

HOUSE BUSINESS & INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on January 26, 1983, at 9:00 a.m. in Room 420 of the Capitol Building, Helena, Montana. All members were present.

HOUSE BILL 408

REP. JERRY DRISCOLL, District 69, sponsor, opened by saying the purpose of this bill is to require that the last car on each freight train must be a caboose carrying at least one railroad employee. The reasoning behind this is primarily safety - to insure that someone will see if something goes wrong.

PROPOSERS:

Morris Gullickson, United Transportation Union, Livingston, said the caboose seats face the train at all times. The railroads are hauling some very dangerous loads and they need to be watched.

TOM HANNING, BN conductor, Havre, said trains sometimes run up to 9,000 feet and with the kinds of materials they haul, they can't afford an accident. He said they are there to make repairs in case of a breakdown. There are 20 crossings between Havre and Chinook, a distance of 20 miles and a breakdown would probably cause the crossings to be blocked for school buses, emergency vehicles, etc. He said if we can move these trains and keep them moving, it will help the public. Most importantly, they have constant vision up the side of the train.

ROGER WAGNER, BN conductor, Whitefish, said his train operates over 3 high trestles and through 7 tunnels on his run to Spokane and that the conductor is very important to act as a lookout for trains 8,000 feet in length.

ELMER GILCHREST, BN conductor, Glasgow, said they have shiftable loads that need to be observed from both ends of the train. He said the engineer has to look forward all the time and the caboose is needed to keep watch on the train.

LEE TORGRIMSON, United Transportation Union, Missoula, is an engineer with Burlington Northern. He said we have mountains in Montana where a caboose is very necessary which might not be true in flat country.

JOE BRAND, District 28, said he was an employee of the railroad for 38 years and that shiftable loads are the thing that mechanized detectors will not pick up. He stated that many times that he has seen, whole box cars would have burned up had it not been for the people on the end of the train. The workers of the railroad are very nervous about the agreement signed by representatives of their union. He said to look at the massive layoffs that have taken place in the last 3 or

JANUARY 26, 1983

Page 2

Business & Industry Committee

4 years. We want jobs for our state and cutting off cabooses and maintenance people will lead to more depression.

JIM MULAR, Brotherhood of Railway Clerks, Butte, said he leaves it up to the committee to decide if a train should be watched from the rear as well as from the front end.

CARL KNUTSON, Glendive, Mt., said he has observed many accidents being avoided because of the people in the caboose. He believes there would be alot more accidents if we do away with them.

JACK HARRIS, BN conductor, Whitefish, weather conditions in Montana have been known to create problems in the mountains with the opeartion of a train. It's physically impossible to detect a problem in a blizzard with a 6,000 foot train.

RAY WEST, BN conductor, Havre, said he agreed with all the testimony he had heard and would urge the committee to pass HB 408.

REP. BACHINI stated he would like to go on record as supporting HB 408.

OPPONENTS:

TOM DOWLING, Montana Railroad Association, said one concern of the Railroads is cost. If they have a caboose on every train it's going to cost alot of money and raise rates and become less competitive. He stated this should be a collective bargaining bill instead of in the Legislature. This bill would require every freight train to have a caboose whether it be three or four cars or a train switching in the yard.

CLAUDE SHEAK, Assistant to Vice President - Labor Relations of Burlington Northern Railroad, said in the State of Montana, most of Burlington Northern's mainline trackage is governed by Centralized Traffic Control and Automatic Block Signal systems. A train operating on these lines receives its protection by reliable, fail-safe signaling that obviates the need for caboose flagmen. The United Transportation Union that represents brakemen and conductors, agreed last October to follow the recommendation of Presidential Emergency Board No. 195 which provided for the elimination of cabooses in all classes of service. Cabooses cost \$80,000 which is passed on to shippers and consumers.

REP. DRISCOLL, in closing, asked the committee to consider the disasters that were avoided because a caboose was on the train. He asked, "Competitive with whom?" They are the only railroad in the state and the truckers have just been hit with a big tax that takes away their competitive edge.

JANUARY 26, 1983

Page 3

Business & Industry Committee

REP. PAVLOVICH: Mr. Sheak, if we eliminate the caboose will freight prices go down? Mr. Sheak: There would not be any great impact at first, but you would eventually.

Rep. Pavlovich: The incident that happened at Belt - was there a caboose on that train? Mr. Sheak: Yes, and there was one at Livingston, Louisiana and it didn't prevent the accident.

REP. KADAS: Do you have a definition of freight train? Rep. Driscoll: A train travelling on the main track. Rep. Kadas: How would you feel if we put a 35 car minimum on it? Tom Hanning: I can't see where a 35 car limit would definid anything. Each car is 95 feet in length times 35...

