following is information I would like to provide for you relating to the necessity of retaining a caboose on the Alaska Railroad for safety purposes.

Thank you for taking the time to review the following:

ARRC SAYS: They have no plans to remove cabooses before telemetry devices are in place.

RESPONSE: The Corporation also apparently has no plans to maintain the cabooses they presently own. When asked to produce a budget which would document the intended continued use of cabooses, they replied that they were not required to maintain them due to a nationwide union agreement.

ARRC SAYS: The United Transportation Union is trying to prevent modernization of the Alaska Railroad.

RESPONSE: The trainmen on the Alaska Railroad welcome the installation and application of any device that would improve their early detection capabilities. However, there are not as yet devices developed that can perform all the surveillance functions of staffed cabooses. Without a legislative mandate, it is possible that through deferred maintenance, there could come a time when a caboose was not available and neither were the devices that were supposed to replace them.

CAN WE AFFORD SUCH A GAP IN THE SAFETY NET?

ARRC SAYS: Roll-by inspections are more effective at detecting problems.

RESPONSE: Roll-by inspections, while an excellent means of detection, are often performed 70 to 100 miles apart and many things can go wrong on a train in between.

ARRC SAYS: Statistics do not indicate that trains with cabooses are any safer than trains without.

RESPONSE: When a train is stopped because a malfunction has been spotted, the conductor fills out a "delay report." There is no space on that form to indicate whether the problem was detected from the caboose or not. Thus, no accurate records have ever been maintained by the Corporation on this subject. The information booklet that was submitted to the legislature cites over 100 examples of problems detected by trainmen from the caboose. These were submitted by the conductors themselves.

ARRC SAYS: The Caboose Bill is a union ploy to protect jobs.

RESPONSE: Alaska Railroad trainmen have led the nation in crew size reduction, operating with as few as 2 or 3 crew men on trains. The Conductor will not be removed, but rather will be required to ride on the engine. The issue here is SAFETY.

ARRC SAYS: The Caboose issue should be resolved at the bargaining table.

RESPONSE: The proper forum for an issue that affects public safety is at a level where the public can participate in that decision. The legislature is just such a forum.

SUPPORT HOUSE BILL 436

JERMAIN, DUNNAGAN & OWENS

ATTORNEYS AT LAW

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CHARLES A. DUNNAGAN
BRADLEY D. OWENS
RANDALL G. SIMPSON
HOWARD S. TRICKLEY
GREGORY C. TAYLOR
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ANCHORAGE, ALASKA 99503
(907) 563-8844

GEORGE T. FREEMAN
JERALD M. REICHLIN
CONSTANCE E. LIVSEY
D. KENNETH FORD

OF COUNSEL
ERIC OLSON
DAVID J. WALSH

January 30, 1986

HAND-DELIVERED

Clinton Gray
Legislative Representative
UNITED TRANSPORTATION UNION

Re: Alaska Caboose Legislation

Dear Mr. Gray:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

JERMAN, DUNNAGAN & OWENS



Charles A. Dunnagan

CAD/bh

ALASKA RAILROAD CORPORATION



Pouch 7-2111 • Anchorage, Alaska 99510-7069

February 14, 1986

Honorable Katherine T. Hurley
Chairman
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Hurley:

Re: House Bill 436
An Act Requiring an Equipped and
Staffed Caboose on Trains

Thank you for this opportunity to present comments upon House Bill 436. This legislation would require the Alaska Railroad Corporation (ARRC) to place or retain staffed cabooses on nearly all railroad freight trains. The bill is supported by the United Transportation Union (UTU), a labor union representing ARRC train and enginemen.

ARRC is opposed to the bill for a number of legal, financial, and policy reasons.

We are pleased to present the enclosed position paper.

Sincerely yours,

Larry E. Wood
Chief Counsel

LEW/mst3366m
0213.3a

cc: Members of the ARRC Board of Directors
F. G. Turpin, President and Chief Executive Officer

HB 436: An Act Requiring an Equipped
and Staffed Caboose on Trains

Caboose date to the 1930's and the infancy of railroading. Before the adoption of air brakes late in the 19th century, brakemen raced across the tops of cars from the caboose to apply hand brakes when the engineer's whistle sounded. Later, the caboose served as a traveling office for the conductor. From bay windows or raised cupolas, trains could be watched for overheated axle bearings, dragging equipment, or other malfunctions. The entire crew often ate and slept in the caboose at terminals away from home.

But, today, cabooses are less necessary. Conductors no longer contend with so much paperwork. Few crews bed down for the night in cabooses anymore. New technologies build bearings which rarely overheat, and those which do can be detected by automatic scanners which have been installed on some "outside" railroads.

Perhaps foremost among ARRC concerns is that bill proponents seek to legislatively restrain innovations in Alaska Railroad railroad operations which may increasingly replace old technologies with new ones.

This is not a safety issue. The corporation has already been directed by the Legislature to provide for safe railroad operations. These operations are also overseen by a myriad of Federal Railway Administration (FRA) regulations and occupational and safety code provisions designed to protect the traveling public, railbelt communities, and railroad employees. Rather, the ability of railroad managers to determine the need for cabooses on particular trains (based primarily on equipment configurations and work assignments) has been targeted to legislatively curb a national trend toward train crew reductions. If technological changes in equipment and monitoring devices will safely replace aging cabooses and promote more efficient and successful rail operations, UTU represented employees ironically jeopardize ARRC viability in an increasingly competitive freight market. They propose that railroad superintendents who eliminate cabooses from freight trains be punished and assessed large fines.

As a practical matter, little controversy involving cabooseless trains presently exists at the Alaska Railroad because very few are now dispatched. Since cabooses are not typically coupled to passenger trains, only one ARRC train, the Arctic F.O.X., can be described as a cabooseless freight train which exceeds 1,000 feet in length and, therefore, becomes immediately impacted by this legislation. However, careful review of the criteria used by ARRC managers to determine that a caboose was unnecessary upon the F.O.X. but required upon the O.W.L., another ARRC freight innovation, illustrates the need for flexibility and discretion in this decision making process.

The Arctic F.O.X. (Freight Overnight Express) is a short, fast and near-daily intermodal train which carries T.O.F.C./C.O.F.C. (trailer on flat car, container on flat car) traffic between Anchorage and Fairbanks. The train represents a growing trend among U.S. railroads to attract particularly shippers of truck trailers by offering convenient and efficient movements between commerce centers. Although only 10-15 articulated flat cars are typically assigned to the F.O.X., the length of the train, approximately 1,650-2,500 feet without its engine consist, would trigger a caboos assignment if HB 436 were enacted. However, train length is only one criteria in determining the usefulness of caboos service on any particular train.

Comparatively short train length, new rail equipment, few power units, and the absence of tank equipment and intermediate stops justify a reduced operating work force of two persons on the F.O.X. without an attached caboos. An innovative rear-end device attached to the last flat car signals a warning light to prevent collisions and sends important messages to the engineer including air brake pressure and train movement. "Roll by" inspections at different locations double-check for problems.

On the other hand ARRC yardmasters routinely assign cabooses to other trains with different train consists (configurations) and work assignments.

For example, initiation of another recent ARRC service, the O.W.L. (Oil Worker Limited), does call for use of cabooses. Designed to offer one day unit train service to petroleum shippers in Anchorage and Fairbanks, the O.W.L. relies upon use of older, heavier tank cars to carry liquid products. Crew changes at Healy and other stops also indicate the need for intermediate and additional switching. The shipment of fluid and combustible pollutants warrants added surveillance to help detect freight losses en route.

Cabooses on trains such as the O.W.L. will be needed until new technologies such as wayside detectors and surveillance cameras are available, installed and tested to help reveal hot journal boxes, dragging equipment, and shifted loads. Evidently, UTU would desire legislative action be taken before such technologies become a reality in Alaska.

Interestingly, the absence of cabooses on the Arctic F.O.X. has not meant the loss of jobs for UTU members. Since the service was new, ARRC added three full-time crews and six positions.

But, UTU's Alaska chapter does not fight alone in protecting the caboos tradition. Most of the nation's biggest railroads have dropped cabooses from roughly one-fourth of their long distance freight trains.

