

February 11, 1977

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the House and Employment Relations Committee was held on Friday, February 11, 1977 on adjournment of the House in Room 428A of the State Capitol. All members were present with the exception of the chairman, Rep. Kimble, who was detained and arrived later in the meeting. In the latter's absence, Vice-Chairman Williams brought the meeting to order.

The first bill up for hearing was SENATE BILL 141. Rep. Lynch announced that he was to carry the bill for Senator Lee, the sponsor. He explained that this bill had been introduced by the Senate Labor Committee at the request of the Division of Workers Compensation. It is a repealer bill. The law was originally passed in 1913. At the present time, only private individuals own steam traction engines, and under the law there is a duplication which passage of this bill would clear up. Ernie Post, staff representative of the AFL-CIO, spoke in support of the bill. There were no opponents. The hearing was closed.

HOUSE BILL 581 was heard next. The sponsor was Rep. Dassinger. He explained that in the past when steam engines were in common use, speedometers were not necessary, because speed could be measured by other means, such as the "clickety-clackety" noises created. These signs are no longer present in the newer engines. Train masters will not do anything about this problem without the force of law. Mr. Kenneth D. Clark, United Transportation Union, then spoke. Virgil Wright, also from the United Transportation Union, spoke, pointing out that both Havre and Whitefish crews have to negotiate sharp curves at Glacier Park. It is impossible to negotiate this pass safely without a properly operating speedometer. Ernie Post, AFL-CIO, brought up the question of how safe automobiles would be if they didn't have properly operating speedometers. Dick Pemberton, Brotherhood of Locomotive Engineers, then spoke. He said that about 50% of the speedometers don't operate properly. There are strict guidelines to follow concerning speed between stops. He is complaining about the maintenance of these speedometers, which all locomotives already have. Many times the "tape" doesn't jibe with what the speedometer says.

The opponents to House Bill 581 then spoke. Mr. John Delano, Montana Railroad Association, introduced Mr. Dean Radabaugh from the Milwaukee Road. Mr. Radabaugh felt that this bill would be repititious of the existing federal rules. He stated that they were maintaining the speed recorders and therefore were in compliance with the federal rule that all appurtenances in the locomotive be maintained in a safe manner. There were no further opponents. Rep. Dassinger closed. He pointed out that the rules in the federal book are controlled by the Federal Railroad Administration, which implies work hand in glove with the companies. Violations occur every day in Montana. If the employee makes a stand on something, he has to go through a lot of trouble. Questions were then asked. Mr. Clark pointed out that an alternative to a statutory amendment is the strike, specifically wildcat strikes. Mr. Radabaugh questioned whether 50% of all speedometers were actually in need of repair. It was stressed by the proponents that the force of state law would give the employees the right to demand good speedometers and

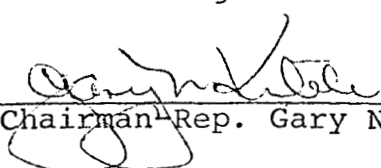
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the companies would adhere to these demands. The hearing was closed.

HOUSE BILL 582 was heard. Rep. Feda was the chief sponsor. He explained that radios should be put on all the motor cars for safety reasons. Carl Knutson spoke on behalf of the gandy dancers and the section men. He said that "lineups" are received by the crews, but changes take place and therefore these lineups are not really very worthwhile. Telephones don't always work and aren't always nearby. Signal boxes are being taken down in some areas. There are many situations where a crew is unable to see a train coming, also. He pointed out that on all the equipment that the officials use, radios are provided. Kenneth D. Clark then spoke, citing a situation in 16-Mile Canyon in which radios would have prevented an accident. Ernie Post spoke. This measure should be a savings to the railroad companies, not to mention a good safety measure.

The opponents then spoke. Mr. John Delano spoke first, beginning by quoting from written testimony given to him by the Union Pacific. Their radios were ruined by vibrations of the holder-chargers. Better radios would be quite expensive to purchase and install. Jim Bolitho, from the Milwaukee Road then spoke. At the present time they have three motor cars equipped with radios, and one is located in Montana. They also have some portable radios which they plan to equip additional motor cars with this year. They realize the need for more radios and are providing for them. The issuance and assignment of radios should be done on a need basis rather than as a state requirement. He argued that the accident in 16-Mile Canyon was because of human error. Simple providing of radios isn't going to stop accidents or eliminate problems. Sometimes there wouldn't be any need for radios, because some of the branch lines don't have trains on them. It would be an economic waste to have to put radios on spare cars. Also, sometimes motor cars work in groups, and not all of them should be required to have radios. As for the matter of cost, \$1000-\$1300 would be needed to purchase radios and modify the cars and physically install the radios. The railroad industry itself should be left to make decisions concerning the problem. Harry J. Wilkins, a Burlington Northern Incorporation Regional Maintenance Engineer then said that BN opposes the installation on all track cars of radios. The passage of this bill would cause an initial expenditure of \$1/4 million. He also warned against complete dependence upon a radio. He assured the committee that radios were being installed in places where telephone communications were not available.

The sponsor of HOUSE BILL 582 then closed. He suggested that the bill could be amended to include portable radios, with one per crew. As far as cost would go, the companies already have the radios, and they would only have to redistribute them. Questions were then asked. Rep. Brand pointed out that the accident in 16-Mile Canyon had in fact not been caused by human error. The hearing was then closed and the meeting was adjourned.



Chairman Rep. Gary N. Kimble

Secretary