Mr. Gullickson: A definition of freight train would be a train that leaves a terminal for another terminal. 15 or 20 cars should have a caboose.

REP. FAGG: Are you a member of the United Transportation Union?

Mr. Gullickson: Yes. Rep. Fagg: It says in the agreement that you agreed to the elimination of cabooses. Why are you resisting the union recommendations? Tom Hanning: They didn't notify us and we were forced into this. The first we heard of it was from the New York Journal.

REP. KADAS: Do you think this controversy belongs in the Legislature or at the bargaining table? Mr. Torgrimson: The union had no choice but to go back to work after the Presidential Emergency Board. We had no say in it. Washington is unresponsive to Montana. The safety issue was probably not brought up. The economy comes into it rather than the safety of the employees and the public.

REP. BUCHINI: You said that the equipment along the railroad track is fail-safe, right? Mr. Sheak: The automatic light system is fail-safe. I didn't say the other equipment was fail-safe, but their track record is extremely good. We plan to bring in the very best equipment where we plan to operate without cabooses in this area. Rep. Bachini: How will the black box indicate things like fires? Mr. Sheak: They have operated for 17 years without the cabooses in many states. Rep. Bachini: You say the freight rates will be reduced. I remember when you eliminated the firemen and said it would reduce rates. The very next day the freight rates were increased. Mr. Sheak: I think it will increase less. Rep. Bachini: It's possible for a train to leave with 4 or 5 cars and end up with a hundred cars or more. Mr. Sheak: True.

REP. PAVLOVICH: Mr. Manning, you would like to respond? Mr. Manning: I don't know of "one" detector that is fail-safe, they're always breaking down.

REP. ELLERD: Do you have records of how many trains involved in serious accidents were operating without a caboose? Mr. Sheak: They all had cabooses.

REP. KITSELMAN: The agreement was signed in October 1982 and it seems like both parties are bound to honor it. Every time you disagree, are you going to bring it to the Legislature?

JANUARY 26, 1983

Page 4

Business & Industry Committee

REP. DRISCOLL: This was not a collective bargaining agreement. The Presidential Emergency Board forced this down these people's throats. Rep. Kitselman: It's signed by the UTU.

REP. ELLERD: Didn't the union ratify on the agreement?

Mr. Sheak: The union representative before the board adopted the Emergency Board's recommendations. Then under a system peculiar to the Transportation Union he put this agreement out under their ratification process and it was ratified by representatives of the local unions.

HOUSE BILL 420

REP. ROBERT DOZIER, District 61, sponsor, opened by saying this was a simple bill to revise and broaden the laws covering tourist campgrounds and tourist courts.

JAMES T. HILL, Department of Health, said this bill would include a statement of intent. He pointed out the major things this bill would do. It would redefine "campground" and include cabins. It would add "work camps or youth camps" to the definition. It would eliminate the licensure of certain forms of trailer camps. It would provide a uniform standard for camps through routine inspections. The mineral exploration in eastern Montana has had an impact on the need for this bill. Many hookups are left vacant when exploration ends and people then want to step in and make campgrounds from them. There are many health hazards involved which this bill will rectify. (Exhibit #1)

OPPONENTS: none

QUESTIONS:

REP. SCHULTZ: I notice on the statement of intent that you are probably going to have 10 pages of rules and regulations. We are giving you an open-end authority to do what you want?

Mr. Hill: We would first tie in all the rules that already exist that would apply and then we would fill in the gaps.

REP. HANSEN: How will this affect youth camps such as Campfire and Boy Scouts? Mr. Hill: Not adversely, we want to make camps that are clean and healthy to campers. Safety is our main concern.

REP. ELLISON: Youth camps would exclude church camps? Mr. Hill: We would exempt camps that operate solely for its own members. If they rent the camp out, then we have authority.

HOUSE BILL 290

REP. CARL SEIFERT, District 26, sponsor, opened by saying he spent 15 years in the petroleum business and has felt for years that this bill was needed. He said the bill defines wholesale distributor and would not affect the tax mechanism of the state. It provides an option for the distributor to collect the tax himself. He does not think that private enterprise should be penalized for being a tax collector for the State of Montana. It will allow the wholesale petroleum distributor the option to pay the taxes

JANUARY 26, 1983

Page 5

Business & Industry Committee

on a 30 day basis, which they should be able to do.

PROPOSERS:

JOHN BROWNBECK, Montana Intermountain Oil Marketers Association, said they have been working closely with Norris Nichols to make sure no problems were created. This bill is all existing statutes. They clarified this particular section so Montana jobbers could exercise the option. We would suggest an amendment to this bill that Nichols concurs with: On page 3, line 7: Insert: "Shall have the option of becoming licensed as a gasoline distributor." This does not include retail distributors.