UTU members rebelled at the notion of losing cabooses and referred the matter to bargaining in 1982. On almost every railroad, attempts to reach agreement failed. Arbitrators were brought in to make binding decisions. In each instance, the railroads won.

Yet, agreement was finally reached between the UTU and national railroads and procedures were adopted for eventual elimination of cabooses. The agreement provided that the railroads no longer have to purchase new cabooses or refurbish existing cabooses. Once its useful life has ended, a caboose need not be replaced. A more recent 1985 agreement has sped elimination of cabooses. Evidently frustrated with results at the bargaining and arbitration tables, UTU has repeatedly pressed its case before legislatures.

The union has recently tried and failed in some 25 states to implement a caboose law; only four states currently require a caboose on freight trains.

In 1984, the National Railway Labor Conference compiled a report covering rail freight accidents. Their analysis determined that there was no difference from a safety standpoint whether a train was operated with or without a caboose. The accident frequency rate per million train miles for trains with cabooses was 5.29 while the frequency rate per million train miles for cabooseless operations was 5.00.

A review of the past five years of the Alaska Railroad's derailments reveals that there were five derailments noted by crew members in a caboose while there were 25 derailments that were not noted by the caboose crew.

On several occasions instances of derailed cars have been dragged from one-half mile to over 7,000 feet and were not noticed by train crew members in the caboose. Several derailments also occurred when derailed cars were just ahead of the caboose. The derailments were not noticed by crew members in the caboose until the train went into emergency brake application. Although there have been instances where shifted loads were noticed by crew members in the caboose and action taken to stop the train, there were an equal number of shifted loads which were not noticed and no action taken by crew members in the caboose.

Over the past five years, there were seven personal injuries or incidents that occurred on the Alaska Railroad while crew members were either attempting to get off or on the caboose or while riding in it. As for crew comfort, cabooses can be hot in summer, cold in winter, and noisy. They are little more than insulated steel boxes. Worst of all, "slack action" poses a serious hazard to caboose riders. A foot or so of slack exists between each coupled freight car. As freight trains go up and down hills, the slack runs in and out, sometimes violently. Trainmen have suffered cracked ribs and torn cartilage from being tossed about. As a matter of interest, ARRC has been operating the cabooseless Arctic F.O.X. since May 1985 without derailments or serious incidents.

Although notice of today's hearing was received too late to prepare a carefully researched fiscal note, some indication of the financial impact of HB 436 can be roughly projected.

A new caboose costs approximately \$90,000. ARRC's 22 cabooses have approximately 5-6 years of additional useful life. Cabooses were last purchased or refurbished in 1976. Although it may be difficult to forecast what technology will safely permit in five years, if all cabooses were required to be replaced, the cost would greatly exceed \$2,000,000 with inflation. Since some cabooses would presumably be refurbished, the cost may be less. In addition, the Burlington Northern Railroad has estimated that it spends \$36,500 per year or 65-85¢ per mile to maintain each caboose. The company states that adding or removing a caboose at a terminal costs an additional \$25-30. One estimate indicates that removing cabooses on American railroads would save \$40,000,000 in maintenance costs alone.

If actual circumstances permitted elimination of just half of ARRC cabooses by 1991, but cabooses were nonetheless legally required, just over \$1,000,000 should be anticipated in purchase or rebuilding costs (adjusted for inflation) and an additional \$450,000 in annual maintenance and operating expenses. This does not take into account losses for otherwise earlier and larger caboose retirements.

If a caboose is required, another trainman must be added to the Arctic F.O.X. and retained on what otherwise would be two-man crews. The average salary calculated in December 1985 for year-round UTU represented employees came to approximately \$64,000. With benefits, such personnel costs average \$80,000. Adding three additional men to three F.O.X. crews totals an annual \$240,000 for a single train operation. As technologies permit other two-man train operations, similar expenses must be projected.

Finally, ARRC believes HB 436, if enacted, would violate federal law and an important state commitment accepted by Alaska with transfer of the railroad into state ownership.

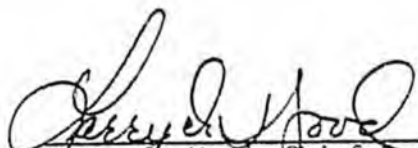
The federal Alaska Railroad Transfer Act provides:

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

45 U.S.C. § 1207(a)(4). A staffed caboose law will require that a train crew operate with no less than three persons; a conductor presumably in the caboose, an engineer, and a brakeman riding "head end" to perform switching and flagging duties. Present operating rules require two persons in the controlling engine unit. Consequently, a third individual would be needed for a required caboose. The law most certainly would require no less than two crew members. Consequently, the legislation promises confrontation with federal law.

Directed to function as a "viable economic entity" and prudently, according to sound business management practices, ARRC must continue to carefully examine, and implement where appropriate, those technical innovations which can safely and successfully improve the viability of its operations. Inroads such as those proposed by HB 436 into its discretion to wisely conduct railroad operations seriously detracts from ARRC's ability to preserve and promote a healthy Alaska railroad to serve the transportation needs of Alaskans.

For these reasons, we urge that this proposal be rejected.


Larry B. Wood, Chief Counsel

Date: 2/14/86

CSHB 15(C&RA)

CSHB 15(C&RA) was read the third time.

The question being: "Shall CSHB 15(C&RA) pass the House?"
The roll was taken with the following result:

CSHB 15(C&RA)

Yeas: 39 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Davis,
Duncan, Frank, Fuller, Furnace,
Goll, Gruenberg, Grussendorf,
Hanley, Herrmann, Hurley, Jenkins,
Koponen, Larson, Marrou, Martin,
Miller, M.M., Navarre, Pearce,
Pettyjohn, Phillips, Pignalberi,
Fourchot, Rieger, Ringstad,
Shultz, Sund, Szymanski, Taylor,
Thompson, Uehling, Wallis

Nays: 1 Miller, M.W.

Excused: 0

Absent: 0

And so, CSHB 15(C&RA) passed the House and was referred to the Chief Clerk for engrossment.

HB 436

HOUSE BILL NO. 436 (requiring a properly equipped and staffed caboose on certain trains) was read the second time with the State Affairs Committee report (page 2127), the Transportation Committee report (page 2303) and the Rules Committee report (page 2537).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 436 (Rules) (same title) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSHB 436(R1s)

Representative Clocksin moved and asked unanimous consent that CSHB 436(R1s) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 436(R1s) was read the third time.

CSHB 436(R1s)

The question being: "Shall CSHB 436(R1s) pass the House?"
The roll was taken with the following result:

CSHB 436(RLS)

Yeas: 33 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Duncan,
Fuller, Furnace, Goll, Gruenberg,
Grussendorf, Hanley, Herrmann,
Hurley, Jenkins, Koponen, Larson,
Miller, M.M., Miller, M.W., Navarre,
Pearce, Phillips, Pignalberi,
Rieger, Shultz, Sund, Szymanski,
Taylor, Thompson, Uehling, Wallis

Nays: 7 Davis, Frank, Marrou, Martin,
Pettyjohn, Fourchot, Ringstad

Excused: 0

Absent: 0

Larson changed from "nay" to "yea".

And so, CSHB 436(R1s) passed the House.

Representative Marrou gave notice of reconsideration of his vote on CSHB 436(R1s).

SECOND READING OF HOUSE RESOLUTIONSHCR 36

HOUSE CONCURRENT RESOLUTION NO. 36 (relating to intrastate airline travel) was read the second time with the Transportation Committee report (page 2085) and the Finance Committee report (page 2549).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 36 (Finance) (same title) be adopted in lieu of the original resolution. There being no objection, it was so ordered.

CSHCR 36(Fin)

The question being: "Shall CSHCR 36(Fin) pass the House?"
The roll was taken with the following result:

FEB 18 1986

TO: SENATORS KERTTULA, DEVRIES
REPRESENTATIVES LARSON, HURLEY, NAVARRE, BOUCHER, CATO,
COLLINS, JENKINS, M.M. MILLER

FROM: DALE WILLHITE 376-6715
ST RT A, BOX 6640
WASILLA 99687

RE: HB 436-CABOOSE

I WORK FOR ARR, AND AM STRONGLY IN FAVOR OF HB 436.

TO: SENATORS KERTTULA, DEVRIES
REPRESENTATIVES HURLEY, LARSON, NAVARRE, BOUCHER, CATO,
COLLINS, JENKINS, M.M. MILLER

FROM: LEONARD WALLNER 376-4095
POB 339
PALMER 99645

RE: HB 436 - CABOOSE

I AM IN SUPPORT OF HB 436.

COMMITTEE REPORT

HOUSE

(7)

FURTHER: TRANSPORTATION

6/11/85

Date: 2/14/86

The Committee on STATE AFFAIRS has had HB 436 "An Act requiring a properly equipped and staffed caboose on certain trains.

under consideration and recommends:

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

MEMBERS SIGNING DO PASS

Handwritten signatures of committee members under the 'DO PASS' section.

MEMBERS HAVING OTHER RECOMMENDATIONS:

Blank lines for members with other recommendations.

Handwritten signature of Katie Hurley, CHAIRMAN.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

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

FISCAL DETAIL

Agency Affected: _____
 BRU: _____

 Components: _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

FUNDING : (Thousands of Dollars)

GENERAL FUND					
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS :

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS : Attach a separate page if necessary

Prepared by: Representative Katie Hurler
 Division: House State Affairs Committee
 Approved by Chair Katie Hurler
 Agency: House State Affairs Committee

Phone: 465-4963
 Date: 2/14/86
 Date: 2/14/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Alaska State Legislature



House of Representatives

Committee on Transportation

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

Rep. Bette Cato, Chairman

21 February 1986

Esther Werner
P.O. Box 169
Seward, AK 99664

Dear Esther:

Thank you so much for taking the time to send your public opinion message in support of my caboose bill. To say the least, the Alaska Railroad Corporation does not favor this bill at all.

HB 436 passed out of the State Affairs committee on February 14 with all members present signing "do pass". I have scheduled it for Transportation Committee on Tuesday, February 25. Hopefully, it will receive the same positive response from my committee as it did in State Affairs.

Of course I am pushing it will all my might, but have my work cut out for me on the Senate side.

Again, thanks so much for your support. I really appreciate it.

Take Care.

Respectfully yours,

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

Bette Cato
District 6

BC/rc

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

1 IN THE HOUSE

BY CATO

2 HOUSE BILL NO. 436

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

10 ARTICLE 6. CABOOSE REQUIRED.

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

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

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

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

21 (2) if an emergency occurs in route that prevents compli-
22 ance with that section.

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

26 Sec. 42.30.270. PENALTY. Violation of AS 42.30.250 is an
27 offense punishable by a fine of not less than \$500 and not more than
28 \$1,000. Each violation is a separate offense.



United Transportation Union

1901 Arctic
Anchorage, Alaska 99503
(907)277-7208

Honorable Katie Hurley
Alaska State Representative
Fourteenth Legislature
State Capitol Building
Juneau, Alaska

Dear Representative Hurley:

Pose the question, "What is a caboose?" to any Alaskan in the State, and you will find that the number of different answers you will hear is directly related to the number of times that you ask the question.

Try it on yourself. What does "caboose" mean to you?

Is a caboose the little red car on the end of the train that was (and still is) the featured character in the first book that you were able to read on your own as a child?

Is it merely the last car on a mile-long train going across the road crossing? Is it the one car on that train that you are interested in enough to watch for, knowing that when it is clear of the crossing, you can now continue on with your business or trip?

Is the caboose (as one 9-year-old stated) "where the man stays and comes out and yells at us to quit playing on the track"?

Is the caboose still the home-away-from-home for that "quaint" and unusual breed of men that work on those mysterious trains that come and go in the night carrying their equally mysterious cargo? Where do the trains come from? Where do the trains go? Why do the whistles always sound so far away?

To you, the Legislator who must ultimately make the decision of whether or not the State of Alaska will require a caboose on certain trains, the answer must be explicit. You have to have all the information you can at your disposal to make that decision. It very well may be an infinitely more important decision than you had imagined at first glance.

Having a caboose law in the State of Alaska has nothing to do with nostalgia. The reason that the caboose was invented and has been used since the pioneering days of railroading in

Alaska has nothing to do with the folklore and romance with which it is so often associated.

For the past 12 years, I have worked on or with cabooses, and feel qualified with the many other operating men and women of The Alaska Railroad to separate the myths from the reality of railroading.

Hopefully, the information in this book will help you make your decision on whether cabooses are needed on The Alaska Railroad. The answer to me, and to many others, is easy. It is easy for virtually hundreds of reasons.

There should always be someone constantly watching both ends of any train. The public deserves at least that.

The people who live near the railroad tracks, whose children, in their curiosity, often come and play too near our trains, deserve at least that.

The motoring public who drive in every corner and across every grade crossing in the State of Alaska, in the rain, the snow, the fog and the many conditions that we all must contend with, deserve at least that.

The people who sleep soundly in their homes in the sparsely and densely populated areas of this great State of Alaska deserve at least that.

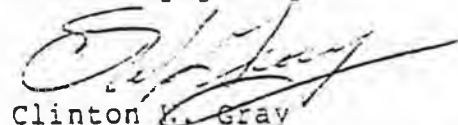
Every trainman in Alaska, or anywhere else, with any experience at all can give you accounts of incidents that have been prevented because their train had a caboose. Maybe you know one of these men or women. Maybe you can ask one of them to relate some of those experiences to you.

You, as a Legislator during this Fourteenth Alaska State Legislature, have a very busy schedule and many vitally important issues to weigh and decide upon for all of us who live in Alaska. I hope, even though I have been lengthy in this book to you, I have contributed in a positive way to expedite your decision on this vital issue.

At this time, let me sincerely wish you well in all your deliberations.

I am at your service at all times.

Sincerely yours,



Clinton E. Gray
Conductor/Alaska Railroad
United Transportation Union
Legislative Representative

UNFINISHED BUSINESSHB 552

Representative Cotten added his name as co-sponsor to HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones).

ENGROSSMENTHCR 47

HCR 47 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 436(R1s)

CSHB 436(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

HESS Subcommittee on HB 625 Mental Health Trust Land	Capitol 112	On adj., 4/8
HESS Added to schedule: HB 625 Mental Health Trust Land HB 424 Board of Behavioral Science Examiners	Capitol 112	4:30 p.m. '8
Bill Egan Forum Representative Grussendorf, Speaker	Treadwell Room	Noon, 4/8
Minority Caucus	Court Building	Noon, 4/8
Republican Luncheon	Elks' Club	Noon, 4/9

ADJOURNMENT

Representative Clocksin moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 9, 1986. There being no objection, the House adjourned at 11:38 p.m.

Irene Cashen
Chief Clerk

CSHB 436(R1s)

Objections were heard. *J.P.*

Amendment No. 1 by Marrou:

Page 2, lines 2 - 4:

Delete

The question being: "Shall CSHB 436(R1s) be returned to second reading for the purpose of specific Amendment No. 1?" The roll was taken with the following result:

CSHB 436(RULES) MOTION

Yeas: 13 Collins, Furnace, Hanley, Jenkins, Marrou, Martin, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Uehling

Nays: 25 Adams, Binkley, Boucher, Cato, Clocksin, Cotten, Davis, Duncan, Frank, Fuller, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Koponen, Larson, Miller, M.M., Navarre, Ringstad, Sund, Szymanski, Taylor, Thompson, Wallis

Excused: 0

Absent: 2 Miller, M.W., Shultz

And so, the motion failed.

The question to be reconsidered: "Shall CSHB 436(R1s) pass the House?" The roll was taken with the following result:

CSHB 436(RULES) RECONSIDERATION

Yeas: 31 Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Duncan, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Miller, M.M., Navarre, Pearce, Phillips, Pignalberi, Rieger, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis

Nays: 7 Davis, Frank, Marrou, Martin, Pettyjohn, Pourchot, Ringstad

Excused: 0

Absent: 2 Miller, M.W., Shultz

And so, CSHB 436(R1s) passed the House on reconsideration and was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESSHB 552

Representative Cotten added his name as co-sponsor to HOUSE BILL NO. 552 (relating to setting speed limits and neighborhood speed zones).