OPPOSERS: none

QUESTIONS:

REP. ELLERD: The distributor would purchase his fuel and when he sells it he would sell it with the tax added on at that time?

Rep. Seifert: Yes, on a monthly basis. Rep. Ellerd: But he is responsible to see that it is collected? Rep. Seifert: Yes.

PAUL VERDON: 15-72-704 requires every distributor to pay to the Dept. of Revenue the license tax. There's another section 15-70-205 explains the mechanics of payment.

REP. KADAS: You said this has no major impact but it saves you \$1,600 a month? When the distributor pay cash doesn't the state earn interest on that money? Rep. Seifert: Probably. Rep. Kadas: So, instead the major oil companies will now earn the interest.

REP. METCALF: How many wholesalers are there in the state?

Mr. Brownbeck: My guess would be 200 to 300.

HOUSE BILL 267

REP. LES KITSELMAN, District 60, sponsor, opened by saying this bill changes the amount to be charged for transfer of equity title from \$15 to \$75. Currently, the banks are charging \$67.50 to give a little expansion room this bill allows \$75.

STAN HILL, Vice President - 1st Bank of Billings, said they feel the time spent processing transfer of equity on mobile homes is as much as when processing a new loan transaction. From a recent study, the cost is estimated at \$67.50. He urged passage so they could recover their costs and continue to make transfers for their customers.

TOM CORRUTHERS, 1st Bank of Helena, said financial institutions are getting out of the mobile home financing business because they cannot recoup their costs. This is an important service to many Montanans so he urged passage of HB 267.

ED SHEEHY, JR., Montana Manufactured Housing Association, said they very much want financial institutions to continue to process transfers of equity. The \$15 was set in 1959 and it was time to raise it.

JANUARY 26, 1983

Page 6

Business & Industry Committee

GRETCHEN TEA, Montana Bankers Association, said 98% of their members endorse passage of this bill.

OPPONENTS: none

QUESTIONS:

REP. FABREGA: I assume if this fee is not increased, the only option you are left with is to offer refinancing where you can charge the more expensive fee? Mr. Hill: Right.

REP. WALLIN: You are adding quite an extra burden by increasing the fee by this amount. Mr. Hill: I think it will reduce repossession because a new buyer has to put up less money on a repossession to get into that mobile home than he would have to put up on a new home and start a new contract with the dealer.

REP. WALLIN: Is this only for mobile homes? Mr. Hill: Mostly to mobile homes although it would apply on a repossession of a vehicle, etc.

EXECUTIVE SESSION:

REP. KITSELMAN moved that HOUSE BILL 267 DO PASS.

REP. HARPER: How long does one of these transactions take?

REP. WALLIN: Probably a half hour...a more appropriate amount might be \$45. Rep. Metcalf: On a \$20,000 transaction, another \$15 or \$20 isn't going to matter that much.

Question:

The motion carried that HOUSE BILL 267 DO PASS. The vote was 18 - 1 with Rep. Wallin voting no.

HOUSE BILL 290

PAUL VERDON: This bill amends the definition of distributor to include the wholesale distributor but also leaves in the bill the definition of a distributor as any person who engages in the business in this state of producing, refining, manufacturing, or compounding gasoline for sale; so this person is a distributor and is required to pay this tax. Therefore, the distributor has already paid that tax before he sells it to the wholesaler so presumably the wholesaler is going to have to pay that tax to the refinery anyway. I don't think we can add it to the title.

Rep. Metcalf: Paul will research this bill and report back.

HOUSE BILL 420

REP. HART moved that HOUSE BILL 420 DO PASS.

Question:

The motion carried by unanimous vote.

REP. HART moved that the Statement of Intent do pass. Carried by unanimous vote. (Exhibit #2)

The hearing adjourned at 11:30 a.m.



JERRY METCALF, CHAIRMAN

STANDING COMMITTEE REPORT

.....January 26..... 19...31..

MR. Speaker:.....

BUSINESS & INDUSTRY

We, your committee on.....

HOUSE

267

having had under consideration Bill No.

first reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE
ALLOWABLE FEE FOR TRANSFER OF EQUITY INCIDENT TO A RETAIL
SALE; AMENDING SECTION 31-1-234, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

HOUSE

267

Respectfully report as follows: That..... Bill No.

DO PASS

January 26

83

19

MR. **Speaker**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOUSE** Bill No. **420**

first reading copy (**white**)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO TOURIST CAMPGROUNDS AND TRAILER COURTS; TO EXCLUDE FROM REGULATION PLATTED AND FILED TRAILER COURTS SERVED BY PUBLIC WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS; TO PROVIDE FOR THE REGULATION OF WORK CAMPS AND YOUTH CAMPS; AMENDING SECTIONS 50-52-101 THROUGH 50-52-103, 50-52-105, AND 50-52-301, MCA."