ENGROSSMENTHCR 47

HCR 47 was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

CSHB 436(R1s)

CSHB 436(R1s) was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

ANNOUNCEMENTS

HESS Subcommittee on HB 625 Mental Health Trust Land	Capitol 112	On adj., 4/8
HESS Added to schedule: HB 625 Mental Health Trust Land HB 424 Board of Behavioral Science Examiners	Capitol 112	4:30 p.m., 4/8
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ADJOURNMENT

Representative Clocksin moved and asked unanimous consent that the House adjourn until 10:00 a.m., April 9, 1986. There being no objection, the House adjourned at 11:38 p.m.

Irene Cashen
Chief Clerk

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

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

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Representative Katie Hurley *KH* Phone : 465-4963
 Division : House State Affairs Committee Date : 2/14/86
 Approved by ^{Chair} ~~Commissioner~~ : Katie Hurley Date : 2/14/86
 Agency : House State Affairs Committee

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

NO NEED FOR CABOOSES?

LET'S LOOK AT THE FACTS

RAILROAD CLAIMS:

"Modern Technology has made cabooses obsolete."

FACT:

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

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

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

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

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

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

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

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

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

RAILROAD CLAIMS:

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

FACT:

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

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

RAILROAD CLAIMS:

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

FACT:

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

RAILROAD CLAIMS:

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

FACT:

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

CABOOSES ON TRAINS: Who supports them?

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

SENATE BILL 313

HOUSE BILL 436

LEGISLATION FACT SHEET

ON CABOOSES

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

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

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

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

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

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

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

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

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



REVENUE TON-MILES PER EMPLOYEE AND EMPLOYEE HOUR

Freight revenue ton-miles per employee and employee hour paid for increased to 1.9 million and 1,169, respectively, representing gains of more than 90 percent in both categories.

<u>Year</u>	<u>Freight Revenue Ton Miles Per: Employee (Millions)</u>	<u>Employee Hour</u>
1969	1.5	611
1970	1.5	605
1971	1.5	604
1972	1.5	637
1973	1.7	690
1974	1.7	693
1975	1.6	677
1976	1.7	712
1977	1.8	733
1978	1.9	775
1979	2.0	792
1980	2.1	802
1981	2.2	906
1982	2.2	927
1983	2.6	1,073
1984	2.9	1,169

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

Number of Crew Members
Operating Alaska Railroad Trains
1981 - 1985

1981

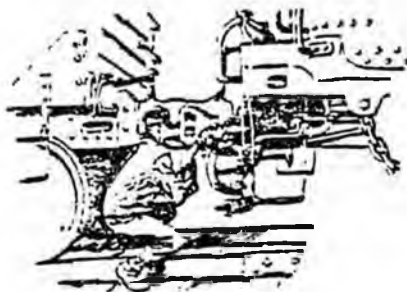
Passenger	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
	1 - Baggage man	
Freight	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
	1 - Swingman (Only on Local)	
Yard	1 - Conductor	1 - Engineer
	2 - Brakemen	

1982

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

1985

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



Number of Crew Members
Operating Alaska Railroad Trains
1981 - 1985

1981

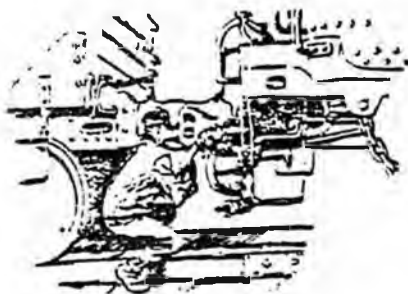
Passenger	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
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Freight	1 - Conductor	1 - Engineer
	2 - Brakemen	1 - Fireman
	1 - Swingman (Only on Local)	
Yard	1 - Conductor	1 - Engineer
	2 - Brakemen	

1982

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

1985

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



REVENUE TON-MILES PER EMPLOYEE AND EMPLOYEE HOUR

Freight revenue ton-miles per employee and employee hour paid for increased to 2.0 million and 1,168, respectively, representing gains of more than 90 percent in both categories.

<u>Year</u>	<u>Freight Revenue Ton Miles Per: Employee (Millions)</u>	<u>Employee Hour</u>
1969	1.5	611
1970	1.5	665
1971	1.6	504
1972	1.6	637
1973	1.7	696
1974	1.7	698
1975	1.6	677
1976	1.7	711
1977	1.6	738
1978	1.6	775
1979	2.0	792
1980	2.1	862
1981	2.2	906
1982	2.2	927
1983	2.5	1,078
1984	2.9	1,168

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

FEDERAL JUDGE UPHOLDS NEBRASKA LAW ON MANNED CABCOSES

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

A 55-page decision issued May 10, 1983 is Judge Urbom's response to a lawsuit filed in 1981 by Burlington Northern Railroad. The railroad contended that the Nebraska statute, LB179, which became effective in August 1979, is pre-empted by Federal regulations, exceeds the police power of the state, discriminates against interstate commerce, and interferes with the railroad's right to contract with its employees.

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

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

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

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

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

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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

BURLINGTON NORTHERN
RAILROAD COMPANY,

Plaintiff,

v.

JUDGMENT

STATE OF NEBRASKA; THE
NEBRASKA PUBLIC SERVICE
COMMISSION,

Defendants.

CV83-L-423

In accordance with the accompanying memorandum of decision,

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

Dated May 10, 1985.

BY THE COURT

ENTERED
ON THE DOCKET

[Signature]
Chief Judge

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

COMMODITY	ORG DEST	ORG OR DEST OR	CARS	CURRENT MONTH NET TONS	TON MILES	CARS	YEAR TO DATE NET TONS	TON MILES
1999000	AMMUNITION OR EXPLOSIVES, MILITARY RELATED							
	006 125	64.2	136.3			1	64.2	5,339
	006 470	64.2	474.1			7	515.2	217,570
** COMMODITY TOTALS **						8	578.4	222,909
2819000	COMPRESSED OR LIQUID GAS							
	007 044	64.2	74.5	1	81.0	2	177.7	3,256
	007 110	64.2	114.3	3	246.4	15	1,261.0	78,820
	007 140	64.2	150.7	3	223.2	21	1,615.9	170,294
	007 415	64.2	470.3			10	756.3	316,518
	071 415	0.0	470.3				16.0	7,542
	115 420	119.1	474.1			1	33.0	11,715
** COMMODITY TOTALS **				7	550.6	49	3,859.9	594,145
2818600	ACIDS, OTHER THAN SULPHURIC							
	007 040	64.2	29.3	3	174.8	17	1,372.1	65,888
	007 044	64.2	24.5			4	235.5	12,265
	007 110	64.2	114.3			6	495.1	30,938
	007 125	64.2	136.3			1	50.0	4,275
	007 140	64.2	150.7			1	81.0	8,532
	007 415	64.2	470.3	2	196.9	17	1,553.9	650,207
	071 415	0.0	470.3				22.4	10,535
	423 425	466.6	470.3			5	166.5	1,947
** COMMODITY TOTALS **				5	391.7	51	3,976.5	703,617
2819100	ACID, SULPHURIC							
	007 040	64.2	29.3	3	224.5	6	457.9	23,545
	007 110	64.2	114.3			1	63.7	3,229
** COMMODITY TOTALS **				3	224.5	7	581.6	28,774
2851900	PAINT AND RELATED ARTICLES							
	007 415	64.2	470.3			16	1,467.9	614,256
	071 110	0.0	114.3				29.9	3,916
	071 415	0.0	470.3				110.4	51,916
** COMMODITY TOTALS **						16	1,608.2	669,588
2871500	FERTILIZERS							
	006	64.2	41.5			1	100.3	3,549
	006 110	64.2	114.3			27	2,164.3	155,592
	006 140	64.2	150.7			1	73.1	7,706