HOUSE

420

Respectfully report as follows: That..... Bill No.....

DO PASS

MR. SPEAKER:

WE YOUR COMMITTEE ON BUSINESS AND INDUSTRY, HAVING
HAD UNDER CONSIDERATION HOUSE BILL NO. 420, FIRST
READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT OF INTENT:

"STATEMENT OF INTENT
HOUSE BILL NO. 420"

A statement of intent is required for House Bill 420 because it adds authority for the Department of Health and Environmental Sciences to adopt rules setting sanitation standards for work camps and youth camps. The law presently allows the department to set standards for trailer courts and tourist campgrounds ensuring a level of sanitation adequate to protect public health. The need for similar uniform state standards for work camps and youth camps has become apparent, largely because such facilities are not uniformly regulated across the state and are subject to local standards ranging from stringent to minimal. Therefore, it is the intent of House Bill 420 to give the department authority to set sanitation standards for both work camps and youth camps which ensure adequate facilities exist for proper sewage disposal, require storage and disposal of solid waste in a manner adequate to prevent contamination and spread of disease, ensure that food is handled and food service maintained in a manner sufficient to prevent food-related illness, ensure that water supplies are adequate and uncontaminated, and define general housekeeping practices needed to ensure sanitation.

Linda Palmer

INFORMATION RELATIVE TO HB BILL NO. 420

Section 1 50-52-101(1) The definition of "Board" is no longer needed as the term is not used in the statute or in the rules adopted under the statute.

(1) "campground" formerly "tourist campground", redefined for the sake of clarity and to include cabins. Rustic cabins often constitute a significant portion of a campground. Although such cabins could feasibly be reviewed and licensed as motel units under the public accommodations licensing statute (50-51 MCA), the rules relating to motels are relatively restrictive. Licensure of rustic cabins as campgrounds would allow for less restrictive requirements and would eliminate the need for dual licensure of a facility which offered camping spaces and cabins.

(3) "Establishment" is defined for the sake of clarity, to avoid the need to reference trailer court, campground, youth camps and work camps throughout the act.

(4) "Parcel of Land", a term used in the definition of trailer court and in the proposed definition of campground has been interpreted in different ways by various individuals. The definition proposed is a workable interpretation of the term.

(5) "Person" is redefined merely to reflect the amendments proposed in this bill.

(6) "Political subdivision" is defined because it is a new term used in Section 50-52-103.

(7) "Trailer Court" is redefined to exempt from review and licensure certain trailer spaces which, because they are under the control of other agencies, should not be subject to review and licensure under this act.

(8) "Work Camp" is defined to enable the department to require review and licensure of housing provided by a company for its workers, in the interest of controlling improper sewage disposal practices, improper solid waste storage and disposal practices, and to provide the worker and his family some assurance that the housing provided meets a basic standard of sanitation.

Work camps are generally constructed when there is a short-term need for a large number of workers and little permanent housing is available. Most often they resemble trailer courts or campgrounds in design, but cannot be reviewed and licensed as such because they are not available to the public.

(9) "Youth Camp" is defined to enable the department to require review and licensure of camps which are made available to the general public in the interest of insuring that a person or group utilizing such a camp is not subjected to unreasonable health hazards due to improper construction or operation of the camp.

Such camps are in many cases inspected by local health departments upon request by the camp operator; however, in many other cases the camps

operate with no health department involvement. Because there are no set standards to apply, the requirements imposed on those camps which are inspected may differ from county to county.

The proposed legislation would allow for uniform standards applied through routine inspections.

- Section 2 50-52-102 extends the department's rulemaking authority to work camps and youth camps.
- Section 3 50-52-103 extends the requirement to obtain a license to work camps and youth camps and exempts from licensure campgrounds owned by the state or a political subdivision.
- Section 4 50-52-105 is amended to reflect the addition of work camps and youth camps.
- Section 5 (New) is added to make it clear that the department may seek injunction if necessary to insure compliance with the act or rules adopted under the act.
- Section 6 50-52-301 is amended to reflect the addition of work camps and youth camps.

STATEMENT OF INTENT
HOUSE BILL 420

A statement of intent is required for House Bill 420 because it adds authority for the Department of Health and Environmental Sciences to adopt rules setting sanitation standards for work camps and youth camps. The law presently allows the department to set standards for trailer courts and tourist campgrounds ensuring a level of sanitation adequate to protect public health. The need for similar uniform state standards for work camps and youth camps has become apparent, largely because such facilities are not uniformly regulated across the state and are subject to local standards ranging from stringent to minimal. Therefore, it is the intent of Senate Bill 420 to give the department authority to set sanitation standards for both work camps and youth camps which ensure adequate facilities exist for proper sewage disposal, require storage and disposal of solid waste in a manner adequate to prevent contamination and spread of disease, ensure that food is handled and food service maintained in a manner sufficient to prevent food-related illness, ensure that water supplies are adequate and uncontaminated, and define general housekeeping practices needed to ensure sanitation.

VISITORS' REGISTER

HOUSE

B + I

COMMITTEE

BILL

420

Date _____

1-26

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

B+I

COMMITTEE

BILL

408

Date

1-26

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Morris Collickson	LIVINGSTON, MT	UNITED TRANSPORTATION UNION	X	
JAMES T. MULAR	Butte MT	BRO RLY CLERKS	X	
Sankuta	Glendive Mont.	B.R. Mt. Ry Eng	X	
LEETOR-RICHON	MISSOULA MT	UNITED TRANSPORTATION UNION	X	
I. Dowling	AK/KWA	Mont. RR Assn		X
Tom Hanging	Hope MT	BN Conductor	X	
Oliver Helchut	Glasgow Mont	BN Conductor	X	
Raymond West	Haure, Mont.	B.N. Conductor	X	
Jacques Harris	Whitefish, MT	B.N. Conductor	X	
Roger F. Hagaman	Whitefish, MT	B.N. Conductor	X	
Richard F. Hagaman	Montana	BN		
G. E. Albertson	Haure, Montana	BN Conductor	X	
Wayne Burt	Helena MT	MPSC		
John Delano	Helena	MARRA		X
Claude Steak	St. Paul	BN		X
Lee Brand	Deer Lodge	Rcp Dist #28	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

BvI

COMMITTEE

BILL

267

Date 1-26

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

B + I

COMMITTEE

BILL

290

Date _____

1-26

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Brotherhood of Locomotive Engineers

MONTANA STATE LEGISLATIVE BOARD

CHAIRMAN

CALVIN L. BURR, JR.
509 7TH AVENUE NORTH
HAVRE, MONTANA 59501

SECRETARY-TREASURER

GORDON PISCHEL
RT. 1 BOX 640
GLASGOW, MONTANA 59230

VICE-CHAIRMAN

DAVE B. DITZEL
P.O. BOX 85
GLENDALE, MONTANA 59330

ALTERNATE SEC.-TREAS.

L. M. CHINSKE
503 PATTEE CANYON DR.
MISSOULA, MONTANA 59801

Jan. 24, 1983

House Business & Industry Committee

Mr. Chairman & Members:

I would like this submitted for the records that the Brotherhood of Locomotive Engineers is a proponent for House Bill 408.

It is our belief that with the trend of decontrol to the railroad industry and the findings of the Sunset Audit Commission on the State Public Service Commission to make them an advisory instead of compulsory authority on Railroad Safety & Sanitation, it is essential that all trains operating in Montana should have an occupied caboose.

With the average length of the symbol and secondary trains run in Montana at 5,300 to 7,300 feet long, with some a lot longer, it is impossible to see the entire train on curves from the head end. The Automatic Hot Box Detectors are not fail safe with snow blowing so it is very important to have a caboose with an attendant.

With a caboose that is radio equipped and has the required air gauges, the attendant can tell the engineer when the air brakes have released. This is an aid that helps in train operation. Also with a caboose on a train it is possible to safely back trains up and there is a brake valve on every caboose so that the attendant can stop the train.

The cabooses also carry extra knuckles, air hoses, tow chains, brass or journal bearings, lubricants, and jacks. It is not just a place for the rear Brakeman to ride.

We urge you to put a due pass to this Bill.

Thank you,



Calvin L. Burr, Chairman
Montana State Brotherhood of Locomotive
Engineers Legislative Board

WITNESS STATEMENT

Name ROGER F. WAGNER Committee On B & L
Address Box 795 Whitefish Date 1-26-83
Representing MYSELF Support X
Bill No. H.B. 408 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. EXCESSIVE LENGTHS OF TRAINS
2. WE OPERATE IN MT TERRAIN. NOT ABLE TO SEE THE BEGINNING & END OF TRAIN ACCOUNT OF CURVES, STANDING TIMBER. RIGHT AWAY CUTS ETC.
3. HAULING COMMODITIES ~~SEEN~~ CLASSIFIED AS HIGHLY FLAMABLE, EXPLOSIVES, AND POISON GAS - WIDE LOADS - OBSERVING TRAIN WILL POSSIBLY PREVENT DAMAGE TO PUBLIC SAFETY. CREW MEMBER + COMPANY PROPERTY
4. MAKE A BACKUP MOVEMENT OVER PUBLIC CROSSINGS
↓ AREAS WHERE ME + WOMEN + CHILDREN CAN BE ON TRACK -
- 5 - SAFETY IS THE FIRST IMPORTANCE IN THE DISCHARGE OF DUTY -

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME:

Tom Hanning

DATE:

1-26-83

ADDRESS:

618 17th St. HAVER Mt.