HAZARDOUS COMMODITY MOVEMENT

SUMMARIZATION ENDING OCT 31, 1985

ALASKA RAILROAD 12 MO. PERIOD 1985

79

COMMODITY	ORG DEST	ORG HP	DEST HP	CURRENT MONTH			YEAR TO DATE		
				CARS	NET TONS	TON MILES	CARS	NET TONS	TON MILES
282100	FERTILIZERS			(CONTINUED)					
	006	415	64.2				11	1,096.7	450,940
	007	044	64.2	1	93.7	4,882	1	93.7	4,882
	007	110	64.2	2	186.2	11,634	3	286.2	17,884
	007	175	64.2				1	90.1	9,726
	007	330	64.2				16	1,618.6	532,913
	007	415	64.2				60	6,670.0	2,791,302
	007	423	64.2				1	101.2	44,017
	007	425	64.2				16	1,616.0	721,540
** COMMODITY TOTALS **				3	279.9	16,516	141	13,915.2	4,690,021
282200	EXPLOSIVES								
	005	110	64.2	1	5.0	313	1	5.0	313
	006	125	64.2				2	141.7	11,976
	006	415	64.2				2	134.9	56,451
	006	420	64.2				1	72.9	30,766
	007	425	64.2				1	101.3	45,217
	110	425	114.3				1	70.1	20,914
	125	005	136.3				1	7.4	625
** COMMODITY TOTALS **				1	5.0	313	9	533.3	172,282
282900	ANTI-FREEZE COMPOUNDS, DEF OR LUBRIC								
	415	0.6	470.3	1	96.0	45,076	1	96.0	45,076
	006	110	64.2				1	97.2	6,073
	006	415	64.2	26	1,903.5	796,633	93	6,746.7	2,323,499
	007	044	64.2				1	70.9	3,691
	007	070	64.2				1	70.2	5,380
	007	110	64.2	28	2,375.7	140,419	83	8,617.0	413,546
	007	415	64.2	12	891.3	372,977	39	2,071.2	1,201,512
	007	425	64.2				2	92.3	41,212
	110	007	114.3				1	91.3	5,703
	110	415	114.3				2	140.8	52,955
	425	110	490.3				2	13.0	4,992
** COMMODITY TOTALS **				67	5,265.5	1,361,105	226	16,914.4	4,603,639
2829900	CHEMICALS, NOS								
	006	415	64.2				1	87.6	36,665
	007	040	64.2				1	93.3	4,412
	007	044	64.2	1	95.1	4,754	1	95.1	4,954
	007	110	64.2	1	60.9	2,350	0	619.0	10,735
	007	415	64.2	3	226.6	94,826	6	449.4	18,300
	070	007	0.0				1	19.5	1,494

CONT 1985

COMMODITY ORG DEST ORG NP DEST NP CARS CURRENT MONTH NET TONS TON MILES CAPS YEAR TO DATE NET TONS TON MILES

2899000 OPTICALS, OPS (CONTINUED)
 171 110 0.0 114.3 45.6 2,206 55.6 5,206
 110 415 114.3 470.3 66.5 1 66.5 23,676

** COMMODITY TOTALS ** 5 456.2 110,542 19 1,467.8 299,448

2911100 JET FUEL ALG REFUSION
 007 425 114.2 470.3 5 353.5 140,919
 110 005 114.3 64.2 2 67.4 4,210
 110 070 114.3 0.0 1 33.5 3,825
 110 415 114.3 470.3 3 199.6 71,056
 110 416 114.3 470.1 3 201.5 75,713
 110 423 114.3 486.6 17 804.4 259,031
 415 110 470.3 114.3 22 1,575.8 586,658
 423 110 486.6 114.3 41 2,002.8 997,795
 423 070 486.6 0.0 7 276.6 134,576
 423 110 486.6 114.3 354 24,077.7 9,261,953 2,502 180,266.0 67,113,063
 423 260 486.6 273.8 3 157.0 33,409
 423 365 486.6 411.7 48 3,314.8 240,274
 423 418 486.6 476.1 23 1,612.3 32,890
 423 425 486.6 498.3 3 203.0 2,375 203.0 2,375

** COMMODITY TOTALS ** 364 25,515.3 9,414,119 2,691 193,127.8 70,146,623

2911155 GASOLINE BLENDED
 418 11.0 476.1 1 75.2 35,708
 005 420 64.2 476.1 1 33.1 13,993
 070 110 0.0 114.3 1 18.0 2,056
 110 905 114.3 64.2 19 674.7 42,173 2,107.9 131,754
 110 070 114.3 0.0 9 435.4 49,761 103 8,873.6 1,014,232
 110 115 114.3 114.1 13 441.5 2,119 707.9 3,398
 110 250 114.3 263.2 1 10.1 1,502
 110 354 114.3 392.9 5 167.3 9,606
 110 365 114.3 411.7 6 368.4 109,568
 110 415 114.3 470.3 112 1,560.5 2,694,398 1,029 60,870.8 24,517,804
 110 418 114.3 476.1 85 5,808.9 2,159,165 707 47,651.4 17,712,059
 110 420 114.3 474.1 15 638.2 227,622 77 2,967.0 1,074,706
 415 110 470.3 114.3 31 2,424.8 863,228
 423 110 486.6 114.3 101 13,323.3 4,950,266
 423 365 486.6 411.7 43 2,920.5 218,749
 423 425 486.6 498.3 2 133.2 1,559

** COMMODITY TOTALS ** 257 15,557.2 1,177,236 2,325 150,636.5 50,753,076

2911300 DIESEL OIL
 007 110 64.2 114.3 1 15.7 978

CONT 1985

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COMMODITY	ORG DEST		ORG HP DEST HP		CURRENT MONTH			YEAR TO DATE		
					CARS	NET TONS	TON BELLS	CARS	NET TONS	TON BELLS
291100	DIESEL OIL				(CONTINUED)					
	110	007	114.3	64.2	1	243.9	15,247	91	1,552.3	97,618
	110	007	114.3	64.2	1	66.9	4,103	1	66.9	4,183
	110	070	114.3	0.0	10	1,003.9	114,750	140	6,000.0	177,302
	110	110	114.3	114.3	1	33.7		1	33.7	
	110	354	114.3	392.5				2	67.2	13,720
	110	305	114.3	411.7				7	434.4	127,104
	110	415	114.3	470.3	1	66.7	21,132	12	800.8	295,060
	110	418	114.3	476.1	91	5,942.6	2,208,072	400	26,641.2	9,502,584
	115	354	119.1	392.9				2	66.4	10,176
	415	365	470.3	411.7				10	531.9	19,450
	418	110	476.1	114.3				1	75.7	28,140
	418	340	476.1	371.2				1	33.0	3,700
	423	070	406.6	0.0	4	292.4	142,290	72	5,235.1	2,547,444
	423	110	406.6	114.3	78	5,902.1	2,197,360	730	53,020.0	19,739,171
	423	115	406.6	119.1				10	703.4	250,514
	423	325	406.6	350.1				2	66.9	8,592
	423	340	406.6	371.2	1	33.6	3,000	5	166.7	15,236
	423	365	406.6	411.7	4	277.7	20,790	106	7,309.6	553,472
	423	418	406.6	476.1	2	130.9	2,034	2	138.9	2,834
	423	420	406.6	474.1				30	1,500.1	10,753
	423	425	406.6	490.3				30	1,333.4	15,602
	425	365	490.3	41.7				2	130.7	11,320
** COMMODITY TOTALS **					209	14,002.4	4,733,954	1,624	106,604.0	34,459,821

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2911700	PETROLEUM OIL (CDR ONLY)									
	007	110	64.2	114.3	2	181.0	11,309	9	618.0	30,619
	007	415	64.2	470.3	10	733.0	306,759	115	8,450.7	3,536,525
	017	423	64.2	406.6				1	101.0	43,912
	071	110	0.0	114.3					113.1	12,926
	071	415	0.0	470.3					15.6	7,346

** COMMODITY TOTALS **					12	914.0	318,068	125	9,290.4	3,639,328
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2911740	RESIDUAL OIL, PETROLEUM									
	007	005	64.2	64.2	1	32.0	813	1	32.0	813
	007	110	64.2	114.3	3	162.9	10,101	4	236.8	14,800
	007	415	64.2	470.3	15	1,116.8	467,307	24	1,796.7	751,525

** COMMODITY TOTALS **					19	1,312.5	478,581	29	2,066.3	767,538
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2912100	PROPANE GAS (LIQUID), LPG									
	006	110	64.2	114.3	1	196.3	12,069	17	1,110.1	69,378
	007	044	64.2	24.5				1	69.9	3,641