PHONE:

265-6806

REPRESENTING WHOM?

Condr. B N Rippland - operating whitetish to Cbs~~United Transportation Union - Local 544~~

APPEARING ON WHICH PROPOSAL:

H/B - 408

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

Equipment and supplies on cabsA. Every cab ^{should be} is Equipped w/ 1st Aid Kit & Fire Ext.1. Radio to Aid in Communicating with Eng, wayside stations, yards & other crew membersA. To Aid in Backing of Train - (X-rings etc)B. Length2 All cabs supplied w Equip necessary for Repairs1. Knuckles - Air Hoses - tools wrenches Hammers etcA. Knuckles 60-70 Lbs cont haul from Head EndB. Air Hoses & wrenches & required tools3. Cupols for Jasp w/ High Back Seats for safety & observation4. Markers & spotlights -5. Backup whistle6. Conductors valve - Aids in controlling movement of Train

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Both forward & Reverse.7. Necessary Documents (waybills wheel Reports & Reporting)8. Flagging & Rear End protection Equip.1. Torpedos2. Fuses3. Flags

WITNESS STATEMENT

Name Raymond R. West Committee On HB 408
Address 1152 Cleveland Avenue Date 1-26-83
Haure, Montana
Representing myself Support X
Bill No. 408 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Employees and Public safety

1.

2. Mr. Chairman and Committee members I would like to present to this Committee my testimony on how we as Montanans would be effected if Railroads operated freight train without a Caboose

3.

4. How we make rolling inspections of other trains when meeting them.

How we inspect the rear end of freight trains

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Jaques R. Harris Committee On _____
 Address Liberty, N.H. Date _____
 Representing Myself as Backman Support X
 Bill No. AB 408 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Mountain Grade Operation (Weather - Air - Caravatore double track)
2. Power Brake Law - FRA Administered & requires certain air pressures with allowable variations be maintained. Requires accurate air gauge at rear of train.
3. Long - heavy trains and severe weather conditions make mountain grade operation even more hazardous
4. In case of emergency stop, possibly caused by derailment, adjacent track or tracks must be protected in both directions. With all members on head-end of train this immediate protection could not be provided thus endangering train and crew approaching from rear of disabled train on adjacent track.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

Caboose's are equiped with air guage tested every 90 days. For these reasons - all freight trains operating in Mont. should be required to have a Caboose

Mr. Chairman & Committeemen:

My Name is Tom Hanning. I am a Proponent of House Bill # 408. I would like to relate to you how & why ^{occupied} a Cochoise ^{or East Train} is a very essential piece of railroad Equipment.

I operate Freight Trains as A Conductor from Houma mt. to Whitefish mt. over The Continental Divide & to Chsgon mont.

Every Cochoise is or should be Equipped with an Electrical System That provides power for 2 Radio, Markers, Interior Lites, & Spot Lites, on The rear of The Cochoise for Rear End Inspection of Tracks, crossings & Switches ^{at mile} with The length of Trains of 5000 to 7000 feet & many up to 9000 ft. The operable Radio is a must. It is used to convey Information relating to The movement of said Train to provide Safety to The crew & to The public, by relaying Information to other crew members & wayside personell.

All Cochoises are Equipped with a Supply of Knuckles, Air Hoses & Gaskets & other Supplies to make ^{minor} repairs to keep These Trains moving, clearing public Xings to Allow a Normal flow of Traffic, School Busses, Emergency Vehicles Etc.

All Cochoises are Supplied with Tripodes, fuses, flags & Necessary Equip to provide protection to The rear of your Train & to other Trains on Adjacent Tracks as well as Tracks of O.R. & R.R.

A Cochose is Equipped with many Documents for Reporting to Company personell The Information required in case of Accidents & Injuries & The repair of Equipment. Documents such as Train lists & way bills provide us with Info such as lengths of Time & Locations of Cars in Trains. This would relate to Hazardous materials such as radioactive Items - Chemicals, Acids etc so that we can rely this Info to The proper Authority. This would have to be known in case of Spill accidents to Aid in possible evacuation of Communities & to prevent Death or Injury to Thousands of people.

in Cochose → Probably The most Important piece of Equipment on any Cochose is The Cpals. It provides an observation post to Inspect a Train while it is moving to look for possible Defects - Smoke, Sparks, fires, shifted wheels etc. It is also used to receive warning Signals from Wayside personell such as Section men, operators Agents or The Travelling public where Highways parallel The Tracks. And last but not least is The rear platform that is Equipped with a back up whistle, an Emergency Brake Valve to stop The movement if necessary & All to change Track & related Equip.

Thank you,

T. A. Harris

WITNESS STATEMENT

Name Elmer H. Gilchrist Committee On _____
 Address 36 Kampfer Dr. Date 1-26-83
 Representing Myself as R.R. Employee Support X
 Bill No. H. B. 408 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Mr. Chairman Committee members I am Elmer Gilchrist from Glasgow Mont. and I have 32 + years of service with the railroad GN & BN.
2. The length of trains, average ~~4,000~~^{45,000} to ~~8,000~~^{7,000} feet with a few shorter but many are longer. Visual inspection from the head end or Engine only can not properly or safely see and inspect the whole train. Today we haul lumber - trucks combines on flat cars tanks of hazardous with many varied loads. Throughout the train I believe for the safety of the public in the towns we pass thru the caboose should be maintained on trains for the crew to safely disengage the train in case of a malfunction.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

Right of way fire if started by Engine or horn or sparks from train.

WITNESS STATEMENT

Name Morris W. Gullickson Committee On House B & I
Address 323 So. 6th Livingston, Mt. 59047 Date 26 Jan. 1983
Representing United Transportation Union Support XX
Bill No. H.B. 408 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Mr. Chairman and Committee members; For the record I am Morris
1. Gullickson, Representing the United Transportation Union.

I am a Conductor on the Burlington Northern Railroad, ~~and~~ have 31 years
experience on and about cabooses. The normal position of the seats in the
2. cupola of a caboose are facing forward so the employee in the caboose is
viewing the train at all times. There is a reason for this as the employees
on the engine of the train, wether a long or short train, have to observe the
3. the tracks ahead for signals and obstructions etc. They observe the train
behind only part of the time.

In this day and age the railroads are hauling some very dangerous loads,
such as chemicals, propane, combustibles, nucular waste, and shiftable loads.
4. The job of the employee in the caboose is to watch the train ahead for over
heated journal bearings, dragging equipment, shifting loads, or any other thing
that would cause danger or dammage to the railroad or private property. There
have been some very major accidents in the state and will continue. The caboose
and its occupant reduces the risk factor. This type of operation has been
developed and used by railroads for over 80 years. The main reason for this
is safety of operation.

I encourage you to pass this bill as written.

I will be glad to answer any other questions.

thank you,

Morris Gullickson

Itemize the main argument or points of your testimony. This will
assist the committee secretary with her minutes.

Statement of W. Claude Sheak

I am W. Claude Sheak, Assistant to Vice President - Labor Relations of Burlington Northern Railroad Company. My office address is 176 E. Fifth Street, St. Paul, Minnesota. I appreciate the opportunity to testify on House Bill Number 408.

I am a native of Livingston, Montana and have worked for Burlington Northern and the former Northern Pacific, a predecessor company since 1952. I served in the Operating Department as a Brakeman/Yardman in 1954 and was subsequently promoted to Conductor. I retain my seniority in those crafts on the Rocky Mountain Seniority District of Burlington Northern Railroad. During my period of service as Brakeman/Yardman and Conductor I also served for a period as local grievance committee chairman of Lodge No. 295 of the former Brotherhood of Railroad Trainmen and as Secretary of the BRT General Grievance Committee on the Northern Pacific.

I was promoted to the position of Trainmaster in 1967 and later to Labor Relations Assistant in St. Paul, Minnesota on the Northern Pacific.

In my present capacity, I am the senior designated appeal officer for claims and grievances for operating crafts on Burlington Northern Railroad including those operating craft groups employed in the State of Montana.

I am fully familiar with the rules, agreements, practices and interpretations thereof as they apply to these crafts including those relating to cabooses. Moreover, because of my background as railroad brakeman and conductor in the State of Montana, operating in the territories between Forsyth, Livingston and Helena and Butte, Montana, I have personal experience and insight into the use of cabooses in the state as well as elsewhere in the railroad industry.

The question as to whether a caboose is needed on trains cannot be answered with a simple yes or no. On some trains cabooses are necessary to insure safe operation. On others they may be desirable to make switching operations more efficient. But on many trains cabooses contribute nothing more than extra costs which are borne by our customers.

In the state of Montana, most of Burlington Northern's mainline trackage is governed by Centralized Traffic Control and Automatic Block Signal systems. A train operating on these lines receives its protection by reliable, fail-safe signaling that obviates the need for caboose flagmen. On unsignalled branch lines, usually only one train is permitted to operate, so there is no need for protection from other trains.