CONT 1985

COMMODITY	ORG. DEST.	ORG. OR. DEST. NO.	CARS	CURRENT MONTH NET TONS	TON MILES	CARS	YEAR TO DATE NET TONS	TON MILES
2912100	DECEMBER 645	HOJAL, 196		(CONTINUED)				
	007 110	64.2 114.3	25	1,669.0	102,502	102	6,667.0	416,685
	007 143	64.2 150.7	2	141.0	14,857	2	141.3	14,857
	007 415	64.2 470.3	10	640.8	260,704	27	1,751.7	733,109
	007 420	64.2 474.1				1	66.4	28,056
	015 415	75.5 470.3				1	63.8	28,420
	071 110	0.0 114.3					15.0	1,811
	110 007	114.3 64.2					63.8	3,049
	110 415	114.3 470.3	7	446.1	158,802	26	1,623.9	577,974
** COMMODITY TOTALS **			47	3,064.2	556,614	178	11,573.4	1,877,940

COMMODITY	ORG. DEST.	ORG. OR. DEST. NO.	CARS	CURRENT MONTH NET TONS	TON MILES	CARS	YEAR TO DATE NET TONS	TON MILES
4611100	FOUR SHIPMENTS							
	005	64.2 11.0				1	19.0	1,246
	005 110	64.2 114.3	3	61.1	3,816	4	73.0	4,612
	007	64.2 41.5					32.6	1,144
	007 005	64.2 64.2					111.4	2,765
	007 150	64.2 27.3		85.7	4,066		305.7	14,470
	007 070	64.2 0.0		115.9	0,877		1,222.0	53,598
	007 110	64.2 114.3		5,791.7	361,958		33,519.1	2,120,099
	007 120	64.2 126.6					743.0	55,586
	007 140	64.2 150.7					126.1	13,297
	007 175	64.2 159.8		35.0	3,776		312.1	33,701
	007 415	64.2 470.3		4,617.6	1,937,402	1	20,323.8	8,505,408
	007 425	64.2 470.3		34.8	15,516		446.8	199,496
	071 005	0.0 64.2					62.5	4,788
	070 110	0.0 114.3	282	9,798.8	662,814	1,604	36,895.2	4,217,110
	070 415	0.0 470.3	232	5,139.3	2,417,045	1,152	27,959.8	13,149,441
	071 110	0.0 114.3					30.4	3,475
	110	114.3 41.5				1	24.3	1,769
	110 005	114.3 64.2				9	69.0	4,311
	110 070	114.3 0.0				3	65.0	7,430
	110 195	114.3 185.7				2	38.0	2,712
	110 365	114.3 411.7				1	5.0	1,487
	110 415	114.3 470.3	240	1,477.4	2,661,863	2,391	75,251.7	26,789,508
	11 418	114.3 474.1				1	2.5	279
	11 429	114.3 474.1	14	11.2	42,395	14	114.2	42,305
	415 070	470.3 0.0				4	69.3	28,336
	415 110	470.3 114.3	1	7.9	2,823	63	593.5	213,341
	415 340	470.3 371.2				3	43.4	4,297
** COMMODITY TOTALS **			763	25,284.6	8,117,261	5,257	196,861.4	69,516,661

4611200	FOUR SHIPMENTS							
	070 110	0.0 114.3				97	3,653.3	417,581

CONT 1985

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COMMUNITY	ORG DEST		ORG HP DEST HP		CAPS	CURRENT MONTH NET TONS	TWR BELLS	CAPS	YEAR TO DATE	
									NET TONS	TWR MILES
4611200	CITY ADJUSTMENTS					(CONTINUED)				
	070	415	9.0	470.3	35	1,247.5	546,904	55	2,135.6	1,004,374
	110	070	114.3	0.0				1	12.5	1,429
	110	365	114.3	411.7				12	416.9	123,986
	110	415	114.3	470.3	147	5,010.5	1,700,617	1,325	40,590.4	17,300,935
	110	418	114.3	476.1				3	106.0	39,439
	110	425	114.3	490.3	1	44.0	16,876	1	44.0	16,096
	115	420	119.1	474.1				41	212.9	96,893
	115	425	119.1	499.3				16	221.3	83,918
	415	110	470.3	114.3	1	5.0	1,700	29	570.0	205,178
	420	115	474.1	119.1				5	133.9	47,541
	425	115	490.3	119.1				47	695.8	263,870
** COMMUNITY TOTALS **					104	6,315.4	2,192,197	1,628	56,868.6	17,602,640

REP-IT TOTAL	<1,963>	103,149.0	32,023,655	<14,383>	772,472.7	248,706,050
TOTAL OF ACP MOVEMENTS	<13,111>	962,668.3	91,703,112	<15,469>	5,392,212.2	626,070,468

<OCT TOTAL>

<1985 TOTAL ENDING OCT 85>

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CONT 1985

COMMODITY	ORG	DEST	ORG	HP	DEST	HP	CURRENT MONTH			YEAR TO DATE			
							CARS	NET TONS	TON MILES	CARS	NET TONS	TON MILES	
1999900	AMMUNITION OR EXPLOSIVES, MILITARY RELATED												
	006	125	64.2			116.3				1	59.5	5,020	
	071	110	0.0			114.3					22.4	2,563	
** COMMODITY TOTALS **										1	81.9	7,591	
2013900	COMPRESSED OR LIQUID GAS												
	007	110	64.2			114.3	1	83.5	5,220	23	1,911.6	119,479	
	007	150	64.2			150.7	1	61.2	6,455	16	1,246.9	131,430	
	007	415	64.2			470.3					17.9	7,504	
	071	110	0.0			114.3		12.8	1,465		38.4	4,394	
	110	150	114.3			150.7				1	63.8	2,735	
** COMMODITY TOTALS **							2	157.5	13,140	40	3,278.6	265,552	
2018600	ACIDS, OTHER THAN SULPHURIC												
	007	040	64.2			29.3				2	194.0	9,174	
	007	044	64.2			24.5				1	97.0	5,055	
	007	415	64.2			470.3				6	486.9	203,766	
	070	415	0.0			470.3				1	95.5	49,902	
** COMMODITY TOTALS **										10	873.4	262,897	
2019300	ACID, SULPHURIC												
	007	040	64.2			29.3				6	477.1	22,563	
	007	044	64.2			24.5				2	199.5	10,395	
	007	415	64.2			470.3				1	96.0	40,163	
	110	040	114.3			29.3	1	73.3	6,231	1	73.3	6,231	
** COMMODITY TOTALS **							1	73.3	6,231	10	845.9	79,352	
2051900	PAINT AND RELATED ARTICLES												
	007	110	64.2			114.3	1	49.8	3,113	1	49.8	3,113	
	071	110	0.0			114.3					107.5	12,274	
	071	415	0.0			470.3					15.3	7,177	
** COMMODITY TOTALS **							1	49.8	3,113	1	172.6	22,566	
2071900	FERTILIZERS												
	006	110	64.2			114.3				22	2,151.7	134,477	
	006	175	64.2			159.8				3	201.1	21,714	
	006	210	64.2			209.3				1	64.3	10,120	
	006	415	64.2			470.3				20	1,951.5	416,672	
	007	110	64.2			114.3				3	227.5	14,217	
	007	175	64.2			116.3				1	50.0	4,225	

HAZARDOUS COMMODITY MOVEMENT
SUMMARIZATION ENDING OCT 01 1984
ALASKA RAILROAD 12 MO. PERIOD 1984

85

COMMODITY	ORG	DEST	ORG	BP	DEST	MP	CURRENT MONTH			YEAR TO DATE		
							CARS	NET TONS	TON MILES	CARS	NET TONS	TON MILES
							(CONTINUED)					
2071000	FERTILIZERS											
	007	325	64.2		350.1				3	303.1	92,813	
	007	330	64.2		350.1				9	910.0	282,729	
	007	415	64.2		470.3				4	404.5	169,306	
	007	420	64.2		474.1				1	101.2	42,713	
	007	425	64.2		498.3				26	2,631.5	1,174,951	
	071	070	0.0		0.0					19.6		
	071	110	0.0		114.3					154.0	17,605	
	110	210	114.3		209.3				1	66.3	6,294	
	110	330	114.3		350.1				4	410.1	103,786	
	110	415	114.3		470.3				2	33.9	12,060	
	325	110	358.1		114.3				1	77.7	10,931	
** COMMODITY TOTALS **										101	9,766.0	2,922,653
2092100	EXPLOSIVES											
	006	115	64.2		119.1				16	1,180.5	79,459	
	006	125	64.2		136.3				9	560.8	40,059	
	007	110	64.2		114.3					144.1	9,001	
	071	110	0.0		114.3					27.5	3,142	
	110	425	114.3		498.3				1	55.1	21,158	
** COMMODITY TOTALS **										26	1,976.0	160,819
2099000	ANTI-FREEZE COMPOUNDS, DRY (OR LIQUID)											
	006	110	64.2		114.3		64.5	4,031	4	263.5	16,466	
	006	415	64.2		470.3	3	200.4	83,866	82	5,772.2	2,415,602	
	007	110	64.2		114.3				77	6,502.0	406,363	
	007	115	64.2		119.1	1	46.0	3,096	2	91.7	6,168	
	007	415	64.2		470.3				29	2,441.3	1,021,692	
	500	110	411.7		114.3				1	11.5	3,414	
** COMMODITY TOTALS **							5	310.9	90,993	195	15,002.2	3,869,785
2099900	CHEMICALS, NOS											
	006	110	64.2		114.3				1	72.0	4,502	
	006	415	64.2		470.3				1	87.5	36,635	
	007	040	64.2		29.3	1	94.6	4,475	5	323.0	15,290	
	007	110	64.2		114.3	1	87.5	5,467	21	2,029.7	126,855	
	007	415	64.2		470.3				26	1,801.7	753,976	
	071	070	0.0		0.0					27.0		
	110	007	114.3		64.2				1	78.1	4,081	
	110	140	114.3		150.7				1	69.5	2,902	
	330	415	358.1		470.3				1	90.0	10,494	
** COMMODITY TOTALS **							2	182.1	9,942	57	4,579.1	955,605
2011100	JET FUEL AND KEROSENE											
	007	425	64.2		498.3				1	66.9	29,854	
	110	240	114.3		240.5				3	99.0	13,297	

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Sept 84

COMMODITY	ORG	DEST	ORG	MP	DEST	MP	CURRENT MONTH			YEAR TO DATE		
							CARS	NET TONS	100 MILES	CARS	NET TONS	100 MILES
2911130	JET FUEL AND KEROSENE						(CONTINUED)					
	110	355	114.3		411.7		1	66.6	19,801	23	1,318.9	392,212
	110	415	114.3		470.3		12	170.5	274,321	117	7,594.0	2,703,545
	225	240	226.7		240.5					1	15.0	327
	240	260	240.5		273.8					1	15.0	360
	415	110	470.3		114.3					56	4,356.5	1,550,897
	423	110	486.6		114.3		166	12,215.3	4,547,753	3,406	250,179.2	93,141,624
	423	260	486.6		273.8					2	99.9	21,279
	423	365	486.6		411.7		10	673.1	50,417	234	8,331.4	624,016
	423	410	486.6		476.1		12	877.0	17,906	92	6,476.5	132,116
** COMMODITY TOTALS **							201	14,603.3	4,910,198	3,936	278,552.1	98,609,537
2911135	GASOLINE BLENDED											
	007	110	64.2		114.3					1	33.9	2,121
	007	500	64.2		411.7					1	48.4	17,420
	070	110	0.0		114.3					1	66.5	7,596
	110	005	114.3		64.2		2	66.3	4,143	26	864.8	54,050
	110	070	114.3		0.0		4	134.3	15,352	92	3,654.0	417,653
	110	115	114.3		119.1					14	465.6	2,235
	110	230	114.3		236.2					1	33.0	4,023
	110	260	114.3		273.8					2	67.1	10,709
	110	354	114.3		392.9					5	200.1	55,758
	110	365	114.3		411.7		3	206.6	61,440	38	2,369.0	704,570
	110	415	114.3		470.3		120	8,160.2	2,905,021	1,343	90,728.1	32,299,141
	110	410	114.3		476.1		30	2,600.1	966,449	526	35,836.1	13,320,223
	110	420	114.3		474.1		9	299.5	107,764	69	2,329.6	810,175
	425	115	490.3		119.1					1	10.6	4,061
** COMMODITY TOTALS **							176	11,467.0	4,060,177	2,120	136,706.8	47,737,675
2911300	DIESEL OIL											
	007	110	64.2		114.3					1	33.7	2,107
	070	110	0.0		114.3					1	66.8	7,631
	071	110	0.0		114.3						54.5	6,225
	110	005	114.3		64.2		4	134.0	8,375	69	2,310.7	144,414
	110	070	114.3		0.0		23	803.1	91,797	246	12,771.1	1,459,698
	110	115	114.3		119.1					12	429.3	2,060
	110	250	114.3		263.2		1	33.7	5,012	2	67.1	9,981
	110	415	114.3		470.3					1	73.6	26,192
	110	410	114.3		476.1		26	1,420.1	527,841	19	5,060.7	1,881,047
	225	260	226.7		273.8					1	33.0	1,554
	275	110	297.1		114.3		1	33.0	6,032	1	33.0	6,032
	420	354	474.1		392.9					3	99.9	8,113
	421	070	460.6		0.0		12	807.6	390,522	43	2,934.0	1,427,690

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CONT 1984

COMMODITY	ORG DEST		ORG HP DEST HP		CARS	CURRENT MONTH NET TONS	TON MILES	CARS	YEAR TO DATE NET TONS	TON MILES
	HPG	DEST	HP	DEST HP						
2911300	DIESEL OIL					(CONTINUED)				
	423	110	400.6	114.3	13	832.0	310,067	371	24,965.2	9,294,602
	423	260	400.6	273.0				2	100.0	21,277
	423	325	400.6	350.1				1	66.6	8,555
	423	340	400.6	371.2	2	66.9	7,710	4	133.0	15,438
	423	354	400.6	392.9				7	300.4	20,143
	423	365	400.6	411.7				137	4,561.8	341,678
	423	415	400.6	470.3				3	100.0	1,629
	423	420	400.6	474.1	30	1,331.0	16,640	60	2,463.8	30,798
	423	425	400.6	498.3				25	932.6	10,911
	425	423	490.1	400.6				5	300.1	3,511
** COMMODITY TOTALS **					112	5,458.0	1,364,012	1,074	57,891.7	14,739,286
2911700	PETROLEUM OIL (CDR ONLY)									
	007	110	64.2	114.3	1	19.1	5,050	6	333.5	20,842
	007	325	64.2	350.1				1	19.1	5,050
	007	365	64.2	411.7				1	50.2	20,944
	007	415	64.2	470.3	20	1,512.2	632,853	70	5,626.7	2,354,635
	110	070	114.3	0.0				5	176.5	20,174
	110	140	114.3	150.7				3	129.3	5,545
	115	115	119.1	119.1				1	19.8	
	115	420	119.1	474.1				1	36.2	12,851
** COMMODITY TOTALS **					21	1,531.3	638,703	96	6,399.3	2,440,841
2911740	RESIDUAL OIL, PETROLEUM									
	007	415	64.2	470.3				1	71.4	29,800
	071	070	0.0	0.0					24.2	
	071	415	0.0	470.3					22.5	10,568
	110	070	114.3	0.0				12	430.5	49,206
	115	420	119.1	474.1				2	69.2	24,566
** COMMODITY TOTALS **								15	617.0	114,220
2912100	PROPANE GAS (BUTANE, LPG)									
	006	110	64.2	114.3	1	64.1	4,008	34	2,243.5	140,220
	006	415	64.2	470.3				3	194.6	81,426
	007	040	64.2	29.3				1	60.9	2,801
	007	044	64.2	24.5				2	138.1	7,197
	007	110	64.2	114.3	6	306.5	24,154	102	6,723.3	420,200
	007	130	64.2	350.1				2	202.9	63,055
	007	415	64.2	470.3	5	110.7	133,362	33	2,154.4	901,633
	110	070	114.3	0.0				1	33.7	3,055
	110	365	114.3	411.7				2	39.1	11,601