The United Transportation Union -- the labor organization that represents brakemen and conductors on most railroads -- agreed last October to follow the recommendation of Presidential Emergency Board Number 195 appointed by President Reagan, providing for the elimination of cabooses in all classes of service. I will submit a copy of the formal agreement for the record. The UTU, which has been outspoken on railroad safety matters, assented to the elimination of cabooses on trains which will be designated through local labor-management negotiation. The UTU agreement also provides that in those instances wherein local negotiations fail to resolve a proposal to remove a caboose from service, an arbitrator will rule.

Guidelines from the relevant article of the 1982 agreement are as follows:

The parties to this Agreement adopt the recommendations of Emergency Board No. 195 that the elimination of cabooses should be an on-going national program and that this program can be most effectively implemented by agreements negotiated on the local properties by the representatives of the carriers and the organization most intimately acquainted with the complexities of individual situations.

In determining whether cabooses are to be eliminated, the following factors shall be considered:

- (a) safety of employees
- " (b) operating safety, including train lengths

(c) effect on employees' duties and responsibilities resulting from working without a caboose

(d) availability of safe, stationary and comfortable seating arrangements for all employees on the engine consist

(e) availability of adequate storage space in the engine consist for employees' gear and work equipment."

Bear in mind that these are the provisions of a mutual agreement between labor and management. The provisions of House Bill Number 408 would constitute an intrusion of government into a successful collective bargaining contract -- a contract which states explicitly that the elimination of cabooses should be an "...on-going national program..." and "...that this program can be most effectively implemented by agreements negotiated on the local properties..." by the parties. Emphasis added.

We can think of no interest that would be served by intervention of the state in a matter where there is no dispute, no danger to the public, nor any threat to public or private property. The process of negotiation outlined above should leave no doubt as to the safety interests of our employees. The one, certain result of a caboose requirement would be a lost opportunity: a chance to keep freight rates at their absolute minimum.

I sincerely believe that the parties most familiar with the railroad operation and with the needs of the employees can best decide on the need for cabooses according to "...the complexities of individual situations" without the need for legislation.

WITNESS STATEMENT

Name Stanley R. Hill Committee On B&I
Address Box 20007 Date 1/26/82
Representing 1st Bank - West Billings Support ✓
Bill No. AB 267 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Transfer helps protect buyer in an orderly transfer of ownership.
2. Taxes are collected and paid up to date.
3. Rate of interest on assumption remains the same from seller to new buyer.
4. Cost of making installment loan \$67.50. Financial institution suffers a loss of 52.50 in processing a transfer of equity. If this bill passes this would help to keep this action of financing available to consumers and help prevent repossession to these same consumers.
5. Will also help to keep more funding available to mobile home dealers for mobile home contract purchases.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Tom Caruthers Committee On B + I
 Address Helena Date 1-26-83
 Representing 1st BANK Helena Support yes
 Bill No. HB 267 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill mainly deals with mobile home sales and contracts.
2. The last few years the industry has had difficulties in finding an outlet for their financing as more + more financial institutions are dropping out of this business.
3. because of cost & profits of this line.

If this bill will help to keep some of the existing banks financing^{m-h} in the business by reducing cost it should be supported.

The existing bill has been on the books since the 1950's and hasn't kept up with the times or the costs of doing business.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

MONTANA BANKERS ASSOCIATION

Testimony on House Bill 267

House Business and Industry Committee

9:00 a.m.
Room 420

Wednesday
January 26, 1983

Mr. Chairman and Members of the Committee:

My name is Stan Hill. I am vice president of First Bank-West Billings, Billings Montana. I am also chairman of the Montana Bankers Association Consumer Lending Committee and in their behalf, we thank you for the opportunity to speak in support of House Bill 267.

We feel it is necessary to raise the transfer of equity fee from \$15.00 to \$75.00. When we transfer the equity in a mobile home to a new owner, we perform several functions. 1. We do a credit check on the proposed owner to help protect the seller from a poor credit risk. 2. We help transfer the title from seller to buyer so that the buyer has an orderly transfer of ownership. 3. We collect and pay the taxes up to date so the buyer isn't saddled with a delinquent tax situation. 4. The loan is transferred to the new buyer at the same rate of interest that the seller had on the loan. In doing these steps, we incur the same costs which are incurred in processing a new loan transaction.

In February of 1982, The Federal Reserve Functional Cost Analysis indicated the cost of making an installment loan was \$67.50 or a net loss to the financial institution of \$52.50 in a transfer of equity.

We urge the passage of HB 267 to raise the transfer of equity fee so that we can not only cover our costs but continue to offer this option of financing to the consumers.