CONT 1984

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COMMODITY	GPG DEST	GPG OR DEST	MP	CURRENT MONTH			YEAR TO DATE		
				CARS	NET TONS	TON MILES	CARS	NET TONS	TON MILES
2912100	PROPANE GAS	INDIAN, LPG			(CONTINUED)				
	110	415	114.3	470.3	190.0	67,631	43	2,736.4	973,990
** COMMODITY TOTALS **				15	959.3	229,125	223	14,526.9	2,606,066
4611100	CCLC SHIPMENTS								
	000	005	64.2	64.2			2	165.0	4,092
	007	040	64.2	29.3	543.6	25,705		543.6	25,705
	007	070	64.2	0.0				47.4	3,628
	007	110	64.2	114.3	5,077.8	318,591		7,527.3	470,447
	007	115	64.2	119.1	14.4	766		14.4	766
	007	140	64.2	150.7	45.1	4,750		67.5	7,112
	007	175	64.2	159.8	30.3	3,924		120.9	13,064
	007	365	64.2	411.7	14.4	5,167		14.4	5,167
	007	415	64.2	470.3	1,807.7	756,562		3,362.9	1,407,403
	007	425	64.2	458.3	20.7	9,249		20.7	9,249
	070	110	0.0	114.3	201.8	23,065	36	853.5	97,555
	070	415	0.0	470.3	487.8	229,405	40	961.1	451,915
	071	070	0.0	0.0				62.3	
	071	110	0.0	114.3	24.2	2,764		3,720.5	425,253
	071	115	0.0	119.1				203.1	24,187
	071	175	0.0	159.8				161.0	25,722
	071	415	0.0	470.3	14.3	6,721		1,293.0	668,106
	071	420	0.0	474.1				20.4	9,589
	071	425	0.0	498.3				20.6	10,251
	110	007	114.3	64.2			1	7.5	469
	110	070	114.3	0.0			11	106.7	12,197
	110	415	114.3	470.3	2,970.5	1,057,488	2,191	67,815.7	24,142,323
	415	110	470.3	114.3	70.5	25,098	121	1,021.6	363,698
** COMMODITY TOTALS **				117	11,345.1	2,469,455	2,402	88,131.1	28,118,253
4611200	CCLC SHIPMENTS								
	070	110	0.0	114.3			161	2,796.0	319,579
	070	415	0.0	470.3	4	60.0	10	418.4	196,770
	110	007	114.3	64.2			1	12.0	750
	110	070	114.3	0.0			41	1,244.6	142,259
	110	365	114.3	411.7	1	37.4	5	143.2	42,591
	110	415	114.3	470.3	94	3,648.9	1,038	45,519.8	16,204,875
	415	007	470.3	64.2			1	14.1	5,080
	415	110	470.3	114.3	8	126.0	23	357.5	127,259
** COMMODITY TOTALS **				107	3,872.3	1,303,183	1,280	50,505.6	17,039,963
*** FLEET TOTAL ***				100	50,013.9	15,178,302	11,587	669,587.0	219,952,661
*** TOTAL OF ALL ACTIVITIES ***				10,405	828,096.4	37,500,269	106,011	8,271,907.7	700,875,581

OCT
TOTAL

YEAR-END
TOTAL

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**HOUSE
COMMITTEE REPORT**

(7)

Date referred: 2/17/86

FURTHER REFERRALS:

DATE: _____

The TRANSPORTATION Committee has considered HB 436

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

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
 new title

and recommends _____

further referral to the _____ Committee

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

SIGNING DO PASS:

Brite Cato
Maguallen
Belheid Herrmann
Bill Williams

SIGNING OTHER RECOMMENDATIONS:

W. M. ... Do Not Pass
(CONFERS WITH FEDERAL ...)
Mike Davis NO REC.

Brite Cato
Chairman

HCR 47

Nays: 2 Martin, Pettyjohn

Excused: 0

Absent: 0

And so, HCR 47 passed the House and was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Clocksin moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the House approved the following citation:

Honoring - Lions, District 49A and
District 49B and District 49A
Lions Foundation
by Representatives Pignalberi and
Furnace

The citation was referred to the Chief Clerk for transmittal to the Senate.

SECOND READING OF HOUSE BILLSCSHB 255(HESS)

CSHB 255(HESS), which had been moved to the bottom of today's calendar (page 2626), was before the House in second reading with Amendment No. 1 moved and pending.

Representative Pettyjohn moved and asked unanimous consent that he be allowed to withdraw Amendment No. 1. There being no objection, it was so ordered.

Representative Clocksin moved and asked unanimous consent that CSHB 255(HESS) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 255(HESS) was read the third time.

CSHB 255(HESS)

The question being: "Shall CSHB 255(HESS) pass the House?"
The roll was taken with the following result:

CSHB 255(HESS)

Yeas:	37	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Davis, Duncan, Frank, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Herrmann, Hurley, Jenkins, Koponen, Larson, Marrou, Miller, M.M., Navarre, Pearce, Pettyjohn, Phillips, Pignalberi, Pourchot, Rieger, Ringstad, Shultz, Sund, Scymanski, Taylor, Thompson, Uehling, Wallis
Nays:	2	Hanley, Martin
Excused:	0	
Absent:	1	Miller, M.W.

And so, CSHB 255(HESS) passed the House.

Representative Clocksin moved and asked unanimous consent that the House adopt the Health, Education & Social Services Committee Letter of Intent (page 2336). There being no objection, it was so ordered.

Representative Pettyjohn gave notice of reconsideration of his vote on CSHB 255(HESS).

Handwritten initials
THIRD READING OF HOUSE BILLS

CSHB 436(Rls)

Representative Marrou brought up reconsideration of COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 436 (Rules) (requiring a properly equipped and staffed caboose on certain trains).

CSHB 436(Rls) was read the third time.

Representative Marrou moved and asked unanimous consent that CSHB 436(Rls) be returned to second reading for the purpose of specific Amendment No. 1.

DAILY NEWS
April 8

House passes bill requiring cabooses

By BRUCE SCANDLING
The Associated Press

JUNEAU — A bill requiring that cabooses be used on most freight trains in the state was approved by House lawmakers Monday, despite opposition from the Alaska Railroad Corp.

A union representing conductors and other rail workers has said cabooses are necessary for safety reasons. But railroad officials contend the proposal bites into their management authority, and could cost extra money.

The measure (CSHB436), introduced by Rep. Bette Cato, D-Valdez, passed the House by a substantial margin, but could come up for more debate before being sent to the Senate.

A similar bill has been introduced in that chamber

by Sen. Jay Kerttula, D-Palmer.

The proposal requires cabooses on freight trains more than 1,000 feet long. Passenger-only trains are not covered by the legislation.

Another provision would waive the caboose requirement if the train is less than 1,850 feet long and composed only of flat-bed rail cars — as long as any hazardous substances on board are stowed within 1,000 feet of the locomotive.

"It will ensure public safety, that's the main thing," said Buddy Gray, legislative representative for the Alaska branch of the United Transportation Union.

Six states currently require cabooses, but 18 others have similar legislation pending, Gray said in a telephone in-

terview Monday.

In a 262-page report distributed to legislators this year, he said crew members stationed in the caboose at the end of the train can quickly spot burning wheel bearings, derailed cars, shifting loads and other safety hazards.

"There should always be someone constantly watching both ends of any train," Gray wrote. "The public deserves at least that."

Frank Turpin, chief operating officer for the Alaska Railroad, has a different view. He has said the union-backed legislation usurps decision-making power that should be in the hands of management.

"I firmly believe that the caboose issue is a matter to be resolved by safety-conscious railroad managers on a train-

by-train basis," Turpin wrote in a recent newspaper column.

He said rail unions across the country are using the safety issue to try to protect jobs. Every freight train traveling between Anchorage and Fairbanks stops five times for safety checks, Turpin wrote.

During the so-called "roll by" procedure, a crew member inspects the slowly rolling train. It is then backed up as the crew member studies the other side of the train cars.

Railroad managers cite cost as another reason the bill should be killed.

Many states have dumped caboose requirements in recent years because safety standards have been improved by new fire-detection devices and other technology.

TUESDAY
TIMES April 8

House approves caboose bill

by Bruce Scandling
Associated Press

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